

# DEPARTMENT OF HEALTH AND SOCIAL SERVICES

## DIVISION OF SOCIAL SERVICES

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

### PROPOSED

### PUBLIC NOTICE

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of Title 31 of the **Delaware Code**, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend policies in the Division of Social Services Manual (DSSM) regarding the Delaware Temporary Assistance for Needy Families (TANF) program's Contract of Mutual Responsibility.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by October 31, 2009.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

#### Summary of Proposed Change

The proposal described below amends policies in the Division of Social Services Manual (DSSM) regarding the Delaware Temporary Assistance for Needy Families (TANF) program's Contract of Mutual Responsibility. The proposed change adds a new section to policy establishing timely participation requirements for clients referred to the Transitional Work Program.

#### Statutory Authority

- Social Security Act §402(a)(1)(A)(i), Eligible States; State Plan
- 31 **Del.C.** §512, Administration
- 31 **Del.C.** §518, Failure To Comply With Job Placement, Education, Training, Work Eligibility, Parenting Or Personal Responsibility Requirements

#### Summary of Proposed Change

DSSM 3017, Other CMR Elements: The Transitional Work Program (TWP) is a new mandatory program for TANF parents and caretakers who as a result of physical or mental disabilities have been determined to be unable to work in an unsubsidized employment setting. The program will assist clients through assessment, case planning, and case management leading to employment when appropriate or to application for federally funded disability programs. TWP participants who fail to complete specified tasks within specified time frames, without good cause, are subject to a sanction that reduces their TANF grant by \$50.00. The sanction increases \$50.00 every month until the grant is closed or all past due TWP activities are completed.

#### **3017 ~~Other CMR Elements~~ Additional CMR Elements**

When staff has reason to believe that the family needs other services to become self-sufficient, these services will be identified and specified in the Contract of Mutual Responsibility. Additional family specific CMR elements will be identified and added to a TANF household's CMR. These elements may be identified by DSS, the family, or other agencies that are involved with the family.

#### **3017.1 Transitional Work Program (TWP) Requirements**

Parents and relative caretakers that the agency has determined are unemployable and unable to achieve self-sufficiency, because they are too physically or mentally disabled to work in an unsubsidized work may be required to enroll and participate in the Transitional Work Program.

The CMR and the TWP Employability Plan will establish time limits for the completion of TWP activities or goals.

#### **3017.1.1 Sanctions for Not Meeting the TWP Requirements**

The sanction for failure, without good cause, to meet the time limits established in the CMR and the TWP Employability Plan will be an initial \$50.00 reduction in TANF benefits. This reduction will increase each month by \$50.00, either until all activities which exceed the time limits established in the CMR and TWP employability plan are completed or the case is closed.

#### **3017.1.2 Curing TWP Sanctions**

The sanction will end when all activities which exceed the time limits established in the CMR and TWP Employability Plan are completed.

#### **3017.2 Division of Social Services (DSS) Identified CMR Elements**

When staff has reason to believe that the family needs other services to become self-sufficient, these services will be identified and specified in the Contract of Mutual Responsibility.

#### **3017.2.1 Sanctions for Not Meeting Division of Social Services Identified CMR Elements**

The sanction for failure, without good cause, to comply with DSS identified elements in the Contract of Mutual Responsibility will be an initial \$50.00 reduction in TANF benefits. This reduction increases each month by \$50.00, either until there is compliance or the case is closed. The case worker will give the client written notification of what s/he has to do to be in compliance.

#### **3017.2.2 Curing Division of Social Services Identified CMR Sanction Penalties**

The sanction will end when the client has met the requirements as listed in the sanction notification.