



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES

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MEMORANDUM

DATE: June 25, 2014

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

FROM: Daniese McMullin-Powell, Chairperson *DM-P/20*
State Council for Persons with Disabilities

RE: 17 DE Reg. 1145 [DSS Proposed Food Supplement Program Household Definition 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 amend its regulations regarding the Food Supplement Program Household Definition. The proposed regulation was published as 17 DE Reg. 1145 in the June 1, 2014 issue of the Register of Regulations.

As background, legislation (H.B. 75) was enacted in 2013 which resulted in adoption of the following statute:

§129. Equal Treatment of Marital Relationships.

(a) All laws of this State applicable to marriage or married spouses or the children of married spouses, whether derived from statutes, administrative rules or regulations, court rules, governmental policies, common law, court decisions, or any other provisions or sources of law, including n equity, shall apply equally to same-gender and different-gender married couples and their children.

Title 13 Del.C. §129.

The existing federal [7 C.F.R. 273.1] and State regulations covering eligibility for the Food Supplement Program define a "household" as including "spouses" who live together regardless of whether they customarily purchase food and prepare meals together. The current State regulation contains the following provision excluding "same-sex" couples from being considered

“spouses”:

Same sex couples, for food stamp purposes, are not considered spouses and the presumption of purchasing food and preparing meals together would not apply to them.

At 1146.

Given the above §129, DSS is deleting this provision so same-gender spouses would be treated the same as different-gender spouses for purposes of eligibility for benefits under the Food Supplement Program.

The SCPD endorses the proposed regulation since the revision is necessary to conform to statute.

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

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

17reg1145 dss-food supplement program household definition 6-23-14