



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

DATE: July 30, 2018

TO: Ms. Nicole Cunningham, DSS  
Planning & Policy Development Unit

FROM: Mr. Nick J. Fina, Ed.D. Chairperson  
State Council for Persons with Disabilities

RE: 22 DE Reg. 20 [DSS Proposed TANF Contracts for Mutual Responsibility (7/1/18)]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Social Services (DSS) proposal to the proposed regulation was published as 22 DE Reg. 11 in the July 1, 2018 issue of the Register of Regulations.

In this regulation, DSS does not make substantive changes to existing regulations, and states that its intent is to streamline the language being used, as well as add a financial coaching requirement. TANF is Temporary Assistance to Needy Families. The Contract of Mutual Responsibility (CMR) is an agreement between the TANF client and DSS which sets obligations and expectations for helping the client achieve self-sufficiency. States are left with broad discretion to formulate the terms of these conditions to receipt of TANF.

There is a general concern that in simplifying the language, DSS has removed language that emphasizes that the DSS worker is responsible for ensuring that services are available (and that a recipient is not sanctioned if they are not) and that the recipient understands their obligations under the CMR. Most of the language stressing DSS's goal of encouraging recipients to meet Contract expectations has been removed. For example, the existing regulation states: "*Under TANF, the client and the worker must become partners in efforts to surmount any and all obstacles to success.*" This sentence and all others like it have been removed from the new regulations. It is completely barebones and reads like a criminal statute.

Specifically, the SCPD notes the following:

1. Revised Section 1, Paragraph C, which relates to making changes to a CMR if the needs or circumstances of the family have changed substitutes the word "will" to "may". This is a

significant, fundamental change, making changes to the CMR discretionary rather than mandatory, and should be corrected. For example, if a family requires a change to the CMR as a reasonable accommodation for a disability, DSS would be obligated to revise the CMR. As a policy matter, it should be mandatory that DSS revise a CMR to reflect changes in a family's circumstances; otherwise the DSS would be acting in an arbitrary manner. The SCPD is sharing this concern.

2. There are no proposed changes to Section 3017.1, the Transitional Work Program or TWP, which is designed to allow recipients with disabilities to avoid mandatory work requirements under the CMR. The regulations do not state that disability may factor into other required elements of a CMR. The SCPD recommends a new subsection C be added to the proposed revised Section 3009(4) that states:

*C. CMRs must reflect any needed accommodations required by a household member with a disability. DSS will consider and grant any substantiated reasonable accommodation request from a recipient with a disability (or a member of the household with a disability) when developing or revising a CMR and shall not impose any requirement that a recipient or household member is unable to complete due to disability.*

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

cc: Mr. Ray Fitzgerald, DSS  
Ms. Laura Waterland, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

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