MEMORANDUM

DATE: March 30, 2010

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

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

RE: 13 DE Reg. 1174 [DSS Proposed FSP Income Deduction Regulation]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Social Services' (DSSs) proposal to amend its income deduction regulation of the Food Supplement Program published as 13 DE Reg. 1174 in the March 1, 2010 issue of the Register of Regulations. As the "Summary of Proposed Changes" indicates, there are two major changes. SCPD has the following observations.

First, DSS is opting to treat child support payments as an income exclusion from gross income rather than a deduction from net income. This favors the obligor and expands eligibility. The relevant federal regulations, 7 C.F.R. 273.9(b)(17) and 273.9(d)(5), provide states with this option.

Second, DSS is opting to allow a shelter deduction of $143 for homeless households with limited shelter expenses. This should result in an increase in benefits to affected households.

The changes appear in the initial section (bottom of p. 1177) and Par. E.

Since the changes benefit recipients, SCPD endorses the above amendments subject to clarifying that references to income in the initial section refer to "gross" income, not "net" income. Please note that the superseded regulation (e.g. §9060B) explicitly referred to "gross" income.

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

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