

March 27, 2014

Sharon L. Summers  
Planning & Policy Development Unit  
Division of Social Services  
1901 North DuPont Highway  
P. O. Box 906  
New Castle, DE 19720-0906

**RE: DSS Proposed Temporary Aid to Needy Families (TANF) Employment and Training Program Requirements Regulation [17 DE Reg. 897 (March 1, 2014)]**

Dear Ms. Summers:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Division of Social Services (DSS) proposal to adopt revised TANF Employment and Training Program requirements. The proposed standards primarily focus on sanctions. The GACEC **endorses** the proposed change since the primary change in standards promotes employment activities and program participation. However, we would like to share two observations.

As background, families participating in the program are generally subject to sanctions if they do not comply with work activity requirements. The current sanction protocol requires the TANF case to be closed, followed by four consecutive weeks of participation in work activities to justify reopening, and closure of the case for at least one month. At 898. DSS proposes to revamp this approach based on the following rationale:

When examining TANF work participation rates it was discovered that many families begin to immediately re-participate and that the mandatory one month closure was a significant hardship since they were incurring expenses as a result of participating. Additionally, these families while participating were not reflected in the TANF work participation rate because they were not receiving a grant.

The policy change would remove the requirement that the case be closed for at least one (1) month and reopen the TANF case at the beginning of the four (4) week participation period.

This change allows families to immediately reengage and potentially not see a reduction in

their TANF grant, while also raising the TANF work participation rate by an estimate three (3) percent.

Approximately, thirty-two (32) more families a month will receive TANF benefits because of the rule change.

At 898.

Our observations are as follows:

First, a single custodial parent of a child under age six may qualify for an exemption from a sanction if child care is not available. Unavailability based on lack of a nearby day care option is based on the following standard (§3011.2., Par. 1.2a):

Appropriate child care is unavailable within a reasonable distance from their home or work. Reasonable distance is defined as care that is located in proximity to either a parent's place of employment or the parent's home; generally care that is within a one hour drive from either home or work.

Council would like to recommend that DSS reconsider the "one hour drive" standard. For example, if a single parent lived and worked in Wilmington and child care were only available in Dover, that would be presumptively a "reasonable distance". This means the parent would have to drive 45 miles to drop off the child in Dover, drive 45 miles back to Wilmington to work, drive 45 miles back to Dover after work to pick up the child, and then drive 45 miles back to Wilmington with the child, an aggregate of 180 miles. The same analysis would apply to a single parent living and working in Georgetown who could only locate child care in Dover. The parent would have to drive 36 miles to drop off the child in Dover, drive 36 miles back to Georgetown to work, drive 36 miles back to Dover to pick up the child after work, and then drive 36 miles back to Georgetown with the child, an aggregate of 144 miles. The "one hour distance" standard does not appear in the federal regulations, 45 C.F.R. §§261.15 and 261.56. DSS could adopt a different standard.

Second, §3011.2.1, Par. 5, recites as follows: "While a parent may not be sanctioned as a result of child care being unavailable, the parent is not exempt from TANF work participation requirements or the TANF time limits." The statement that the parent who proves the unavailability of child care may not be sanctioned but "is not exempt from TANF work participation" is unusual and seemingly contradictory. If the parent proves a lack of available child care, the parent should logically be exempt from work participation. DSS may wish to review the accuracy of this recital.

Thank you for your time and consideration in reviewing our observations. Please feel free to contact me or Wendy Strauss should you have any questions.

Sincerely,

Terri A. Hancharick

TAH:kpc