



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
Margaret M. O'Neill Bldg., Suite 1, Room 311
410 Federal Street
Dover, Delaware 19901
302-739-3621


The Honorable John Carney
Governor

John McNeal
SCPD Director

MEMORANDUM

DATE: March 24, 2023

TO: Melissa Dohring, DHSS-DMMA
Planning and Policy Unit

FROM: Benjamin Shrader – Chairperson 
State Council for Persons with Disabilities (SCPD)

RE: Proposed DSS Regulation [3008 TANF Family Cap, 26 Delaware Reg. of
Regulations 756 (March 1, 2023)]

The State Council for Persons with Disabilities (SCPD) has reviewed the Delaware Health and Social Services ("Department") / Division of Social Services' (DHSS/DSS) to amend Section 3000 of the Delaware Social Services Manual (DSSM) regarding Technical Eligibility for Cash Assistance. The proposed regulation was published as 26 DE Reg. 756 in the March 1, 2023, Register of Regulations issue.

SCPD has the following observations:

- TANF is the main financial assistance program in the State. The goal is to ultimately help individuals obtain employment and provide financial assistance until they are employed. To be eligible for TANF, an individual must be unemployed or underemployed; have a child eighteen (18) years old or younger; or be pregnant; or be under eighteen (18) years old or younger and head of the household. Participation in the program is limited to thirty-six (36) months in most cases.

- The amount of the cash assistance benefits a family receives is based upon the size of the family and the family's net income. At present pursuant to Section 3008.2, if a child is born more than ten (10) months after the date an individual applies for TANF, there would be no increase in the monthly benefit despite the increase in family size.
- This proposed regulation would eliminate Section 3008.2 and thereby the impediment to the receipt of additional benefits for the birth of a child that occurs more than ten (10) months after the family applies for (TANF). The elimination of the family cap would provide additional assistance to around 155 families.¹ "Children who were family capped will receive monthly TANF benefits which will increase their family's benefit amount."²
- Eliminating the family cap will help families in part to escape poverty rather than punish them for the number of children they have.

The State Council for Persons with Disabilities (SCPD) fully endorses this regulation.

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

cc: The Honorable Molly Magarik, Secretary, DHSS
Ms. Laura Waterland, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

26 reg 756 DHSS-DSS TANF Family Cap 03-24-23

¹ *Id.*

² *Id.*