



Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Loockerman St., Dover, DE 19904  
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**DHSS/DSS Proposed DSS Income Reporting Requirements for Child Care Regulation [22 DE Reg. 658 (February 1, 2019)]**

Dear Ms. Cunningham:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Delaware Health and Social Services/Division of Social Services (DHSS/DSS) proposal to amend the DSS Services Manual in order to comply with the new federal statute and regulations regarding reporting requirements for Child Care eligibility. Council asks that DSS provide additional revisions to the proposed amendments regarding updated reporting requirements for the child care subsidy program based on the following comments.

First, Council suggests DSS explain how it will ensure that reporting requirements do not place an undue burden on eligible families and accommodate the needs of working parents. Federal regulations mandate that when a state agency, as here, chooses to impose additional notification requirements, these requirements "shall not constitute an undue burden on families" and shall (1) not require an office visit; and (2) be able to be fulfilled through a range of notification options, such as phone, email, online forms, and extended submission hours. The proposed amendments, however, make no mention of how DSS will accommodate families who need to report changes.

Second, Federal regulations direct states to take into account regular income fluctuations when the family's income exceeds 85% of SMI. Concerns that the DSS Manual lacks adequate explanation as to how DSS will prevent fluctuations in income from resulting in the closure of a child care case have been raised in the past. We reiterate that concern here. In November 2018, DSS stated it would be developing more comprehensive and detailed income policies in the near future for child care cases. A more robust income policy addressing fluctuations is needed to ensure that temporary changes do not cause a loss of child care benefits.

Third, the proposed language about reporting a change in monthly income is vague. The proposed policy states: “A family must only report a change in monthly income that exceeds 85% of the state median income (SMI) guideline for the household size.” The policy should instead note that families must only report changes in income that result in their monthly income – not the change in income – exceeding 85% of SMI.

Fourth, with respect to the continued authorization of child care for 90 days, the proposed amendments should specify that families will continue to receive at least the same level of assistance during that time period.

Fifth, DSS should consider extending the 90-day time period for continued authorizations, or at least allow for extensions for reasons such as disability or other good cause. Federal regulations state that after a parent’s loss of work or other non-temporary change, states must offer families at least three months of continued assistance so the parent can find another job or resume job training or educational activity. The proposed amendments do not discuss how DSS will accommodate families in which a parent/caretaker might have a disability or face other barriers that create a need for a longer job search.

Sixth, Council suggests the amendments also include a policy explaining how DSS will evaluate whether a family has regained eligibility for benefits before closing a child care case after 90 days of continued authorization. According to federal regulations, “[a]t the end of the minimum three-month period of continued assistance, if the parent is engaged in a qualifying work, education, or training activity, with income below 85% of SMI, assistance cannot be terminated and the child must continue receiving assistance until the next scheduled re-determination, or at Lead Agency option, for an additional minimum 12-month eligibility period.” DSS should outline how it will ensure continuity of benefits in the circumstances described above. Also, to further promote continuity of care, Council urges DSS to exercise the option to approve benefits for an additional 12 months rather than until the next re-determination.

Please feel free to contact me or Wendy Strauss at the GACEC office if you have questions on our comments. Thank you for the opportunity to share our recommendations with you.

Sincerely,

*Ann C Fisher*

Ann C. Fisher  
Chairperson

ACF: kpc