

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

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

PROPOSED

PUBLIC NOTICE

Child Care Eligibility

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code), 42 CFR §447.205, and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) is proposing to amend the Division of Social Services Manual regarding Child Care Eligibility, specifically, to amend authorization requirements.

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, Planning, Policy and Quality Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to Nicole.M.Cunningham@state.de.us, or by fax to 302-255-4413 by 4:30 p.m. on October 31, 2018. Please identify in the subject line: Child Care Eligibility.

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 PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Social Services (DSS) is proposing to amend Division of Social Services Manual regarding Child Care Eligibility, specifically, to amend authorization requirements.

Statutory Authority

45 CFR 98.21 - Eligibility determination processes
Child Care and Development Block Grant (CCDBG) Act

Background

The Child Care and Development Block Grant Act of 2014, requires authorization of 12 months of child care to any child who is determined eligible to receive subsidized child care and cases may only be closed based on limited changes in household circumstances. In 2014, the Child Care Development Block Grant Act was reauthorized with the focus on safety and continuity of care for children receiving child care subsidy funds. States are required to revise policies to support the requirements.

Summary of Proposal

Purpose

The policy amendments establish the requirement that child care cases are to be authorized for 12 months, the circumstances that would preclude a child from receiving a 12 month authorization, and the circumstances in which a child care case will close during the eligibility period.

Summary of Proposed Changes

Effective for services provided on and after December 12, 2018, Delaware Health and Social Services/Division of Social Services proposes to amend sections 11004.9.5 and 11004.12 of the Division of Social Service Manual regarding Child Care Eligibility, specifically, *to amend authorization requirements*.

Public Notice

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 447.205 and the state public notice requirements of Title 29, Chapter 101 of the Delaware Code, Delaware Health and Social Services (DHSS) gives public notice and provides an open comment period for thirty (30) days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on October 31, 2018.

Fiscal Impact

The policy amendment will have no fiscal impact since the purpose is to revise the requirements of the program. The policy amendment does not require any additional staff, system changes, agency costs, etc.

AMENDED

POLICY – AMENDMENT

Delaware Health and Social Services
Division of Social Services
Policy and Program Development Unit

11004.9.5 Establishing 12-Month Authorization for Child Care

45 CFR 98.21

Families approved for Purchase of Care must be authorized for 12 months of child care.

- 1. DSS case workers must set Purchase of Care authorizations for a 12-month period.**
- 2. Purchase of Care authorizations may be set for a shorter period only if the client provides a written statement verifying the length of time requested for child care. The written statement may be from:**
 - The parent or caretaker;
 - A medical professional verifying the length of time child care is required for a special need;
 - The Delaware Division of Family Services (DFS) verifying the length of time child care is needed to prevent child abuse or neglect.
- 3. Purchase of Care authorizations must continue during the following circumstances:**
 - The child turns 13 years old during the authorization period;
 - The child is temporarily out of state;
 - The parent or caretaker experiences a temporary change in work, education, or training, including an injury resulting in time off of work, a break from approved educational study, or a transition from past employment to new employment.

AMENDED

POLICY – AMENDMENT

Delaware Health and Social Services
Division of Social Services
Policy and Program Development Unit

11004.12 Closing Child Care Cases

~~A parent/caretaker's authorization for service should end when any of the following occurs:~~

- ~~A. the parent/caretaker need no longer exists,~~
- ~~B. the parent/caretaker's income exceeds income limits,~~
- ~~C. the parent/caretaker fails to pay the child care fees or fails to make arrangements to pay past fees owed,~~
- ~~D. the parent/caretaker refuses to provide requested information or verification of eligibility,~~
- ~~E. the parent/caretaker is a Food Stamp Employment & Training (FS E&T) participant who is sanctioned,~~
- ~~F. a protective case fails to follow the Division of Family Services case plan,~~
- ~~G. at the request of the parent/caretaker,~~
- ~~H. if program funds should be reduced, and,~~
- ~~I. if a parent/caretaker is a TANF child care participant who is sanctioned.~~

~~When closing cases, send the appropriate closing notice which provides a ten day notice. DSS programmed the DCIS II Child Care Sub-system to allow for ten day notice before an authorization closes, and informs the participant of his/her right to a Fair Hearing.~~

~~When a case and the authorization is closed the system will end date the case and authorization the last day of the current month or the next month if 10 day notice can not be given.~~

45 CFR 98.21 (a)

This policy applies when DSS ends child care eligibility and authorization for services.

1. DSS will close child care cases prior to redetermination or during graduated phase-out due to:

- Excessive unexplained absences of the child from the child care site;
- A permanent change in the child's residency;
- The family's income exceeding 85% of the state median income (SMI);
- Substantiated fraud or intentional program violations;
- A written request to close the case or to authorize child care for a specific length of time (see DSSM 11004.9.5); or
- The death of the case head or of the authorized child.

2. DSS case workers must complete the following steps prior to closing child care cases for excessive unexplained absences:

- Mail Form 330 "Request for Contact" to the parent or caretaker to request clarification regarding the child's absences;
- Close the child care case if the parent or caretaker does not contact the DSS office by the requested due date.

3. The DSS eligibility system will:

- Provide a 10-day closing notice informing the parent or caretaker of their right to a fair hearing;
- End date the authorization on the last day of the current month. If a 10-day notice cannot be given, the authorization will end on the last day of the next month.

<u>Note: Excessive unexplained absence is defined as 10 or more unexplained absences per month.</u>

9 DE Reg. 572 (10/01/05)

22 DE Reg. 264 (10/01/18) (Prop.)