




STATE OF DELAWARE
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MEMORANDUM

DATE: December 28, 2010

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

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

RE: 14 DE Reg. 529 [DSS Proposed TANF Employment & Training Program Exemption 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 *TANF Employment and Training Program* regulation published as 14 DE Reg. 529 in the December 1, 2010 issue of the Register of Regulations. As background, under the TANF program, most participants are required to engage in employment or training activities. By federal regulation, states are given the option of exempting parents of children under 12 months of age. The current DSS regulation [16 DE Admin Code 3006.1A] establishes such an exemption. DSS proposes to amend the regulation to explicitly authorize parents of children under 12 months of age to waive the exemption. SCPD has the following observations.

First, DSS may wish to check the reference to 45 C.F.R. §261.2(n)(2)(i) at the beginning of Section 3006.1. Consistent with the attachments, the correct reference may be 45 C.F.R. §261.22©).

Second, SCPD has previously promoted offering E&T-exempt participants the option of participating in the program on a voluntary basis. See discussion at 12 DE Reg. 793, 794 (December 1, 2008). The last two sentences in existing Section 3006.1 already recite that exempt individuals can volunteer to participate in the E&T program. The proposed amendments to §3006.1A provide some specific standards to implement this option in the context of parents of children under 12 months of age. The standards are prescriptive and require participants to meet E&T standards

within 14 calendar days of waiving the exemption or face sanctions. The “Summary of Proposed Change” section also notes that participants cannot “opt in and out”: “Once a parent is mandatory she or he may not return to exempted status.” SCPD recommends that DSS reconsider this approach in favor of allowing withdrawal of a waiver for good cause. Changed circumstances may affect a new parent’s ability to care for a baby and participate in E&T activities. For example, relatives who agreed to provide free child care may change their mind. The baby may develop a chronic illness or frequent sicknesses prompting the need for unanticipated parental involvement.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations 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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