



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: October 28, 2011

TO: Ms. Sharon L. Summers, DSS
Policy, Program & Development Unit

FROM: Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: 15 DE Reg. 469 [DSS Proposed TANF Renewal Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Social Services' (DSS) proposal to renew Delaware's eligibility status for the TANF program. The proposed regulation was published as 15 DE Reg. 469 in the October 1, 2011 issue of the Register of Regulations. SCPD has the following observations.

First, on p. 7, the section titled "Eligibility For Assistance Under the TANF Program", subsection "Conditions of Eligibility, Fugitive Felons, Individuals Convicted of Drug Related Felonies", recites as follows:

Fugitive felons and parole violators are ineligible for TANF assistance. In addition, as of August 22, 1996, individuals convicted of drug related felonies are permanently barred from the date of conviction.

The Plan does mention "food benefits" and "Food Supplement Program benefits" on the next page. Given enactment of S.B. 12, DSS may wish to add the following sentence: "Effective with enactment of S.B. 12 in June 2011, individuals convicted of drug related felonies are not barred from receiving Food Supplement Program benefits."

Second, Attachment "C" refers to the "Department of Public Instruction" and the "Department of Public Safety" and includes a copy of a 1996 MOU signed by these agencies. These agencies obviously no longer exist. Moreover, Attachment "D" includes an outdated copy of the Delaware Code which omits amendments adopted subsequent to 73 Delaware Laws, including revisions to Title 10 Del.C. §§1041, 1043, and 1045. It also omits Title 10 Del.C. §§1049A-1049F. It would be preferable to secure an updated MOU with current State agencies and to

provide a current version of the Delaware Code references.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations and recommendations on the proposed regulation.

cc: Ms. Elaine Archangelo
Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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