



STATE OF DELAWARE  
STATE COUNCIL FOR PERSONS WITH DISABILITIES  
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**MEMORANDUM**

DATE: May 29, 2012

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

FROM: Daniese McMullin-Powell, Chairperson  
*DMP/kit*  
State Council for Persons with Disabilities

RE: 15 DE Reg. 1551 [DSS Proposed Child Care Subsidy Program Definitions 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 definitions used in its Child Care Subsidy Program. The Summary of Proposed Changes section recites that the rationale for the amendments is twofold: 1) federal prompting to add a definition of "children in families with very low income"; and 2) the desire to reformat and alphabetize the existing list of definitions. The proposed regulation was published as 15 DE Reg. 1551 in the May 1, 2012 issue of the Register of Regulations. SCPD the following observations and recommendations.

First, the new definition of "children from low income families" is acceptable. It adopts a "200% of the Federal Poverty Limit" standard which mirrors the existing standard reflected in the definition of "income limit".

Second, in the definition of "Child", SCPD recommends the following amendment: "...or are in need of protective services."

Third, in the definition of "Child Care Category, 41", amend the example to read as follows: "(Example: One child is a citizen and one is not. The citizen child is a 41)." This would then be identical to the superseded version. At 1553.

Fourth, in the definition of "Child Care Certificate", second sentence, substitute "parents who wish" for "a parent who wishes" since the following pronoun ("their") is plural.

Fifth, in the definition of “Educational Program”, the semicolons are omitted and the word “or” is omitted after Par. “4”. Compare the current definition. At 1553-1554.

Sixth, in the definition of “Physical or Mental Incapacity”, DSS deleted the term “dysfunctional”. Compare the existing definition. At 1555. This conforms to Title 29 Del.C. §608 and merits endorsement.

SCPD endorses the proposed regulation subject to adopting the above technical corrections.

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