

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)

FINAL

ORDER

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services initiated proceedings to amend the Division of Social Services Manual (DSSM) regarding the *Responsibility for the Administration of Delaware's Assistance Programs*. The Department's proceedings to amend its regulations were initiated pursuant to 29 **Delaware Code** Section 10114 and its authority as prescribed by 31 **Delaware Code** Section 512.

The Department published its notice of proposed regulation changes pursuant to 29 **Delaware Code** Section 10115 in the August 2008 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by August 31, 2008 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSED CHANGES

As a reminder, the proposed changes described below amend policies in the Division of Social Services Manual (DSSM) regarding *Responsibility for the Administration of Delaware's Assistance Programs and Confidentiality*.

Statutory Authority

- Title 31 – Welfare, including
 - Chapter 5, *State Public Assistance Code*
 - Chapter 6, *Food Stamp Program*
 - Chapter 9, *Work Assignments for Recipients of Assistance*
- Title IV-A of the Social Security Act, *Grants to States for Temporary Assistance for Needy Families*
- Title IV of the Immigration and Nationality Act
- Title XX of the Social Security Act, *Block Grants to States for Social Services*
- 7 U.S.C., Chapter 51, *Food Stamp Program*
- Child Care Development Block Grant, as amended by the Personal Responsibility and Work Reconciliation Act of 1996
- 7 CFR §273.7, *Work Provisions*
- 7 CFR §272.1(c), *General Terms and Conditions – Disclosure*
- 45 CFR §205.50, *Safeguarding Information for the Financial Assistance Programs*

Summary of Proposed Changes

DSSM 1000, *Responsibility for the Administration of Delaware's Assistance Programs*: This section is being revised to include omitted programs and services; and, to reorganize for clarity. DSSM 1000 is updated to include the following programs and services: the Emergency Assistance Program, the Refugee Resettlement Program, the Child Care Subsidy Program, and Food Stamp Employment and Training services.

DSSM 1000, *Confidentiality*: This section revises the text wording and clarification of reference to the Code of Federal Regulations citations by including the correct citations for the confidentiality regulation.

SUMMARY OF COMMENTS RECEIVED WITH AGENCY RESPONSE

No public comments were received for this regulation.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the August 2008 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Division of Social Services Manual (DSSM) as it relates to the *Responsibility for the Administration of Delaware's Assistance Programs* is adopted and shall be final effective October 10, 2008.

Vincent P. Meconi, Secretary, DHSS, September 11, 2008

DSS FINAL ORDER REGULATION #08-42

REVISIONS:

1000 Responsibility for the Administration of Delaware's Assistance Programs

The Department of Health and Social Services is the agency designated by the State as responsible for Delaware's public assistance programs ~~as allowed under Title IV – A of the Social Security Act (the TANF Program), Title 31 of the Delaware Code (the General Assistance Program), and Public Law 95 – 113, (the Food Stamp Program).~~ Within the Department, the Division of Social Services (DSS) administers these programs. The specific programs are those allowed under:

1. Title IV-A of the Social Security Act (the TANF Program and the Emergency Assistance Program);
2. Title 31 of the **Delaware Code**, Chapter 5 (the General Assistance Program);
3. Title IV of the Immigration and Nationality Act (the Refugee Resettlement Program);
4. Title 31 of the **Delaware Code**, Title XX of the Social Security Act, 7 CFR §273.7, and the CCDBG as amended by the Personal Responsibility and Work Reconciliation Act of 1996 (the Child Care Subsidy Program);
5. Title 31 of the **Delaware Code**, Chapter 9 (Food Stamp Employment and Training services); and
6. 7 U.S.C. Chapter 51 and Title 31 of the **Delaware Code**, Chapter 6 (the Food Stamp Program).

Included in this manual are technical and financial eligibility rules for the following programs:

1. Temporary Assistance ~~to~~ for Needy Families (TANF)
2. The General Assistance Program
3. The Food Stamp Program
4. The Refugee Resettlement Program
5. ~~Purchase of Day Care Services~~ The Child Care Subsidy Program
6. The Emergency Assistance Program
7. Employment and Training Services

(Break in Continuity of Sections)

1003 Confidentiality

~~[272.1(e)(1)]~~ 7 CFR §272.1(c); 45 CFR §205.50]

Federal and State laws provide that public assistance information and records may be used only for purposes directly connected with the administration of public assistance programs. Thus, all information gathered regarding individuals for public assistance purposes is considered confidential and will be safeguarded by DSS.

By safeguarding public assistance information, DSS protects its clients from being identified as a special group based on financial needs and protects their right to privacy.

See Administrative Notice:

A-14-98 Subpoenas for Public Assistance Records

12 DE Reg. 453 (10/01/08) (Final)