

## **DELAWARE STATE PLAN FOR TANF**

Delaware operated its TANF program under Section 1115 waivers from the Social Security Act, as approved on December 12, 1995, and amended on September 27, 1996. The waiver expired on September 30, 2002.

Delaware has revised its policy and processes, and has taken steps to revise its DCIS II management information system, to implement all new Deficit Reduction Act (DRA) work participation and work reporting requirements. All the operational and proposed changes to Delaware's program are described in revised sections of this State Plan. Our approved Work Verification Plan, submitted on August 1, 2007, discusses in detail the changes we have made or are in the process of implementing.

The policy changes reflected in the revisions to this Plan are the result of a regulatory process that included development of proposed regulations, distribution of the draft regulations to Delaware stakeholders and the public, and the review and incorporation of appropriate comments in the DSS Final Order Regulations #06-44, issued October 10, 2006.

Although compliance with DRA required small policy, procedural and system changes, we have not had to amend the goals of Delaware's TANF program, since our TANF program has always been very work oriented. Delaware's TANF program requires immediate work activity from caretakers in time-limited families; those who cannot secure unsubsidized employment immediately are placed in a work-related component.

## **GOALS, RESULTS AND PUBLIC INVOLVEMENT**

### **Goals**

The goal of Delaware's TANF Program is to provide a welfare system based on a philosophy of mutual responsibility. In working toward that goal, the State will strive to place individuals in private or public sector unsubsidized employment that enables them to enter and maintain meaningful jobs and interrupts the intergenerational welfare dependency cycle. To that end, TANF creates positive incentives for families to become employed, and expects families to accept responsibility to become self-supporting.

Five key principles form the foundation of TANF:

1. Work should pay more than welfare.
2. Welfare recipients must exercise personal responsibility in exchange for benefits.
3. Welfare should be transitional, not a way of life.
4. Both parents are responsible for supporting their children; and
5. The formation and maintenance of two-parent families should be encouraged, and teenage pregnancy and unwed motherhood should be discouraged.

## **Involvement of Local Governments, the Public, and Private Sector Organizations**

Welfare Reform in Delaware has a long history of active involvement and partnership between and among state and local governments and the private sector. Over a multi-year period, Delaware has engaged government, the public and the private sector in dialog about the welfare system and ways to change it.

Since its introduction in January of 1995, in the form of a waiver request, all sectors have had the opportunity to influence Delaware's welfare reform program in a series of public meetings and forums.

A collaborative partnership among the Department of Health and Social Services (DHSS), Department of Labor (DOL), and the Delaware Economic Development Office (DEDO) worked to develop Delaware's original TANF program; and the Delaware Transit Corporation (DTC) has joined these components in planning any changes required.

From 1995 to the present, the TANF collaborative team has involved other stakeholders in a number of ways. Community partner involvement runs the gambit from support letters for TANF-related grants, to participating in the resultant project planning and implementation, to membership on an initiative's advisory/oversight council. Partnerships include the City of Wilmington's HOPE VI subsidized housing project; the Delaware Ecumenical Council on Children and Families' rural outreach project; the Division of Vocational Rehabilitation's employment efforts with people with disabilities; the National Corps/VISTA welfare-to-work mentoring program; and the Division of Substance Abuse and Mental Health's Youth Offender Re-entry initiative. Presentations on TANF are ongoing by request to the various Section 8 and Public Housing entities; to non-profits such as the First State Community Action Agency and the Latin American Community Center; and to local churches, healthcare centers, childcare providers, schools and youth centers (e.g., Boys & Girls Club).

The Social Services Advisory Council, consisting of educators, health professionals, religious leaders, representatives of community-based organizations, advocates, and government leaders, all appointed by the Governor, continues to provide advice on improving the delivery of Delaware's social programs. In addition, the Division of Social Services has regularly conducted focus groups with clients in all counties of the States, most recently in 2000 and 2001.

The requirement for a 45 day public comment period was accomplished by making the plan available for public review and comment through the following means:

- The original State Plan was published in the Delaware Register on October 1, 2002;
- The State Plan was published on the Delaware web site at <http://www.state.de.us/dhss/dhss.htm> on September 15, 2002; and

- Stakeholder groups as represented by the Social Services Advisory Council, the TANF Employer Committee, and TANF program contractors were provided with individual copies of the Plan.
- This State Plan is being published in the Delaware Register and on the Delaware web site.

Delaware is proud to say that the administration addressed and continues to build on the themes the public identified not only in TANF but in many other areas of public policy that support low income families, including the Administration's economic development, education, and family policies. A brief summary of where public policies intersect with welfare system change include:

- easing transition from welfare to work by:
  - passing through to TANF recipients a portion of the child support collected
  - enhancing child support collection strategies and achieving record child support collections
  - changing the way the welfare system budgets income so that families go off assistance only after achieving income at 75 percent of the federal poverty level
  - increasing Delaware's investment in child care so that there is no subsidized child care waiting list for eligible working families with income up to 200% of the federal poverty level
  - increasing the income threshold below which individuals are not required to file personal income tax returns to \$15,449 for married couples and \$9,399 for single individuals; increasing the personal credit from \$100 to \$110; and reducing the tax rate for all individuals, other than the top tax bracket, by .4 percentage points
  - increasing the State minimum wage to \$6.15 an hour as of September, 2000, \$6.65 an hour effective January 2007, and \$7.15 an hour effective January 2008.
  - increasing the earnings potential of TANF individuals through a State Earned Income Tax Credit for 2006 and beyond.
- ensuring access to health care for Delaware families through:
  - providing Medicaid coverage to uninsured adults as well as all children in families with income at or below 100 percent of the federal poverty level
  - providing medical coverage for uninsured children in families with income up to 200% of the federal poverty level, through the Delaware Healthy Children Program (DHCP)
  - providing transitional Medicaid for two years for families with children who exit welfare, at incomes up to 185% of poverty.

- improving education for children by:
  - expanding access to the Early Childhood Education Program (ECAP)
  - providing extra instructional time for low-achieving students
  - operating the Parents as Teachers program statewide
  - operating the Mentoring for Students program for students who need an adult role model
  - implementing a comprehensive program to ensure safe, disciplined schools
  - raising academic standards and graduation requirements and pushing for school choice and charter schools
- recruiting, through the Delaware Economic Development Office (DEDO), new companies and maintaining existing employers with good jobs that provide career opportunities
- strengthening Delaware's families by:
  - helping many thousands of welfare recipients go to work, and providing continuing supports to working families
  - initiating voluntary paternity establishment
  - providing transportation support for job seekers and new workers
  - establishing more effective welfare to work programs with a work first approach to employment and training services, while providing opportunities for educational advancement
  - enabling families with both parents to receive benefits and services
  - participating with community-based organizations and the faith community to support targeted, fragile populations
  - discouraging teen pregnancy through the Alliance on Adolescent Pregnancy Prevention
  - extending home visits to all first time parents following a child's birth
  - cracking down on domestic violence to protect vulnerable women and children
  - enforcing the Sexual Predator Act to protect vulnerable youth and prevent teen pregnancy.

### **Results to be Measured and Methods for Measuring Progress**

Delaware has committed to evaluate its welfare system. The State had a multi-year contract with Abt Associates to evaluate TANF. We measured:

- the number of individuals working;
- the number of individuals sanctioned;
- the caseload size; and
- the number of months of receipt of TANF.

Recent reports by the evaluator include:

- The ABC Evaluation - A Better Chance for Welfare Recipients? What the Public Thinks, March, 1999;

- The ABC Evaluation - Enrollment of Families in Delaware's A Better Chance Program: A Report on the First Three Years, March, 1999
- The ABC Evaluation - Carrying and Using the Stick: Financial Sanctions in Delaware's A Better Chance Program, May, 1999.
- Will Welfare Reform Influence Marriage and Fertility? Early Evidence from the ABC Demonstration, June, 1999.
- The ABC Evaluation - Verifying School Attendance of Welfare Recipients' Children, June 2000 The ABC Evaluation - Impacts of Welfare Reform on Child Maltreatment, August 2000
- A report, Turning the Corner -- ABC at 4 Years, November 2000
- The DABC Evaluation How Have They Fared? Outcomes After Four Years for the Earliest DABC Clients, August 2001
- The DABC Evaluation Institutional Aspects of Welfare Reform in Delaware, August 2001

These reports can be located at <http://www.abtassoc.com/reports/welfare-download.html>. Note that at one time, Delaware's TANF program was known as A Better Chance or ABC.

Delaware was also one of four states participating in a Welfare Reform and Family Formation research project designed to provide an increased understanding of how changes in welfare policies have affected childbearing, marriage, and other family structure factors. Abt Associates teamed with a University of California research team in analyzing random assignment data collected in Delaware.

### **Ensuring Accountability**

TANF is administered by the Division of Social Services (DSS), State of Delaware Department of Health and Social Services. While DHSS is the lead agency, program administration is accomplished through a partnership of DSS, Department of Labor (DOL), Delaware Economic Development Office (DEDO), and the Delaware Transit Corp (DTC).

Delaware completed a massive automation enhancement effort, to incorporate new technology in a complete redesign of DCIS. DCIS II is a large scale, client/server, interactive eligibility determination and benefit issuance system. DCIS II automates: client registration, application entry, eligibility determination, benefit calculation, benefit issuance and work programs for more than 100 variations of cash, Medicaid, child care and food stamp programs, administered by the Delaware Division of Social Services. DCIS II provides automated program support and supports the information needs at the state and local office level. DCIS II also incorporates program changes required by P.L. 104-193.

Currently, changes are being made to DCIS II to incorporate program changes required by the DRA. Recent enhancements to DCIS II that provide for on-line real-time communications between DSS workers and Employment Connection contractors will

assist the State to meet DRA requirements. DSS now provides automated referral of non-exempted individuals to contractors, contractor staff are now able to send automated alerts to DSS workers, and contractors and DSS workers are able to share case notes about participants. In addition, contractors now directly enter hours of work participation into the system, facilitating the computation of grants for Work for Your Welfare participants.

Delaware is participating in the income and eligibility verification system (IEVS) required by section 1137 of the Social Security Act.

In addition, the State operates a fraud control program and will disqualify individuals found to have committed an intentional program violation based on findings of administrative disqualification hearings and findings of prosecution or court actions. Delaware has adopted the penalties for intentional program violations used by the Food Stamp Program; 12 months for the first offense and 24 months for a second instance. An individual committing a third offense is permanently disqualified.

## **NEEDY FAMILIES**

### **Definition of Needy Families**

For program purposes, needy families are a child and or children and caretaker relatives whose combined income and financial resources are not equal to or higher than the standards established by the State. The following sections describe these standards and how they are applied to applicants and recipients.

### **Income and Resource Rules for Determining Need**

For purposes of determining need Delaware will continue to utilize the already established income and resource rules of the TANF program. The following specific features of Delaware's TANF program shall continue to apply:

- The equity value of a primary automobile up to \$4,650 is excluded in determining the household resources.
- The cash value of a life insurance policy will be excluded.
- In addition to the current resource limit, families will be allowed to establish special Education and Business Investment Accounts (EBIA) of up to \$5,000.00, including interest.
  - Families will contribute directly to their EBIA's.  
Funds in such accounts will not be considered as a resource. Withdrawals from such accounts must be for approved purposes, as defined in TANF. If funds are withdrawn for non-approved purposes, the money will be counted as a resource in the month received. Approved reasons for withdrawal of funds for self-sufficiency needs include, but are not limited to: dependent care expenses, security deposit for an apartment or house, or vehicle repair costs.

- Financial Assistance received from school grants, scholarships, vocational rehabilitation payments, JTPA payments, educational loans, and other loans that are expected to be repaid will not be counted as income for TANF program purposes. Also, other financial assistance received that is intended for books, tuition, or other self-sufficiency expenses will be excluded.
- Earnings of dependent children, regardless of student status, will be disregarded in determining the family's eligibility and the amount of TANF benefits.
- A one-time bonus payment of \$50.00 will be paid from TANF funds to eligible teens who graduate from high school by age 19. This bonus, which will be paid directly to the high school graduate, will be disregarded as income.

**Income Tests to Determine Eligibility**

There are two income tests to determine financial eligibility. The first test is a gross income test, and the second is a net income test.

- Comparing the family's income to 185% of the applicable standard of need is the gross income test. Both applicants and recipients must pass this income test.
- The other income test compares a family's income, after applying certain disregards, to the applicable standard. This is a net income test.
- For applicants, defined as families who have not received assistance in at least one of the four months immediately preceding the application, the net income is compared to the payment standard.
- For recipients, defined as families who have received assistance in at least one of the four months preceding the application or are current recipients, the net income is compared to the standard of need.
- A family's income must be less than the gross and net income limits to be financially eligible for TANF. Once eligibility is established, the grant amount is determined.
- Gross income is the total of the earned and unearned income.
- Wages and self-employment income are examples of earned income.
- Social Security benefits, child support, and stepparent income are examples of unearned income. Stepparent income will be included if the child's natural parent lives in the home.

Exhibit 1 contains the calculation steps for TANF applicants.

**Exhibit 1: Determining Applicant Eligibility for TANF Benefits**

Step 1) The gross income will be compared to 185% of the applicable TANF standard of need. Assistance will be denied if the income exceeds 185% of the applicable TANF standard of need.

Step 2) The standard work deduction (\$90.00) and child care expenses will be subtracted from each wage earner's earnings. The applicant's

net earned income will be added to unearned income to determine the net family income. The net income will be compared to the payment standard. Assistance will be denied if the income exceeds the payment standard.

If the income is less than the payment standard,

Step 3) The standard work deduction (\$90.00), child care, and the \$30 plus 1/3 disregard (if applicable) will be subtracted from each earner's earned income. This net earned income will be added to the unearned income to calculate the family's net income. The net income will be subtracted from the applicable standard of need to obtain the deficit. The deficit will be multiplied by 50%; the number calculated is the remainder. The grant is either the remainder or the payment standard whichever is less.

Exhibit 2 provides the calculations for TANF recipients.

#### Exhibit 2: Determining Recipient Eligibility for TANF Benefits

Step 1) The gross income will be compared to 185% of the applicable TANF standard of need. Assistance will be denied if the income exceeds 185% of the applicable TANF standard of need.

Step 2) The standard work deduction (\$90.00), child care, and the \$30 plus 1/3 disregard (if applicable) will be subtracted from each earner's earned income. The net earned income will be added to unearned income to calculate the family's net income. Assistance will be denied if the income exceeds the standard of need.

If the income is less than the standard of need,

Step 3) The net income will be subtracted from the applicable standard of need; the number calculated is the deficit. The deficit will be multiplied by 50%; the number calculated is the remainder. The grant is either the remainder or the payment standard whichever is less.

The TANF standards apply to all benefits and services provided to needy families except for Emergency Assistance, discussed in the section on Diversion Assistance Program and Attachment A; and child care, described in the Involvement of Local Governments, the Public, and Private Sector Organizations section, the Eligibility for Assistance Under

the TANF Program section, and the Supportive Services section. Delaware has established separate need standards for these programs.

### **Fill-the-Gap Budgeting**

Fill the Gap budgeting will be used for recipient families to determine continued eligibility and the amount of TANF benefits, so that families can retain more of their income. By having a standard of need which is greater than the payment standard a "gap" is created. The difference between the family's income and the need standard is called the deficit. The state pays a percentage of the deficit up to a maximum benefit level or payment standard.

- Three standards will be used in financial eligibility calculations: 185% of the standard of need, the need standard and the payment standard. 185% of the standard of need will be used in the gross income test.
- The standard of need used is 75% of the Federal Poverty level. This includes allowances for food, clothes, utilities, personal items, and household supplies.

### **Diversion Assistance Program**

Delaware operates a Diversion Assistance program intended to help a family through a financial problem which jeopardizes employment and which, if not solved, could result in the family needing regular ongoing assistance. The Diversion Assistance payment will not exceed \$1,500 or the financial need resulting from the crisis, whichever is less. Diversion Assistance, which is available to both applicant and recipient families, is not a supplement to regular assistance but is in place of it.

Eligibility requirements for Diversion Assistance are as follows:

- the parent must be living with his/her natural or adopted children;
- the family has not received a Diversion Assistance payment in the past 12 months;
- the Diversion Assistance amount will alleviate the crisis;
- the parent is currently employed but having a problem which jeopardizes the employment or has been promised a job but needs help in order to accept the job;
- the family's income would qualify the family for TANF as a recipient household. (When calculating eligibility for Diversion Assistance the family is given the \$30 plus 1/3 disregard, if applicable, and the family's net income is compared to the Standard of Need.);
- the family's resources would qualify for TANF.

The Diversion Assistance payment may be used for items and/or services such as but not limited to:

- transportation (such as vehicle repairs, tires, insurance, driver's license fee, gas);

- clothing such as uniforms or other specialized clothing and footwear or other employment-related apparel;
- tools and equipment;
- medical expenses not covered by Medicaid (e.g., eye glasses);
- union dues, special fees, licenses or certificates;
- up-front costs of employment such as agency fees and testing fees;
- unpaid child care expenses which, if they remain unpaid, preclude the provision of future child care;
- relocation expenses for verified employment in another county or state. These expenses may include moving equipment rental, gas, and lodging for the days of the move and the first month's rent, rental and utility deposit.

Diversion Assistance payments will be made to a third party vendor, not the parent. When the parent receives Diversion assistance (s)he agrees to forego TANF cash assistance as follows:

- \$0 through \$500.99 for 1 month;
- \$501 through \$1,000.99 for 2 months;
- \$1,001 through \$1,500 for 3 months.

The once a year limitation on Diversion Assistance and the period of ineligibility can be eliminated when good cause exists. Good cause exists when circumstances beyond the client's control make re-application for Diversion Assistance or TANF necessary. Examples of good cause are the employer lays off the parent or a serious illness forces the parent to stop working.

The family is eligible for TANF related Medicaid in the month in which the Diversion Assistance payment is made. The family would remain eligible for Section 1931 Medicaid (TANF related Medicaid) until the family's income exceeds the standard of need. If the family's income exceeds the standard of need because of increased earnings or loss of the \$30 plus 1/3 disregard and the parent is working, the family may be eligible for Transitional Medicaid.

Diversion Assistance does not count as income in the child care programs, and families receiving Diversion Assistance may also be eligible to receive child care under Delaware's working poor child care program if their income does not exceed 200 percent of the federal poverty level. Receipt of Diversion Assistance would not bar receipt of Food Stamp benefits, and Food Stamp applications will be actively solicited from individuals requesting Diversion Assistance.

Diversion Assistance does not count against the time limit on receipt of assistance.

The family will not have to assign child support to the state. Child support received by the parent or the Division of Child Support Enforcement (DCSE) will belong to the family. DCSE will not use child support to offset or reimburse the Diversion Assistance.

Diversion Assistance is not intended to replace TANF's Emergency Assistance Program or Supportive Services payments, which will continue. The TANF Emergency Assistance Program provides identical benefits that were provided under Delaware's State Plan in effect on August 21, 1996. (See Attachment A) Rather, Diversion Assistance expands the opportunities to access as well as the value of services to support employment.

### **The Non-Assistance Program**

The Non-assistance program is intended to identify clients who while eligible for TANF would benefit from a short-term program that would support the client while protecting their future access to the time limited TANF program.

The Division of Social Services will select agency specified populations and individual clients to participate in a time limited non-assistance program. Participation in the program will be at the discretion of the division.

### **Funding**

The non-assistance program is funded with federal TANF funds and State MOE funds; the support offered through the program is excluded from the definition of "assistance" in 45 CFR 260.31. As a result, these services do not count towards the 60-month TANF time limit. In addition, persons receiving these benefits are not subject to the TANF work requirement or to a Federally-imposed child support requirement. The term used by the Federal Department of Health and Human Services to describe the TANF-funded work supports and services which do not count towards the 60-month TANF time limit is "non-assistance." Under 45 CFR 260.31, the terms "assistance" and "non-assistance" are defined below:

§ 260.31 What does the term “assistance” mean?

(a)

(1) The term “assistance” includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

(2) It includes such benefits even when they are:

(i) Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and

(ii) Conditioned on participation in work experience or community service (or any other work activity under §261.30 of this chapter).

(3) Except where excluded under paragraph (b) of this section, it also includes supportive services such as transportation and child care provided to families who are not employed.

(b) It excludes:

(1) Nonrecurrent, short-term benefits that:

(i) Are designed to deal with a specific crisis situation or episode of need;

(ii) Are not intended to meet recurrent or ongoing needs; and

- (iii) Will not extend beyond four months.
  - (2) Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);
  - (3) Supportive services such as child care and transportation provided to families who are employed;
  - (4) Refundable earned income tax credits;
  - (5) Contributions to, and distributions from, Individual Development Accounts;
  - (6) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and
  - (7) Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of the Act, to an individual who is not otherwise receiving assistance.
- (c) The definition of the term assistance specified in paragraphs (a) and (b) of this section:
- (1) Does not apply to the use of the term assistance at part 263, subpart A, or at part 264, subpart B, of this chapter; and
  - (2) Does not preclude a State from providing other types of benefits and services in support of the TANF goal at §260.20(a).

Eligibility:

Families must meet the following eligibility requirements for inclusion in the non-assistance program

- 1) The family was not enrolled in the non-assistance program for more than three months during the previous twelve months.
- 2) The family meets the technical and financial eligibility requirements of Delaware's TANF program families.
- 3) The parent or head of household has presented to the division approved documentation that they are unable to work as a result of a medical disability.
- 4) In the absence of a documented medical disability the client has been selected by the Division of Social Services as an individual or as a member of a Division defined population determined to be eligible for enrollment in the non-assistance program.

Length of Program

Participants may be enrolled in the non-assistance program up to 4 months during a federal fiscal year. Within the constraints of the 4 month fiscal year limits clients may remain in the program as long as they continue to meet the technical and financial eligibility requirements of the TANF program. Families who require on-going assistance after four months of participation in the non-assistance program are enrolled in the TANF program.

Monthly Cash Grant: Enrolled families are offered short-term cash benefits. Families in the non-assistance program receive a monthly cash grant calculated using the same methodology as the TANF cash grant.

**Child Welfare Services to assist needy families in maintaining children in the home of their parent(s) or a relative caregiver.**

These services are provided when conditions exist requiring the intervention of the Division of Family Services (DFS). Services or payment for services for the child or family is provided to deal with the conditions that caused the need for the services. The services provided are those identified by DFS needed to meet the needs of the child. These include investigation, case management, community and home based intervention services, foster care maintenance payments for temporary placement outside of the home as well as foster care payments for longer-term placements. Also included are case management services for preventive services, court-related activities, and foster care. Needy families whose combined earned and unearned income is at or below 900% of the federal poverty level during the year services provided are eligible to receive these TANF or MOE funded services

**ELIGIBILITY FOR ASSISTANCE UNDER THE TANF PROGRAM**

**Conditions of Eligibility**

If the income tests described above are met, a family will be eligible to receive TANF assistance subject to the following conditions.

**Relationship/Living Arrangements**

A child must be living in the home of any relative by blood, marriage, or adoption who is within the fifth degree of kinship to the dependent child or of the spouse of any person named in the above group even though the marriage is terminated by death or divorce.

The caretaker of a teen parent who is not a parent must demonstrate valid circumstances why the teen is not living with a parent and must agree to be a party to the Contract of Mutual Responsibility and fulfill the same responsibilities there under as a parent.

**Fugitive Felons; Individuals Convicted of Drug Related Felonies**

Fugitive felons and parole violators are ineligible for TANF assistance. In addition, as of August 22, 1996, individuals convicted of drug related felonies are permanently barred from the date of conviction.

**Family Cap Provision**

No additional cash benefits will be issued due to the birth of a child, if the birth occurs more than ten (10) calendar months after the date of application for benefits under TANF.

The family cap will not apply:

- when the additional child was conceived as a result of incest or sexual assault,
- to children who do not reside with their parents
- to children born prior to the period identified above who return or enter the household
- to a child that was conceived in a month the assistance unit (i.e., the entire family) was not receiving TANF, but this does not apply in cases that close due to being sanctioned.

The family cap will apply to children who are the firstborn of minors included in a TANF grant, except that the family cap does not apply to firstborn children of minors where the child was born prior to March 1997, the date that Delaware began its TANF program.

The additional child(ren) is included in the standard of need for purposes of determining eligibility; and the income and resources of the child, including child support, is included in determining the family's income and resources. However, the child(ren) is not included in determining the payment standard for the family.

- The additional child(ren) is considered a recipient for all other purposes, including categorical Medicaid coverage, TANF child care, and Food Stamp benefits.
- Child support received for capped children is passed directly through to the family.

#### Denial of Benefits to Babies Born and Residing with Unmarried Teen Parents

Cash assistance is not provided to babies born on and after January 1, 1999 to unmarried minor teen parents. This applies to both applicants and recipients. For all other purposes, these babies will be considered TANF recipients. They may also be eligible to receive Food Stamps, Medicaid and child care as well as vouchers for the baby's needs. This provision applies as long as the teen parent resides in the home with the baby, is unmarried or less than eighteen (18) years of age.

#### Denial of Benefits for Fraudulent Misrepresentation to Obtain Assistance in Two States

Any individual who misrepresents residence to receive TANF, Medicaid, or Food Stamp benefits in two states shall be subject to a ten-year bar if convicted in a state or federal court.

#### Treatment of Eligible Non-Citizens

Qualified non-citizens who enter the United States before August 22, 1996 shall be eligible to receive the same benefits and services and shall be subject to the same conditions and requirements as all other applicants and recipients.

Qualified aliens entering the United States on or after August 22, 1996, who are exempt from benefit restrictions as specified in Federal law, are eligible to receive the same

benefits and services and shall be subject to the same conditions and requirements as all other applicants and recipients.

Qualified non-citizens who enter the United States on or after August 22, 1996 are, after five years, eligible to receive the same benefits and services and shall be subject to the same conditions and requirements as all other applicants and recipients.

### **Program Type**

Depending on circumstances, families are placed in either the Time-Limited TANF program or the Non Time-limited TANF program.

Delaware's Time-Limited TANF Program has a work first approach. Participants are expected to meet immediate work requirements in order to receive benefits.

Previously Delaware funded its two parent program in a separate State program (SSP) claimed for MOE. Effective October 1 , 2006 Delaware will use State non maintenance of effort funds to provide benefits to recipients in a new solely state funded two parent program.

TANF eligible families that include a parent or head of household who has presented approved documentation that they are unable to work because of a medical disability receive benefits through a time limited non-assistance or diversion program. Families who do not receive child support collections and remain medically disabled and eligible for TANF after four months annually in a division or non-assistance program will receive benefits through a solely State funded program. Delaware will use State non-maintenance of effort funds to provide benefits to recipients in the new solely state funded medical disability program.

Time-limits for Delaware's Time-Limited TANF Program and the interactions between time-limits and work requirements are described in the sections entitled, Work: Time Limits and Work, and TANF Benefits to Needy Families: Time Limits.

Families with the following status will receive benefits in the Non Time-limited program:

- Families that the agency has determined are unemployable, either because a parent is too physically or mentally disabled to work in an unsubsidized work setting or because the parent is needed in the home to care for a child or another adult disabled to that extent;
- Families headed by a non-needy, non-parent caretaker;
- Families headed by a non-eligible non-citizen parent who is not eligible to receive TANF benefits;
- Families where the agency has determined that the adult caretaker is temporarily unemployable; and
- Families in which the adult files a claim or has a claim being adjudicated for SSI or disability insurance under OASDI. In this case, the family must sign an

agreement to repay cash benefits received under the Non Time-limited TANF program from the proceeds of the first SSI/DI check received. The amount repaid will not exceed the amount of the retroactive SSI/DI benefit.

Contract of Mutual Responsibility requirements and sanctions for noncompliance apply to families in the Non Time-limited TANF program. Recognizing that Delaware's exemptions from time-limits are broader than those prescribed by the current TANF legislation, we are prepared to provide benefits utilizing solely state funding (SSF) to families that include a head of household or a spouse of a head of household who have exceeded 60 cumulative months of federally funded TANF assistance and represent more than 20 percent of the TANF caseload.

### **Contract of Mutual Responsibility/Individual Service Strategy**

The caretaker of children in the TANF program enters into a Contract of Mutual Responsibility with the Division of Social Services (DSS) of the Department of Health and Social Services (DHSS). Applicants and recipients have a face-to-face interview. During this interview, the DSS worker explains to the recipient the Contract of Mutual Responsibility (CMR) and those elements specific to the client.

The Contract lists the responsibilities of the family and the supports the State will provide. The family's responsibilities include, but are not limited to: employment-related activities, school attendance and immunization requirements for children, family planning, parenting education classes, and substance abuse treatment requirements. The State provides supports to families including but not limited to: employment-related activities, training activities, child care, Medicaid, and other services identified during the development of the Contract of Mutual Responsibility developed by DSS workers and the Individual Services Strategy (ISS) developed by Employment Connection (EC) and Keep a Job (KAJ) contractors providing self-sufficiency services to work mandatory clients.

The Contract is designed to be individualized to the specific needs and situation of each family. Therefore, the exact requirements within the Contract may vary from family to family. This document can be revised as the needs and the situation of the family evolve.

Services related to these CMR requirements will be available to the participant. If the services specified in the CMR are not reasonably available to the individual, the participant will not be sanctioned for failure to comply and the Contract will be modified to reflect that the service is currently unavailable.

It is mandatory that all caretakers enter into a Contract of Mutual Responsibility. Contracts are completed for families in the Time Limited TANF Program and the Non Time-limited TANF program as well as for teen parents. Both caretakers in an assistance unit and non-needy caretaker payees are required to develop and comply with CMRs. Other family members within the assistance unit may be required to comply with provisions of the Contract, and are subject to sanction for non-compliance.

If the caretaker is a non-needy caretaker relative, the individual would not be required to participate in employment-related activities but will be required to participate in other Contract activities.

If a caretaker objects to certain aspects of the Contract, the caretaker needs to present these objections up front, at the time of the initial Contract. If good cause can be demonstrated, the Contract can be amended to rectify the objections.

When staff has reason to believe that the family needs other services to become employed or to increase work hours and wages, these services will be identified and specified in the Contract of Mutual responsibility. Needed services will also be identified on the caretaker's ISS developed by EC and KAJ contractors.

The fiscal sanction for not cooperating, without good cause, in development of the Contract will be an initial \$50.00 reduction in benefits. This reduction will increase each month by \$50.00, either until there is compliance or the case is closed. The sanction will end with demonstrated compliance. Sanctions for failure to participate in CMR and ISS activities are described in subsequent sections.

### **Individuals from Another State**

All families meeting the status eligibility requirements set forth above shall be eligible for TANF benefits using Delaware rules, regardless of how long they have been residents of the State.

### **Statewideness**

All definitions and determinations of need shall be applied on a statewide basis.

### **Protection of Privacy of Assisted Families**

31 Delaware Code, Chapter 11, Section 1101 provides that public assistance information and records may be used only for purposes directly connected with the administration of public assistance programs. Thus, all information gathered regarding individuals for public assistance purposes is considered confidential and will be safeguarded by DSS. By safeguarding public assistance information, DSS protects its clients from being identified as a special group based on financial needs and protects their right to privacy.

General information regarding expenditures, numbers of clients served, and other statistical information is a matter of public record and may be made available to any interested party. Other than the exceptions noted below, DSS will not release any information regarding a particular individual without the individual's written consent.

- DSS Regional Operations Managers have the authority to disclose the address of a recipient to a Federal, State or local law enforcement officer at the officer's

- request if the officer furnishes the agency with the name of the recipient and notifies the agency that the recipient:
1. is fleeing to avoid prosecution; or
  2. is a fleeing felon (or in the case of New Jersey is fleeing from conviction of a high misdemeanor); or
  3. is violating a condition of probation or parole; or
  4. has information that is necessary for the officer to conduct his or her official duties; and
  5. the location or apprehension of the recipient is within such official duties.
- If a law enforcement officer requests information that does not meet the guidelines indicated above, a subpoena from a court of law is required before the information can be released.
  - DSS is required to report to the Division of Family Services in situations where it believes a home is unsuitable because of neglect, abuse or exploitation of a child.
    1. A Court Appointed Special Advocate (CASA) is given permission to inspect and/or copy any records relating to the child and his or her family guardian without their consent. The CASA has the authority to interview all parties having significant information relating to the child. The CASA must also be notified of any staffing, investigations or proceedings regarding the child, so that (s)he may participate and represent the child.
      - If information is released under the procedures applying to CASA, pertinent details of the reasons for the release shall be documented and written notification of this release shall be sent to the last known address of the individual to whom the record refers.
  - DSS has the authority to disclose information concerning applicants and recipients provided it pertains to:
    1. an investigation, prosecution, or criminal or civil proceeding conducted in connection with public assistance programs.
    2. the administration of any other Federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need. The agency must assure DSS that such information will remain confidential and will be used only to pursue services for the individual. Other means tested programs include the Supplemental Security Income Program, School Lunch and Breakfast Program, the Energy Assistance Program, and the Low Income Housing Program.
    3. Other agencies (such as Family and Children Services of Delaware, Inc., Catholic Social Services, Legal Aid, etc.) must provide written permission from the recipient before public assistance information may be released.
    4. Other governmental agencies may obtain lists of recipients from DSS if the information will be used to perform services for DSS, and the agency can assure DSS that the lists will remain confidential.

## **APPEALS PROCESS**

DSS will provide timely and adequate notice for actions taken which affect eligibility or benefit level. Adequate notice means a written notice that includes a statement of what action the agency intends to take, the reasons for the intended agency action, the specific regulations supporting such action, explanation of the individual's right to request a fair hearing, and the circumstances under which assistance may be continued if a hearing is requested.

Timely notice means a notice which is mailed no later than 10 days before the date of action (i.e., 10 days before the intended change would be effective). When DSS learns of facts indicating that assistance should be discontinued, suspended, terminated, or reduced because of the probable fraud of the recipient, and, where possible, such facts have been verified through secondary sources, notice of a grant adjustment is timely if mailed at least five days before the action would become effective.

An opportunity for a hearing will be granted to any applicant who requests a hearing because his/her claim for assistance is denied or is not acted upon with reasonable promptness and to any applicant or recipient who is aggrieved by any Agency action.

To be considered by the Agency, a request for a hearing must be a clear expression in writing by the appellant or his/her representative to the effect that (s)he wants the opportunity to present his/her case to higher authority. The freedom to make such a request will not be limited or interfered with in any way and the Division will assist the appellant in submitting and processing his/her request. A hearing need not be granted when either State or Federal law requires automatic grant adjustments for classes of recipients, unless the reason for an individual appeal is incorrect grant computation.

## **WORK**

### **Goals for Work**

Delaware's TANF program is based on the belief that assistance provided is transitional and should not become a way of life. The State maintains that the way for persons to avoid dependency on welfare is for them to find and maintain employment. Thus the primary goal of TANF is to help recipients find private sector work and to help them keep such work by providing them with necessary supports.

To assist families in obtaining and maintaining employment, the State will engage the efforts of the Departments of Health and Social Services, Labor and Economic Development and Delaware's private sector to provide job readiness and placement opportunities, health and child care, the EITC, and family services. In turn, TANF recipients who have the capacity to work will be required to accept work, to keep their

children in school, to cooperate with child support, to bear the costs of additional children they conceive while on welfare, and to leave the welfare rolls after a defined time period.

### **State Agencies Involved**

Delaware Health and Social Services, Labor, and Economic Development have a unique partnership. All three agencies are responsible for moving welfare clients to work. These three agencies have collaborated in developing Delaware's TANF program, in public information, in implementation, and continue to collaborate in managing the initiative.

The Delaware Transit Corporation (DTC) in the Department of Transportation has joined the TANF collaborative team, and has assisted to develop a statewide transportation system plan for TANF, using vans and other vehicle sources.

In May 2001, the Business Planning Committee, a subcommittee of the TANF collaborative team that deals with transportation initiatives, sponsored a transportation forum in each of the three counties. The purpose of the forums was to bring together businessmen, community leaders and other stake holders to develop and advance innovative, non-traditional solutions to varying transportation problems faced by each county.

Transportation forum highlights were a panel discussion by the lead agencies that shared some "points of pride" in the program and gaps and needs in transportation, Best Practices Ideas and Transportation Information, Employer Recognition of Innovative Success Solutions and brain-storming sessions to identify transportation issues and to gather ideas for further development. Each forum was designed to highlight transportation problems that were county specific. Sussex County Government, represented by the Sussex County Administrator, was particularly effective in explaining the population growth, the economic growth and the problems created by their largely rural area.

As a result of the forums, the Business Planning Committee has been able to identify some cross-cutting themes statewide as well as county specific. They have also been able to identify ideas that need further development and which will be used as the Committee continues to find innovative solutions to transportation problems. One over-riding theme from the forums was the lack of knowledge of the current transportation options available. This has led to the production of a transportation video which highlights all the options available to assist individuals as they move from dependency to self-sufficiency.

Another special partnership is that between the Division of Social Services and the Division of Child Support Enforcement. Both agencies are part of Delaware Health and Social Services. This close linkage has enabled them to partner throughout TANF development and implementation.

### **Involvement of Community, Education, Business, Religious, Local Government and Non-Profit Organizations to Provide Work**

As noted in the discussion on page 2, every sector has been actively involved in the development of Delaware's TANF program and continues to be involved.

A TANF Employer Committee, consisting of representatives of both the public and private sector, assists in placing welfare recipients in unsubsidized jobs and provides advice on direction, policy, and implementation of welfare-to-work efforts. This committee was established through HB 251. A major accomplishment of the Employer Committee in conjunction with DEDO and the Department of Education was the development of a program, Career Soft Skills Essentials for employers, which is now posted on the internet at [www.delawareworkforce.com](http://www.delawareworkforce.com). The committee regularly advises the collaborative team about TANF employment issues.

To further promote employer interest in hiring TANF recipients, the Departments of Labor and Economic Development meet with members of the business community at regularly scheduled events like monthly Chamber of Commerce meetings as well as at special events. For example, to roll out Career Soft Skills Essentials, DEDO hosted two conferences to link employers with trainers.

The Social Services Advisory Council is established by executive order. The Governor appoints council members to advise the directors of both the Division of Social Services and the Division of Child Support Enforcement on matters related to public assistance and child support services. Council members represent the community, advocates, non-profit providers, educators, and interested citizens.

DSS and DCSE management regularly meet with the Social Services Advisory Council to discuss TANF and other Social Services and Child Support programs.

Client specific focus groups were also conducted by the Director of DSS in 2000 and 2001. The 2000 focus groups, held in different locations throughout the state from May through November, asked recipients a series of questions about the TANF program, to ascertain their knowledge of various program requirements, and their experiences obtaining assistance from DSS workers and contractors. The 2001 client focus groups were held from June through October. They asked a series of questions about client work and sanction experiences, and ascertained information about specific services that had been of assistance and obstacles that clients had to overcome to obtain and retain employment.

Based on these focus groups, there seemed to be a solid majority opinion that people understood the rules, that sanctions are appropriate, and that some people do need a push to get motivated to get back into the job market. However, clients did wish for more flexibility for individual circumstances, and requested more assistance with transportation and in juggling schedules so that program requirements could be met.

Special interest groups such as One Church, One Family and New Pathways have chosen to focus their resources on welfare families and provided mentoring support to welfare families.

## **Role of Public and Private Contractors in Delivery of Services**

Delaware has contracted with private for-profit and non-profit providers and the local community college network to provide job readiness, job placement and retention services to welfare clients since 1986. These contractual arrangements continue under TANF. Contractors include community and faith-based social services agencies and organizations offering specialized services.

A number of community providers across the state provide academic remediation to TANF recipients.

## **Who Must Participate**

All adult caretakers and other adults in the time-limited assistance unit who are not exempt must participate in TANF employment and training related activities. The three exemptions are: 1) a single custodial parent caring for a child under 12 months of age; 2) an individual determined unemployable by a health care professional; and 3) a parent caring for a disabled family member.

Teen parents are required to attend elementary, secondary, post-secondary, vocational, or training school, participate in a GED program or work. Delaware will use state MOE funds for benefits we provide to unmarried non-graduate teen parents who are working, rather than in an educational or training activity.

## **Services to Move Families to Work**

Delaware's goal is to place the adult recipient in unsubsidized employment as quickly as possible. To accomplish this goal, the current menu of potential services includes all the federally acceptable categories of work activities, as shown below. In addition, Delaware offers ongoing case management, work retention, and job enhancement services provided by our EC and KAJ contractors:

- Unsubsidized employment
- Subsidized private sector employment
- Subsidized public sector employment
- On-the-job training
- Job search and job readiness assistance
- Work experience
- Community service programs
- Vocational educational training not to exceed 12 months
- Child care for an individual participating in a community service program
- Job Skills training directly related to employment
- Education directly related to employment for recipients who have not completed secondary school or received a GED
- Satisfactory attendance at secondary school or in a GED program for recipients who have not completed secondary school or received a GED.

Non-exempt TANF participants will participate in the job search program, consisting of job readiness classes and supervised job search activity. Unsuccessful job search participants can be placed in another job search sequence or another work-related activity such as work experience, community service, OJT, remediation or a skills training program.

Clients must keep appointments with Employment and Training staff, cooperate in the development of the employment activities included in their Contract of Mutual Responsibility and ISS, and participate in employment and training activities. Individuals who are not in compliance with any of the above client responsibilities will be subject to sanctions as described in "Sanctions: Failure to Comply with the Contract and Imposition of Sanctions" described in a subsequent section of the State Plan.

The State implemented a new Employment and Training Management Information System (ETMIS) July 2005 that was incorporated into the existing Delaware Client Information System (DCIS). This new ETMIS can track referrals, hours of participation, and sanctions. The ETMIS provides greater accountability and tracking of participants to ensure the highest possible work participation rates. While an excellent management evaluation tool, it will also provide Delaware with the ability to determine where changes need to be made to ensure the success of the individuals in meeting program goals.

### **Work**

For families with work mandatory individuals, participation in either employment or other activities related to finding work for at least 30 hours a week for two consecutive weeks is a condition of eligibility for TANF benefits. Once this condition and other eligibility requirements are met, benefits are retroactive to the first day of the two-week up-front participation period.

Job search continues for another two weeks for individuals who do not find unsubsidized employment of at least 30 hours in the first two week period. Individuals who do not find employment within the first four weeks of job search are assigned to Work for Your Welfare (WFYW), Delaware's work experience program, and/or to other federally acceptable activities.

Single parent households who are participating in work experience are required to participate in Work for Your Welfare up to 30 hours per week, determined by dividing TANF and Food Stamp benefits by the Delaware minimum wage. If the hours determined by dividing the grants by the minimum wage exceed 30 hours per week, participants are to complete no more than 30 hours maximum participation hours. If the maximum allowable hours are less than 30 hours per week, participants are to complete the FLSA allowed number of work experience hours, but, must make up the difference needed to meet the 30 hour participation requirement with other countable activities.

Two-parent families assigned to work experience must participate in Work for Your Welfare up to 35 hours per week, or 55 hours per week if federal child care is provided,

determined by dividing TANF and Food Stamp benefits by the Delaware minimum wage. If the hours determined by dividing the grants by the minimum wage exceed 35/55 hours per week, participants are to complete no more than 35/55 maximum participation hours. If the maximum allowable hours are less than 35/55 hours per week, participants are to complete the FLSA allowed number of work experience hours, but, must make up the difference needed to meet the 35/55 hour participation requirement with other countable activities.

Delaware's work requirements mean that, to receive Time-Limited TANF benefits in Delaware, both one-parent and solely state funded two-parent families must either be employed or immediately participate in federally counted work activities. Delaware's requirement for immediate work activities exceeds the federal TANF mandate

An individual in a one-parent household enrolled in the TANF Time-Limited Program who, in accordance with the requirements in their Contract of Mutual Responsibility and ISS, participates in unsubsidized employment of at least thirty hours per week is not required to participate in other work-related activities. Two-parent families who, in accordance with the requirements in their Contract of Mutual Responsibility and ISS, participate in unsubsidized employment of at least thirty-five hours per week, or fifty-five hours per week if federally funded child care is provided, are not required to participate in other work-related activities.

Individuals participating full-time in educational activities, based on the standards established by the institution, must participate in additional work-related activities, to equal twenty (20) actual participation hours. TANF Contracts of Mutual Responsibility are designed to fit individual circumstances. Based on State law, it is possible for an individual enrolled in the TANF Time-Limited Program who is engaged in at least twenty (20) hours of combined work and allowable education activities to meet Delaware's work requirements, if their Contract of Mutual Responsibility and ISS contains such an activity agreement. However, since most educational institutions expect one and one-half hours of homework for each credit hour taken, an individual with 12 credit hours and 8 work activity hours will have 20 hours of core activities and 18 hours of supervised homework hours, well over the 30 hours needed for full federally required participation.

Recognizing that Delaware's hourly requirements for participation in work and work-related activities are broader than those prescribed by the current TANF legislation, we are prepared to provide some benefits utilizing a solely state funded (SSF) program if this later becomes necessary in order to continue to meet TANF work participation requirements.

Time limits for Delaware's Time-Limited TANF Program are described in the section entitled, TANF Benefits to Needy Families: Time Limits.

### **Protecting Current Workers from Displacement**

Regarding the Work for Your Welfare program, DSS conforms to Section (a)(5) of the Federal Unemployment Tax Act which requires that a job offered cannot be available as a result of a strike or labor dispute, that the job cannot require the employee to join or prohibit the employee from joining a labor organization, and that program participants are not used to displace regular workers.

In addition DSS ensures that no participants, including but not limited to those placed in a Work for Your Welfare work experience placement, displace regular paid employees of any of the organizations providing the work experience placement. Such assurance complies with State law contained in 31 Delaware Code, Chapter 9, Section 905(b). This assurance also complies with Section 407(f) of TANF, which requires that DSS will not use federal funds under TANF to place individuals in a work activity when:

- any individual is on a layoff from the same or a substantially equivalent job;
- the employer has terminated any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy created with an adult receiving TANF benefits.

In addition, DSS has established a grievance procedure, in conformance with Section 407(f)(3) of TANF, for resolving complaints for any alleged violation of nondisplacement requirements. Employees or their representatives who believe that their jobs are being displaced or infringed upon shall present their complaint to the employment contractor with authority over the placement. If the contractor is unable to resolve the problem within 15 days, the employee or representative may file a formal grievance in writing to the DSS Director's Office, who will hear a formal grievance. The employee will have an opportunity to: present his/her grievance on the record; present evidence; bring witnesses and cross examine witnesses; be represented by counsel; and receive a written decision.

Grievance hearings will be scheduled within 30 calendar days of receipt of the formal grievance, and a written decision will be issued within 30 days of the hearing. If either party is dissatisfied with the State's written decision, they may appeal the decision to the U.S. Department of Labor within 20 days of receipt of the written decision. The procedures for appeal, which must be sent to the Office of Administrative Law Judges, in the U.S. Department of Labor, will be provided in writing with the decision.

### **Supportive Services**

Delaware recognizes the importance of available child care in helping recipients participate in work-related activities, and securing and retaining unsubsidized employment. To that end, the financial resources provided for child care have been significantly increased from the FY95 child care funding level to the current request for funding.

Supportive Services, such as child care, and TANF provided assistance with other work-related expenses, such as eye examinations and corrective lenses, dental, and physicals

not covered by Medicaid, transportation, fees, training, and work-related equipment, uniforms, shoes, and supplies will be available where possible. Services are provided by voucher or directly. In addition, TANF will, on a case by case basis, pay fees to purchase certificates, licenses, or testing needed to obtain employment. Medical services are not part of these supportive services. DSS will determine when such services are necessary for a TANF recipient to participate. The services shall include:

- Support provided by contractors to retain employment for one (1) year
- Health care for Delaware citizens through:
  - providing Medicaid coverage to uninsured adults with income at or below 100 percent of the federal poverty level
  - providing medical coverage for uninsured children in families with income up to 200% of the federal poverty level, through the Delaware Healthy Children program
  - providing transitional Medicaid via 1931d program effective October 1, 2002, for two years for families with children who exit welfare, at incomes up to 185% of poverty.
- Subsidized child care for families who leave TANF to go to work for a period of two years, as long as family income remains below 200 percent of the federal poverty level.
- In addition, to help individuals retain unsubsidized employment beyond two (2) years, Delaware also provides subsidized child-care to other low income working families until the family's income exceeds 200 percent of the federal poverty level.
- Job search programs and other assistance from the Department of Labor to find a job; and
- Ongoing job retention assistance.

### **Additional Targeted Support**

#### **Family Development Profile**

The Family Development Profile is used by Delaware to identify possible social, familial, and emotional barriers to self-sufficiency, insofar as they impact an individual's ability to obtain and retain employment. Participants who complete the Profile answer questions about their self-esteem and health, and relationships with family members and other individuals. The Profile includes the capacity to identify mental health problems.

DSS workers report that the Profile frequently surfaces major domestic issues which participants need to resolve. By utilizing the Profile, workers are able to refer participants for assistance in resolving domestic violence and other abuse situations. Further efforts to assist individuals to resolve domestic violence and other abuse situations are described in a later section: Parental Responsibility: Addressing Problems of Statutory Rape and Domestic Violence.

## Substance Abuse

As part of the application and redetermination processes, workers ask clients a series of questions, called the CAGE questions, to identify substance abusers for referral to appropriate services. Through the Bridge Program and referrals to the Division of Substance Abuse and Mental Health (DSAMH), Delaware's TANF program offers assessment and non-medical treatment services for all substance abusers identified through this and other methods. DSAMH and the Division of Medicaid & Medical Assistance (DMMA) will ensure that if medical treatment services are needed they are paid from other than TANF funds.

## Supporting Teens

Delaware is targeting youth by providing special services. Through the Department of Education, Delaware provides a family literacy program which includes parenting skills training and other services to teen parents and their children to prevent repeat pregnancies.

Beginning with FY 1999 funds were allocated for Delaware's Teen Pregnancy Prevention Initiative, Teen Hope, to support activities for at-risk teens in six School Based Health Centers (SBHCs) and one community site. The program, utilizing the Transtheoretical Behavior Change Model, helps youth develop skills to make better sexual and health related decisions. Initial programs have been very successful. In addition, wellness centers located in 27 high schools provide medical, health and counseling services to high school students.

Several other initiatives are being operated. The AmeriCorp Grant partnership grant with DHSS as lead was awarded in 1999. Under this grant, Planned Parenthood is managing an effort to have AmeriCorp members provide a responsible adult presence and a structured environment for youth to learn, as a strategy to prevent teen pregnancy, in the lives of at-risk teens in selected target areas. The Abstinence Education Grant currently provides mini-grants to agencies providing skills building community programs for teens.

Delaware has undertaken, through an Alliance on Adolescent Pregnancy Prevention (AAPP), a grassroots community and media outreach campaign to convince teenagers to postpone sexual activity and to avoid becoming or making someone else pregnant. AAPP works directly with parents in this initiative to improve communication between parents and children around sexuality and pregnancy prevention. In addition, AAPP provides preventive education and distributes information on preventing teen pregnancy, utilizing a number of kinds of interventions. For example, two full-time community educators visit schools, community centers, churches, and camps; and provide workshops/training to parents and children around sexuality and teen pregnancy prevention. AAPP also maintains a resource center for the community and lends or gives away brochures, videos, curriculum, posters, books, and other communications about teen pregnancy prevention and sexuality.

The Wise Guys initiative is an adolescent male responsibility program that uses an established Wise Guys curriculum over a ten-week period. The program, operating in six high school based health centers, promotes character development and prevention of adolescent pregnancy by teaching young males self-responsibility in several areas.

Delaware's teen pregnancy prevention campaign also uses billboards to convey the message, and statewide conferences to provide assistance implementing prevention activities.

Delaware's TANF program provides a positive incentive to teenagers to graduate high school by age 19 by awarding a one-time \$50 bonus. Additionally, TANF requires teenage mothers currently on welfare to live with their parent(s) or a responsible adult, stay in school, immunize their children and participate in parenting education.

Services to teens are also discussed in the Section entitled Parental Responsibility: Efforts to Reduce Out-Of-Wedlock Births.

### Early Childhood Intervention

The Delaware Department of Education is the Lead Agency for the state funded Early Childhood Assistance Program (ECAP). ECAPs are designed on the Federal Head Start model. All programs follow Head Start Performance Standards as the foundation for developing their program's systems and services. ECAP services are comprehensive and include: developmentally appropriate early childhood education, health and nutritional services, parent involvement, family partnerships/services, transportation, services for children with special needs, and transition services.

There are ECAP programs located throughout the state, with multiple grantees in each county. Grantees include Federal Head Start programs, school districts, community early care and education organizations, and a for-profit early care and education program. Services are typically provided following the local school calendars, with some programs operating through the summer. Most of the ECAPs provide full-day or wrap-around services to enrolled children. These programs collaborate with CCDF funded subsidized child care or use their own CCDF funds to provide this service to children and their families.

### Non-Citizen Households

Families that include legal documented aliens participate in Delaware's TANF program. While these qualified aliens do not receive federal funded assistance, Delaware supports these families in attaining self-sufficiency thus enabling the family to no longer require assistance. Delaware provides State funded medical assistance for these families as well as employment and training assistance. These interventions, in addition to supporting self-sufficiency, have additionally been found to reduce the likelihood of out of wedlock and teen pregnancies.

### Low Income Households

Starting in 2006 an individual who is a resident of Delaware shall be entitled to a nonrefundable credit against the individual's State personal income tax due. The credit will not exceed 20% of the corresponding federal earned income credit allowed pursuant to § 32 or successor provision of the Internal Revenue Code [26 U.S.C. § 32].

### **Delivery of Services Across State**

Delivery of services will be consistent across the State.

## **TANF BENEFITS TO NEEDY FAMILIES**

### **Computing the Benefit**

Eligibility will be determined prospectively. After establishing eligibility, benefits will be computed prospectively. Income per time period will be converted to a monthly income figure by utilizing the following conversion factors:

- Weekly - 4.33
- Bi-weekly - 2.16
- Semi-monthly - 2.00

Example: Given a weekly income of \$85, multiply by 4.33 to arrive at a monthly income of \$368.05.

The benefit amount will be determined by using prospective budgeting and the best estimate of earned and unearned income for the assistance unit. The payment will not be changed until the next eligibility determination, unless the recipient reports a change that would result in an increase in the benefit or there is a significant change in circumstances as defined below.

A significant change is defined as any of the following:

- change in household size;
- new source of employment;
- loss of unsubsidized employment or a change in employment status from full time to part time which was beyond the recipient's control;
- an increase of forty (40) hours or more in unsubsidized employment per month;
- receipt of a new source of unearned income; or
- increases or decreases in existing sources of unearned income totaling \$50.00 or more per month.

The recipient needs to verify all changes in circumstances.

**EXAMPLE:**

An applicant applies in May. The applicant is employed. The applicant is working 20 hours per week and earns \$5.65 per hour. The best estimate of wages is calculated by multiplying 20 hours times \$5.65 (\$113.00 per week), then multiplying the weekly figure by 4.33 to determine the monthly income of \$485.90.

**Redeterminations**

At least one redetermination is required every twelve (12) months. TANF emphasizes work and work related activity. Mandating face-to-face redeterminations might undermine that goal. Therefore, mail-in redeterminations, with a telephone interview are used as an option to encourage recipients to continue participating in employment and training activities or to keep working.

When a redetermination is due, the recipient must complete a new DSS application form or a DSS renewal form. The redetermination could be completing a paper form or participating in an automated interactive interview. A redetermination is complete when all eligibility factors are examined and a decision regarding continuing eligibility is reached.

The assistance case will be closed if a recipient fails, without good cause, to complete the redetermination review. Likewise, the assistance case of a recipient who fails, without good cause, to provide requested information necessary to establish continued eligibility will be closed.

As part of the verification process for continuing eligibility, the person will provide verification that (s)he has carried out the elements of the individual Contract of Mutual Responsibility.

**Time Limits**

Under TANF, cash benefits are time-limited for households headed by employable adults age 18 or older who are included in the grant. Prior to January 1, 2000, Delaware limited receipt of TANF, for families in the Time-Limited Program, to twenty-four (24) cumulative months. During the time-limited period, employable adults received full benefits if they met the requirements of their Contract of Mutual Responsibility, including employment-related activities.

After the first 24 month cumulative period ended, families headed by employable adults could continue to receive cash benefits for an additional 24 cumulative months only as long as the adults participated in a Work for Your Welfare work experience program or

they were working and family income was below the need standard of 75 percent of the Federal Poverty Level.

Effective January 1, 2000 the time limit for receipt of TANF cash benefits is thirty-six (36) cumulative months.

During the time-limited period, employable adult recipients receive full cash benefits only as long as they meet the requirements of their Contract of Mutual Responsibility, including participation in employment-related activities as shown in their ISS. The ultimate goal of this time-limited period is to support the employable adult's search for, and placement in, an unsubsidized job. Time limits will not apply when Delaware's unemployment rate substantially exceeds the national average or is greater than 7.5 percent.

Individuals found eligible for TANF prior to January 1, 2000 will still have a forty-eight (48) month time limit even if they reapply for benefits on or after January 1, 2000.

DSS will track the time remaining before a family's time limits expire and notify families on a quarterly basis of the time they have remaining before the time limits expire. At least two (2) months prior to the end of the 36 or 48 cumulative months in which a family has received assistance, DSS will remind the family that assistance will end and notify the family of the right to apply for an extension.

Extensions will be provided only to those families who can demonstrate that:

- the agency substantially failed to provide the services specified in the individual's Contract of Mutual Responsibility; the related extension will correspond to the time period for which services were not provided; or
- despite their best efforts to find and keep employment, no suitable unsubsidized employment was available in the local economy to the employable adult caretaker; the maximum extension under such circumstances will be 12 months.

Extensions may also be granted where other unique circumstances exist. Extensions will not be granted if the adult caretaker received and rejected offers of employment, quit a job without good cause, or was fired for cause or if the adult caretaker did not make a good faith effort to comply with the terms of the Contract of Mutual Responsibility and their ISS.

Retroactively, starting October 1, 1995, Delaware exempted months in which a person worked twenty hours or more per week from counting toward the Delaware lifetime time limit when the countable income of the family is below the need standard. Beginning in May 2005, Delaware exempted months in which a person worked twenty-five hours a week or more from counting toward the Delaware lifetime time limit when the countable income of the family is below the need standard. So that families who have not reached the State's 36/48 month time limit won't reach the Federal 60 month time limit, benefits for these families were provided under a segregated program using State MOE funding,

beginning October 1, 1999. Effective November 1, 2006, Delaware will only exempt months in which a single-parent family worked at least 30 hours a week from counting toward the Delaware lifetime time limit when the countable income of the family is below the need standard. Effective the same date, Delaware will only exempt months in which a two-parent family worked at least 35 hours a week, or 55 hours a week if federally funded child care is provided, from counting toward the Delaware lifetime time limit when the countable income of the family is below the need standard.

However, unless, as shown above, they are able to meet federal participation requirements because of the addition of supervised homework hours, both the federal and Delaware time clocks continue to run for individuals who meet their work participation requirements by participating in a combination of employment and education for at least twenty (20) hours a week; and for individuals who meet their work participation requirements by participating in education for at least twenty (20) hours a week.

After the time limit has been reached, benefits will be provided to families that have been granted an extension only for a maximum period of 12 months and only in the Work for Your Welfare component. Thus, for Time-Limited families, unless the caretaker is employed at least 30 hours per week, the maximum period for receipt of benefits to families enrolled in the Time-Limited TANF Program will be 60 cumulative months for families with a cumulative time limit and 48 months for families with a 36 month time limit. Delaware will comply with federal regulations regarding families receiving assistance in excess of 60 months of TANF paid through the federal TANF block grant.

#### Sanctions: Failure to Comply with the Contract and the Imposition of Sanctions

The Contract of Mutual Responsibility encompasses three broad categories of requirements: 1) enhanced family functioning; 2) self-sufficiency; and 3) teen responsibility requirements. In addition, caretakers required to participate in work activities receive an ISS from their EC and/or KAJ contractor showing required self-sufficiency activities.

1. Enhanced family functioning requirements of the CMR include, but are not limited to, acquiring family planning information and attending parenting education sessions, ensuring that children are immunized, and participating in substance abuse assessment and treatment. Sanction for non-compliance with these requirements is an initial \$50 which will increase by \$50 every month until there is compliance with the requirement. The initial \$50 reduction will be imposed whether the family fails to comply with one, or more than one requirement. Clients will have to comply with all requirements before the sanction can end.
2. Self-sufficiency requirements of the Contract of Mutual Responsibility are employment and training, work-related activities, and ensuring school attendance requirements for dependent children under age 16.
  - 2.1. The sanction for non-compliance with work-related activity requirements is, subject to adequate and timely notice, closure of the case due to imposition of an immediate full-family sanction

- 2.2. Recipients whose cases have been closed for failure to participate, must participate in work related activities for four consecutive weeks at appropriate hours per week for their case to be re-opened. Payments are not retroactive.
- 2.3. For the purpose of determining that the individual's failure to comply has ended, the individual must participate in the activity to which (s)he was previously assigned, or an activity designed by the Employment and Training provider to lead to full participation, for a period of four weeks before ending the sanction.
- 2.4. The penalty for individuals who quit their jobs without good cause and do not comply with subsequent job search requirements will be the closure of the TANF case for one month or until the individual obtains a job of equal or higher pay. If the individual participates for the required amount of hours in approved work related activities for four consecutive weeks the case can be reopened
- 2.5. For dependent children under the age of 16 if the teen does not maintain satisfactory attendance and the parent fails to work with the school, an initial \$50 sanction will be imposed. The sanction will increase by \$50 every month until there is compliance. For dependent children under age 16, including teen parents, the sanction will not be imposed if the parent of the teen is working with school officials or other agencies to remediate the situation.
3. Teen responsibility requirements include maintaining satisfactory school attendance, or participation in alternative activities such as training or employment, for dependent children 16 years of age and older. The sanction for non-compliance with these requirements is to remove the needs of the teen from the TANF benefit. Complying with the requirements ends the sanction.

Failing to comply with both the enhanced family functioning and self-sufficiency requirements will result in combined penalties. For example, both a \$50 reduction and a full family sanction could be assessed for failures to comply in two areas. Demonstrated compliance will not excuse penalties for the period of noncompliance. Sanctions will be imposed for the full period of noncompliance.

### **Benefit Delivery: Direct Payments and Vouchers**

Currently, Delaware uses check issuance as the payment method for TANF.

Delaware directly pays for center-based child care authorized for TANF participants, where the center agrees to accept the Delaware child care reimbursement rate. Some caretakers, however, receive vouchers to self-arrange and pay for their child care. Delaware will reimburse these caretakers, up to the rates published in the Child Care and Development Fund (CCDF) plan, for the cost of child care provided by licensed and license-exempt child care providers.

### **STAFF TRAINING**

TANF training has been incorporated into the Cash Grant training which is required for all new financial services staff. Case Management training has now been incorporated into Interviewing and Coaching training which is required for all new staff.

## **PARENTAL RESPONSIBILITY**

Adults and minor parent(s) are required to comply with parenting expectations outlined in the Contract of Mutual Responsibility.

### **Cooperation with Child Support Enforcement**

Participants in TANF must cooperate with the Division of Child Support Enforcement as a condition of eligibility. In addition, all families are required to provide sufficient information to permit Delaware to obtain child support on behalf of the family. Exceptions can be made when the caretaker demonstrates that pursuit of child support would create a danger to the caretaker or the child(ren). It is the responsibility of the client to provide documentation to verify such a good cause claim.

Failure of a caretaker, without good cause, to cooperate with and provide information to the DCSE to permit the State to pursue the collection of child support on behalf of dependent children will result in a full family sanction, until compliance. Applicants who fail to provide information so that Delaware may pursue child support collections will be denied or closed. To cure the child support sanction, the caretaker will provide sufficient information to permit Delaware to pursue child support collections on behalf of the needy children in the family.

When a child lives with both the natural father and the mother but paternity has not been legally established, the parents will be referred to the Division of Child Support Enforcement (DCSE) for a voluntary acknowledgment of paternity.

When a child lives with the natural father but paternity has not been legally established, the father will complete a declaration of natural relationship document and will provide acceptable verification of relationship.

When a child lives with a relative of the natural father but paternity has not been legally established, the relative must complete a declaration of natural relationship document and provide acceptable verification of relationship.

In Delaware, DCSE determines non-cooperation with child support requirements. In addition, effective January 1, 1999 DCSE began making the determination of good faith efforts to comply.

### **Distribution of Child Support Collections to TANF Recipients**

Delaware, a fill-the-gap state in 1975, uses fill-the-gap to make sure that families do not experience a net loss of income due to the State retaining Child Support paid by absent parents. A portion of Child Support payments is not counted in calculating the grant.

## **Efforts to Reduce Out-of-Wedlock Births**

Delaware believes that the number of out-of-wedlock births to teens must be reduced significantly to eliminate poverty and dependency. A study by Doble Research Associates commissioned by the Governor's Family Council, in June, 1998, concluded that Delaware's efforts to reduce teen pregnancy, including establishing more after-school programs, strongly enforcing child-support enforcement and the Sexual Predator Act, and making teen mothers ineligible for cash assistance, are solidly supported by public opinion. We are undertaking a number of statewide initiatives to reduce adolescent pregnancy. Many of these initiatives are being coordinated through the activities of the Alliance for Adolescent Pregnancy Prevention (AAPP). Ventures include the provision of adolescent health services through school-based health centers and improving teen utilization of our family planning centers.

The AAPP is a statewide public and private partnership charged with the development and implementation of a comprehensive plan to prevent adolescent pregnancy in Delaware. The organizational structure of the Alliance includes a 12 member advisory board appointed by the Governor and a statewide membership of over 200 schools, agencies, organizations, churches, and individuals concerned with teen pregnancy. Staff and program support for the Alliance is provided through a contract from the Division of Public Health (DPH) to Christiana Care.

Since its inception, the AAPP has awarded mini-grants to non-profit youth organizations to provide community based teen pregnancy programs; implemented a statewide media campaign to increase community awareness; and worked with existing coalitions to establish teen pregnancy prevention programs. AAPP plans and activities include:

- statewide leadership to develop a visible, viable structure for mobilizing resources needed to impact the problem;
- data development to develop a methodology to monitor rates in real time;
- public relations efforts to increase community awareness and involvement; and
- identifying barriers to teen utilization of family planning services and developing solutions.

The Division of Public Health has the lead responsibility in Delaware to implement initiatives to reduce teen pregnancy. Using the strategies and recommendations presented by AAPP, DPH activities include school based health centers, family planning clinics, parenting education, and the peer leadership program. The "teen friendly" services provided at Department of Public Health Units located at State Service Centers have resulted in a significant increase in use. In addition, all clients seen in Sexually Transmitted Disease Clinic sites receive counseling on family planning, as well as pregnancy prevention supplies.

Based on a report by Adolescent Health Survey Research (AHSR), which used a survey and focus groups with youth and their parents conducted early in 1999 to identify top strategies in pregnancy prevention, Delaware implemented a number of initiatives to prevent subsequent births, including:

- Smart Start, an enhanced prenatal program that attempts to decrease low birth weight babies, infant mortality, and maternal mortality, through social service, nutritional, and nursing support to at-risk pregnant women;
- Placing information on our combined Food Stamp/cash assistance/MA applications for the following telephone numbers: Planned Parenthood, AAPP and Delaware Helpline, to obtain information on pregnancy prevention/family planning.

In addition, family planning and reproductive health services are provided to adults in eight public health locations in Delaware; and similar services are provided to adults by Planned Parenthood of Delaware in five locations in the state. Minority populations are targeted through family planning and reproductive health services available at three Federally Qualified Health Centers in Delaware; and family planning and reproductive health services are available to Delaware State University students through the DSU health center.

These Delaware initiatives to reduce out-of-wedlock births are complemented and strengthened by the policies of TANF which:

- Require adults and minor parent(s) to obtain family planning information from the provider of their choice;
- Provide for a fiscal sanction of an initial \$50 reduction in benefits for failure, without good cause, to obtain family planning information. This reduction will increase each month by \$50.00, either until there is compliance or the case is closed. The sanction will end when the adult and/or minor parent(s) obtains the family planning information at the provider of their choice;
- Eliminate benefit increases for children conceived while a caretaker is receiving TANF, and apply this family cap to children who are the firstborn of minors included in a TANF grant where the children are born after March 1, 1997; and
- Treat two parent families the same as single parent families.

The goals for the Division of Public Health teen pregnancy prevention are mirrored in the 'Responsible Sexual Behavior' section of the Healthy Delaware 2010 guidebook. They include:

- a. By 2010, increase the proportion of teens who abstain from sexual intercourse or use condoms if currently sexually active from 79% to 85%.
- b. By 2004, implement an evidence-based media campaign to promote responsible sexual behavior
- c. By 2010, maintain the proportion of youth that report remaining abstinent before age 13 at 90%

- d. By 2005, reduce the birth rate for teenagers aged 15 through 17 from 39.2 to 33.3 per 1,000.

Goals a. and c. are measured through the Youth Risk Behavior Survey administered every two years by the Department of Education. Goal b. has been satisfied by the implementation of an ongoing teen pregnancy prevention media campaign managed by the Alliance for Adolescent Pregnancy Prevention through Christiana Health Care under contract by DPH. Goal d. is measured by the Delaware Health Statistics Center.

DSS will see that TANF families receive education about the benefits of marriage and planning to have children when they can be best supported by both parents within the financial management component of their training. Our goal is to reduce the out of wedlock birth rate by 1% each year beginning with FFY 2004.

### **Initiatives to Promote Two-Parent Families**

To provide broad-based support for working families, Delaware was one of the first States to recognize that the special eligibility requirements that applied to two-parent families contributed both to the non-formation and the break up of two-parent households. The six-quarter work history requirement was particularly responsible for non-marriage of teen parents, who had not yet worked enough to meet this qualification. The denial of benefits to two-parent families if one of the parents was working at least 100 hours a month also contributed to the low work rate of two-parent families which that were receiving AFDC.

When Delaware eliminated these special deprivation requirements as part of our welfare reform waiver, the numbers of two-parent families receiving TANF soared, and we believe that, without the TANF change, many of these households would have applied for and been found eligible for benefits as single mother families. These never formed two-parent households would have had profound effects on the ability of the family to exit welfare and on the future success of the children. We have found that the average length of stay on TANF is much lower for two-parent families, reflecting the greater incidence of retained employment when two adults are able to engage in work and share child care duties.

Delaware has always allowed taxpayers to file separately and applied the progressive rate structure to each spouse's income separately, which avoided most tax increases resulting from marriage. However, a marriage penalty could still result from uneven standard deduction amounts. By increasing the standard deduction amount for married taxpayers to exactly twice the single standard deduction beginning January 1, 2000, enactment of HB 411 has effectively eliminated the income tax "marriage penalty" in the State of Delaware.

### **Addressing Problems of Statutory Rape and Domestic Violence**

#### **Statutory Rape**

The Sexual Predator Act of 1996 imposes more severe criminal sanctions on adult males who are significantly older than their victims and holds them financially accountable

when children are born as a result of violations of this law.

The legislation requires a cooperative agreement as part of a multi-faceted effort to combat teenage pregnancy and reform welfare. Specifically, the law requires the Attorney General's Office, the Department of Health and Social Services, the Department of Services to Children Youth and Their Families, the Department of Public Instruction and law enforcement agencies statewide to establish a cooperative agreement specifying the various roles of the agencies involved. The Memorandum of Understanding establishing the cooperative agreement, executed on December 10, 1996, and SB 346 are provided as Attachment B.

### Victims of Domestic Violence

As required under the optional Certification of Standards and Procedures to Ensure that a State Will Screen for and Identify Domestic Violence, DSS will refer identified victims of domestic violence to appropriate services such as shelters and counseling and to Family Court. Under the Protection from Abuse Act (PFA), 10 Delaware Code, Chapter 9, Sections 1041-1048 (Attachment C), Family Court has the power and authority to expeditiously adjudicate all matters related to domestic violence including court ordered restraints, custody, property and financial resources.

Through this strong domestic violence Law, Delaware is clearly committed to assisting victims of domestic violence to overcome circumstances which put them in physical, emotional and/or financial jeopardy; and to assist them in seeking redress and a safe environment for themselves and their families. The Law is a strong deterrent to domestic violence, according to a study by the National Center for State Courts, released on December 2, 1996. The study reported that 86 percent of those who sought protection under the Law, which permits individuals in danger of serious physical abuse to obtain a protection order, were no longer being physically abused.

In addition, using our Family Development Profile, caseworkers ask a series of screening questions designed to identify victims of domestic violence. (See Attachment D) So that we are certain that workers can use this tool to effectively identify domestic violence issues, beginning 1998 all staff members at each of Delaware's 17 field sites receive a full day of Domestic Violence Training, focused on the impact of domestic violence on clients and their ability to abide by the conditions of the Contract of Mutual Responsibility. As part of this training, staff learn how to recognize and assist women who are victims of domestic violence. DSS has continued this training on an ongoing basis and now provides the training not only to field staff but to all staff.

We believe that our methodology of resolving domestic violence situations as quickly as possible, as provided for under a strong statute, is the most appropriate and best course of action to assist current victims and to prevent future violence where possible.

Delaware certifies that the Family Development Profile establishes a procedure that screens for domestic violence and that, pursuant to a determination of good cause, program requirements may be waived if it is determined that compliance would make it more difficult for individuals to escape violence. However, decisions to waive compliance with TANF requirements will be made on an individual, case by case basis, and will not endorse an individual's failure to behave proactively to ameliorate destructive domestic violence situations. For our program to work, domestic violence victims must take actions to recover their lives, using the relief provided by the domestic violence statute and the other resources Delaware makes available.

### **TRIBES**

Delaware has no federally recognized tribes.

### **ADMINISTRATION**

#### **Structure of Agency**

The Department of Health and Social Services is the cabinet level agency designated by the State as responsible for Delaware's public assistance programs as allowed under Title IV-A of the Social Security Act. Within the Department, the Division of Social Services administers these programs. (Organizational chart included as Attachment E to State Plan.)

#### **Administrative Spending**

Delaware will comply with federal requirements.

#### **Compliance With Participation Rates**

Delaware intends to meet the participation rate requirements set forth in the TANF legislation. Recognizing that Delaware's hourly requirements for participation in work and work-related activities are broader than those prescribed by the current TANF legislation, we are prepared to provide some benefits utilizing solely state funding (SSF) if this later becomes necessary in order to continue to meet TANF work participation requirements. Delaware will comply with federal requirements.

#### **Maintenance of Effort**

Delaware is aware of and intends to fully comply with the requirements of the law (P.L. 104-193) to maintain a prescribed level of historic state expenditures. Delaware will ensure that expenditures of state funds for benefits and services ("Qualified State

Expenditures" as defined in the law) for TANF participants (either in the Part A federally funded program or non-Part A state funded program) who are TANF eligibles will equal or exceed the required annual spending level.

As a 1975 fill-the-gap state, Delaware has opted to continue to use fill-the-gap for the issuance of child support disregard and child support supplemental payments to TANF clients. Delaware considers these payments to be "cash assistance" to eligible families and therefore to be within the definition of "Qualified State Expenditures".

Financial eligibility criteria for MOE-funded and solely state funded assistance or services are the same as for other TANF assistance or services, except that MOE claimed for child care under the provisions of section 263.3 will follow the financial eligibility criteria established in the CCDF State Plan and associated State regulations.

**Emergency Assistance**

Delaware will continue to provide services to families as approved under Parts A and F of Title IV of the Social Security Act as in effect on August 21, 1996. Delaware defined a comprehensive services program under the AFDC-EA service component and intends to continue to fund these services. Federal TANF funds will be used under this provision. The approved plan that was in effect on August 21, 1996, is included on the following eight (8) pages for reference.

State MOE funds may also be used to provide family preservation and non-IV-E foster care benefits or services to relatives and to non-relatives when required to address a child's needs during a period of temporary absence from the TANF eligible family. For MOE-funded services and benefits, the period of temporary absence is defined as 12 months as long as the child is expected to return home within that 12-month period. Under special circumstances that must be documented in the case file or to ensure the safety of the child, a good cause extension of the family reunification plan may be granted for up to an additional 180 days. The types of benefits that may be provided to the child during the period of temporary absence include food, clothing and shelter in a group or foster care setting. Services include information and referral, investigation, assessment, case management, family and individual counseling and therapy, health and mental health treatment, legal, and protective services.

CITATIONS

SECTION 3 EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

233.120  
406(e)

A. Emergency assistance to needy families with children under the Age of 21 is provided in accordance with 45 CFR 233.120.

No. (Paragraphs B to D. of this Section do not apply)

Yes, as specified below, coverage is limited to:

- 1. Must be a family with a child under age nineteen (19).
- 2. Families with children in receipt of or eligible for Medicaid for emergency A.1. and Assistance B. in Attachment 3-A.
- 3. Families with:

Children at risk of removal or removed from their home due to, or suspected at risk of, abuse or neglect, or

Children removed from, or at risk of removal from, the community for Emergency A.2. and Services C in Attachment 3-A.

B. Families of migrant workers are covered.

No.

Yes, on a statewide basis.

Yes, but only in the following areas in the State.

IV-A

STATE OF DELAWARE

Section 3

Page 2

C. Other eligibility requirements are in effect.

No.

Yes, as specified below:

1. An application must be filed, signed and dated by a parent, another member of the family when the parents are unable or unwilling to apply, or a state agency acting on behalf of the child.
2. The child must be living with a specified relative, or was living with a specified relative, within six (6) months prior to the month in which assistance is requested. The child must be, or have been, living in a place of residence maintained by one or more specified relatives as his or their own home.
3. The child is without resources immediately accessible to meet his/her needs.
4. The emergency assistance is necessary to avoid destitution or removal of such child or to provide living arrangements for him in a home.
5. The destitution or need for living arrangements did not arise because the needy child or specified relative refused, without good cause, to accept employment or training for employment.

D The kinds of emergency situations which are covered by this program and the kinds of assistance and services provided to meet the emergency situations are detailed in Attachment 3-A.

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GROUPS COVERED AND ELIGIBILITY REQUIREMENTS AND  
CONDITIONS

CITATIONS

233.10 and 233.90

## Eligibility Conditions related to Federal Requirements

## 1. Deprivation of parental support or care

Following are State agency's definition of

a. Continued absences: [45 CFR 233.90 9(c)(1) (i) and (iii)]

Continued absence of a parent from the home constitutes the reason for deprivation of parental support or care when the parent is out of the home, the nature of the absence is such as either to interrupt or terminate the parents functioning as a provider of maintenance, physical care, or guidance for the child and the known or indefinite duration of the absence precludes counting on the parent's performance of his function in planning for the present support or care of the child. If these conditions exist the parent may be absent for any reason and may have left only recently or some time previously. A parent who is a convicted offender but is permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday is considered absent from the home.

b. Incapacity; [45 CFR 233.90 (c) (l) (i) and (iv) ]

The physical or mental incapacity of a parent will be held to exist when one parent has a physical or mental defect, illness, or impairment. The incapacity will be supported by competent medical testimony and must be of such a debilitating nature as to reduce substantially or eliminate the parent's ability to support or care for the otherwise eligible child and be expected to last for a period of at least 30 days.

In making the determination of incapacity, the Division will rely upon Form PA-16 or other complete medical documentation. In making the determination of ability to support, the Division will take into account the limited employment opportunities of handicapped individuals. (e.g., person accepted for service by the Division of Vocational Rehabilitation.)

A finding of eligibility for OASDI or SSI benefits, based on disability or blindness is acceptable proof of incapacity of AFDC purposes.

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TN# ES-82-5 Approval Date 8/18/1983  
Supersedes TN# ES-80-16

Effective Date 10/1/1982

- c. Assistance is continued for a temporary period while the effects of these eligibility conditions are being overcome [45 CFR 233.10 (b) (4)].

Continued Absence

No  Yes, under the circumstances and for the time periods specified below:

Upon release from incarceration, for a period not to exceed 120 days, the child may remain eligible on the factor of deprivation of parental support or care unless the parent returns to employment or another factor of deprivation can be established.

Incapacity

No  Yes, under the circumstances and for the time periods specified below:

For a period not to exceed 120 days after the parent no longer has an incapacitating condition, the child may remain eligible on the factor of deprivation of parental support or care, unless the parent returns to employment or assumes the usual child care and housekeeping responsibilities.

Unemployment

No  Yes, under the circumstances and for the time periods specified below:

For a period not to exceed 120 days after release from involuntary confinement.

For a period of four (4) months if the parent is employed more than one hundred (100) hours per month but otherwise eligible.

- 2. Living with specified relative in a place of residence maintained by one or more such relatives as his or their own home. [45 CFR 233.90 (c) (1) (v)].

(continued)

TN # AFDC-96-2

Approval Date:

Effective Date 7/1/1996

Supersedes

TN# AFDC-95-4

IV-A

## STATE OF DELAWARE

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Following is a list of the relatives with whom a child may be living, in conformity with Sec. 406 (a) (l) of the Social Security Act and 45 CFR 233.90 (c) (l) (v) (A):

Any relation by blood, marriage, or adoption who is within the fifth degree of kinship to the dependent child. The appropriate caretaker relative must therefore be a parent (1<sup>st</sup> degree), grandparent (2<sup>nd</sup> degree), sibling (2<sup>nd</sup> degree), great-grandparent (3<sup>rd</sup> degree), uncle or aunt (3<sup>rd</sup> degree), nephew or niece (3<sup>rd</sup> degree), great-great grandparent (4<sup>th</sup> degree), great-great-great grandparent (5<sup>th</sup> degree), great-great uncle or aunt (5<sup>th</sup> degree), or a first Cousin once removed (5<sup>th</sup> degree). The spouse of any person named in the above groups even if the marriage is terminated by death or divorce is considered a specified relative

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## IV-A STATE OF DELAWARE

3. The relative exercises “day to day care” of the child when the following criteria established by the State are met:

The relative makes decisions regarding the child’s education, medical care, and religious upbringing. Additionally, the relative provides physical care of the child on an every day basis.

- 4.a. The relative exercises “care and control” of the child when the following criteria established by the state are met:

The relative case of care and control defines the child wit the following:

The relative:

- makes decisions regarding the child’s education.
- makes decisions regarding the child’s medical care.
- makes decisions regarding the child’s religious upbringing.

- b. The definition of “temporarily absent is:

A child who is temporarily absent from the home to receive medical care, or allege school absentee because of special education needs, such as enrollment in Job Corps or Starck School for the Deaf, or is absent for some other reason as long as the absence is no longer than 120 days, may receive assistance if the following conditions exist:

- The caretaker with whom the child is living continues to have responsibilities for the child’s care.
- The caretaker continues to maintain a home for the child, and
- The caretaker plans for the child to return home at the end of the absence.

**Note:** A child who is absent from the home as a result of a court action is not considered temporarily absent. In such cases, the assistance for the child is terminated.

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Supersedes

TN# N/A

## EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN

CITATIONS

233.120

## A. Kinds of emergencies covered.

1. Emergencies as the result of a circumstance or combination of circumstances which require immediate action in order to avoid the destitution of a child.
2. Situations in which a child has been removed from his/her home into publicly-funded care or supervision, or the risk of such removal, as determined by the Department of Services for Children, Youth and Their Families, or its designee.

## B. Kinds of assistance provided to meet emergency situations.

1. Rent/Mortgage (includes securing housing)
2. Food for Special Medical/Diet needs
3. Necessary clothing
4. Appliances/Furniture
5. Fuel/Utilities during any period in which coverage is not available under either Title XX or the Low Income Home Energy Assistance Program (LIHEAP)
6. Home Repairs
7. Medical Expenses
8. Transportation
9. Temporary Emergency Shelter payments

## C. Kinds of services provided to meet the emergency situations, as determined appropriate and necessary by the responsible state agency officials, or their designee.

1. Information and Referral
2. Case Management, Counseling, Therapy, and Assessment
3. Securing family or child shelter
4. Child care
5. Temporary substitute Care payments for children not covered under Title IV-E
6. Health Related Services not paid for by third parties
7. Mental Health Services not paid for by third parties
8. Protective Services for children such as Homemaker and Foster Grandparent services
9. Legal Services

TN AFDC-95-7

Approval Date:

Effective Date 1/1/1996

Supersedes

TN# AFDC-94-3

10. Parenting Education and Training
11. Support Services to normalize family functioning such as Homemaker Services

#### Limitations on Assistance

1. Assistance for Emergency A.1. and Assistance B, is authorized during one period of Thirty (30) consecutive days in any twelve (12) consecutive months. The payments may be used to meet current needs or prior needs (under B 1-8), which occurred before the 30-day period.

Temporary Emergency shelter payments (B 9) may extend up to 60 days after the end of the 30-day period, for a total of 90 days.

2. Assistance for Emergency A.2., and Services C., are authorized during one period of Thirty (30) consecutive days in any twelve (12) consecutive months, for a period up to twelve (12) months or until the emergency situation is concluded, whichever is earlier.
3. Assistance for Emergency A.2. and Services C., are provided to the extent that they are determined necessary and appropriate by the responsible IV-A state agency.
4. Emergency Services C. costs provided by the agency staff will be determined by its Approved Cost Allocation Plan.

Assistance for Emergency A.2. and Service C., is provided prior to complete determination of eligibility when facts support a presumption of eligibility, and the state IV-A agency has methods for assuring that federal sharing is claimed only after a final determination that eligibility exists for the period for which such assistance was authorized.

The Department of Services for Children, Youth and Their Family will take the application, assess the need, and verify eligibility factors. In all cases, the Department of Health and Social Services (IV-A state agency) will determine eligibility and authorize reimbursement.

MEMORANDUM Of UNDERSTANDING

The Sexual Predator Act of 1996, Senate Bill 346, was signed into law by Governor Thomas R. Carper on August 1, 1996. In recognition of the fact that illicit sexual activity between adult males and teenage girls is contributing to the high teenage pregnancy rates in Delaware and the nation, this legislation is intended to combat teen pregnancy by imposing more severe criminal sanctions on adult males who are significantly older than their victims and holding them financially accountable when children are born as a result of violations of this law.

This legislation and the cooperative agreement required by it are part of a multi-faceted effort to combat teenage pregnancy and reform welfare in Delaware. All too often, older men prey on young, vulnerable girls. Nationally, two-thirds of the births to teenage mothers are fathered by men 20 and older. In three recent years, over 600 babies were born in Delaware to girls under 16 1/2 years of age. As they are encouraged to postpone sexual activity, the State has an obligation to do all it can to prevent young girls from being exploited by adults. By creating a cooperative effort among schools, social service agencies and law enforcement to target this crime, Delaware has one more weapon in the fight against teenage pregnancy.

The Sexual Predator Act of 1996 requires the Attorney General's Office, the Department of Health and Social Services, the Department of Services to Children, Youth and Their Families, the Department of Public Instruction and law enforcement agencies statewide to establish a cooperative agreement, specifying the various roles each agency will play in making certain our laws governing unlawful sexual intercourse with minors are rigorously enforced. Senate Bill 346 also requires the Department of Public Safety, with cooperation from the above referenced agencies, to report to the Governor and the General Assembly on enforcement efforts pursuant to this Act by June 1, 1998.

**SPECIFIC PROVISIONS OF THE LAW**

This law increases penalties for adults who have sexual relations with a minor 10 or more years younger, as well as persons who have sexual intercourse with minors under the age of 14. Specifically, the Sexual Predator Act of 1996 doubles the penalty for this class of statutory rape by elevating it from a Class C felony, with a penalty of 0-10 years, to a Class B felony, with a penalty of 2-20 years, if:

- the victim is younger than 16 years of age and the predator is 10 or more years older than the victim; or
- the victim is younger than 14 years of age and the predator is 19 years of age or older.

The Sexual Predator Act of 1996 also requires that in the cast of any conviction of a violation of this law which results in the birth of a child who is in the custody and care of the victim or the victim's legal guardians, the court shall order, as a condition of any probation imposed, that the defendant timely pay any child support ordered by Family Court.

ROLES AND RESPONSIBILITIES

I. Division of Family Services. Department of Children, Youth and Their Families

The Division of Family Services shall:

- expand its role to accept reports of sexual predators, regardless of their relationship to the victim;
- when reports are made to DFS, which meet the definitions of sexual predator, regardless of whether it is intra-familial or extra-familial, immediately report the situation, along with all information collected in the intake process, to the police by the 911 system;
- participate in joint investigations with law enforcement on all intra-familial sexual predator reports;
- maintain statistics for all sexual predator reports received and reported to the police;
- assist in developing an education document(s) about the legislation; and
- work in partnership with other signatories to this Memorandum of Understanding to ensure appropriate practice of this law.

II. Department of Health and Social Services

The Department of Health and Social Service shall:

- publish, through the Bureau of Vital Statistics, a monthly report of all births to young women under ] 6 years of age, to be distributed to the Division of Family Services and the Division of Child Support Enforcement for informational, investigative and/or child support enforcement purposes; assume responsibility for the collection of child support payments from the non-custodial parent;
- provide relevant information concerning cases involving sexual predators to the Division of Family Services, however, the use of such information shall be limited to the purpose of prevention, investigation and prosecution of violations under the Sexual Predator Act of 1996;
- collaborate with other signatories to this Memorandum of Understanding to identify and target at-risk clients;
- assist in developing an education document(s) about the legislation; and
- work in partnership with other signatories to this Memorandum of Understanding to ensure appropriate practice of this law.

### III. Department of Public Instruction

The Department of Public Instruction shall:

- assist in developing an education document(s) about the legislation;
- assist in the dissemination of information about the legislation to parents and the community;
- notify school personnel (specifically principals, counselors, nurses and those identified as liaisons to DFS) of their responsibilities for reporting under this legislation;
- work with the Division of Public Health to notify School Based Wellness Center personnel regarding their responsibility for reporting; and
- work in partnership with other signatories to this Memorandum of Understanding to ensure appropriate practice of this law.

### IV. Law Enforcement/Department of Justice

Law Enforcement Agencies statewide and the Department of Justice will vigorously enforce the Sexual Predator Act of 1996 as follows:

- Law Enforcement Agencies shall receive reports of a sexual assault pertaining to the new sexual predator legislation. This information can be brought to their attention via several sources, such as schools, uniform personnel, relatives of alleged victims, or the 911 emergency communication system.
- In all cases, the agency conducting the investigation shall contact the Division of Family Services if they have not already been contacted and provide them with key information.
- All incidents shall be investigated by an assigned investigator and then referred to the Attorney General's Office by means of a scheduled intake for further processing and data collection.
- The Attorney General's Office will periodically provide any available data on reports of these incidents to the Division of Family Services and shall work in partnership with other signatories to this Memorandum of Understanding to ensure appropriate practice of this law.

### V. Department of Public Safety

In addition to its law enforcement role and responsibilities, the Department of Public Safety shall:

- report to the Governor and the General Assembly on enforcement efforts pursuant to the Sexual Predator Act of 1996 by June 1, 1995, with the cooperation of the other signatories to this Memorandum of Understanding; and
- work in partnership with other signatories to this Memorandum of Understanding to ensure appropriate practice of this law.

**KEY INFORMATION TO BE PROVIDED TO THE**  
**DIVISION OF FAMILY SERVICES**

All sexual predator reports made to the Division of Family Services from the community and from employees of-law enforcement agencies, school districts, the Department of Public Instruction, and the Department of Health and Social Services shall include the following key information:

- name, age, and home address of child;
- name, approximate age, and home address of the predator;
- name and home address of the parent, guardian, or custodian;
- time and location of reported abuse; and
- as much of the following as is known by or available to the reporter:
  - ◆ nature and extent of situation; and
  - ◆ other information about the predator, such as mental illness, pending criminal charges, substance abuse.

The monthly report of the Bureau of Vital Statistics shall include such official birth information as it regularly records.

Attachment F

MEMORANDUM OF UNDERSTANDING

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DEPARTMENT OF PUBLIC INSTRUCTION

DEPARTMENT OF JUSTICE

DELAWARE POLICE DEPARTMENTS

The Department of Services for Children, Youth and Their Families, the Department of Health and Social Services, the Department of Public Instruction, the Department of Justice and the undersigned Delaware Police Departments, wish to improve the services which they provide to children and their families. We are committed to interagency cooperation in an effort to protect children, reduce intervention trauma for the child and the family, and assist the child and family during the investigation, prosecution and treatment.

This memorandum seeks to define and clarify the roles and expectations of each department, to set standards for interagency cooperation and to establish guidelines for collaborative intervention, cross reporting, information sharing, training and problem resolution.

We further agree to distribute a complete copy of the Memorandum of Understanding to our respective employees. This Memorandum of Understanding shall be effective from the date of signature of all parties.

Thomas R. Carper 12/10/96  
Date  
Thomas R. Carper  
Governor

M. Jane Brady 12/10/96  
Date  
M. Jane Brady  
Attorney General  
Department of Justice

Michael C. Ferguson 12/10/96  
Date  
Michael C. Ferguson  
Acting Superintendent  
Department of Public Instruction

Carmen R. Nazario 12/10/96  
Date  
Carmen R. Nazario  
Secretary  
Department of Health & Social Services

Karen L. Johnson 12/10/96  
Date  
Karen L. Johnson  
Secretary  
Department of Public Safety

Thomas P. Eichler 12/10/96  
Date  
Thomas P. Eichler  
Secretary  
Department of Services for Children,  
Youth and their Families

**§ 1041. Definitions.**

The following terms shall have the following meanings:

(1) "Abuse" means conduct which constitutes the following:

- a. Intentionally or recklessly causing or attempting to cause physical injury or a sexual offense, as defined in § 761 of Title 11;
- b. Intentionally or recklessly placing or attempting to place another person in reasonable apprehension of physical injury or sexual offense to such person or another;
- c. Intentionally or recklessly damaging, destroying or taking the tangible property of another person;
- d. Engaging in a course of alarming or distressing conduct in a manner which is likely to cause fear or emotional distress or to provoke a violent or disorderly response;
- e. Trespassing on or in property of another person, or on or in property from which the trespasser has been excluded by court order;
- f. Child abuse, as defined in Chapter 9 of Title 16;
- g. Unlawful imprisonment, kidnapping, interference with custody and coercion, as defined in Title 11; or
- h. Any other conduct which a reasonable person under the circumstances would find threatening or harmful.

(2) "Domestic violence" means abuse perpetrated by one member against another member of the following protected classes:

- a. Family, as that term is defined in § 901(9) of this title, regardless, however, of state of residence of the parties; or
- b. Former spouses, a man and a woman co-habiting together with or without a child of either or both, or a man and a woman living separate and apart with a child in common.

(3) "Petitioner" means:

- a. A person who is a member of a protected class and files a petition alleging domestic violence against such person or against such person's minor child or an infirm adult;

b. The Division of Child Protective Services acting in the interest of a minor child and files a petition alleging domestic violence; or

c. The Division of Adult Protective Services acting in the interest of an infirm adult and files a petition alleging domestic violence.

(4) "Protective order" means an order issued by the court to a respondent restraining said respondent from committing domestic violence against the petitioner, or a person in whose interest a petition is brought, and may include such measures as are necessary in order to prevent domestic violence.

(5) "Respondent" means the person alleged in the petition to have committed the domestic violence. (69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 137, § 1.)

**§ 1042. Commencement of action; procedure.**

(a) A request for relief from domestic violence is initiated by the filing of a verified petition by the petitioner, or by the Division of Child Protective Services or the Division of Adult Protective Services, asking the court to issue a protective order against the respondent.

(b) The petitioner need not reveal an address, place of residence, school or employment or the address or place where the petitioner's child or children receive child care or attend school, if it is alleged that disclosure of this information would endanger the petitioner. However, the Court may require the petitioner to reveal in confidence a current address or place of residence for the purpose of determining jurisdiction or venue.

(c) A petition for a protective order may be filed in any county where the petitioner resides, the respondent resides, the alleged domestic violence occurred, or where the petitioner is temporarily located away from the residence to avoid domestic violence.

(d) Forms and instructions for initiating a proceeding under this part shall be available from the Clerk of the Court. Assistance from court staff or court volunteers shall be available during business hours to assist the parties with all papers which may be filed in connection with a proceeding under this part. Any assistance or information provided by court staff or court volunteers under this part does not constitute the practice of law.

(e) All forms and instructions developed for use by the parties to a proceeding under this part shall contain simple, understandable language. (69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1; 70 Del. Laws, c. 186, § 1.)

**§ 1043. Ex parte orders and emergency hearings.**

(a) A petitioner may request an emergency protective order by filing an affidavit or verified pleading alleging that there is an immediate and present danger of domestic violence to the petitioner or to a minor child of the petitioner or to an infirm adult.

(b) An emergency protective order may be issued on an ex parte basis, that is, without notice to the respondent, where the petitioner certifies in writing the efforts, if any, which have been made to give notice to the respondent or the reasons supporting the claim that notice should not be required.

(c) An emergency hearing held on an ex parte basis shall be held the same day that the petition is filed or the next day that the Court is in session. All other emergency hearings shall be scheduled for an expedited hearing within 10 calendar days after the petition is filed.

(d) In any case in which an ex parte protective order has been issued, a full hearing shall be held within 10 days. The Court may extend an ex parte order as needed, but not to exceed 30 days, to effectuate service of the order where necessary to provide protection.

(e) If the Court finds by a preponderance of the evidence that the alleged domestic violence has occurred, or if the respondent consents to entry of a protective order, the Court shall grant any appropriate relief, including, but not limited to, the relief set forth in § 1045 of this title.

(f) In those cases where the respondent is not present for the hearing, or where the hearing is held ex parte, any protective order issued shall be served immediately upon the respondent, in accordance with § 1065 of this title. A certified copy of the order shall also be given to the petitioner after the hearing, before leaving the courthouse. If the order recites that the respondent appeared in person before the Court, the necessity for further service is waived and proof of service of the order is not necessary; in those cases, the respondent shall be given a copy of the order before leaving the courthouse. (69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1.)

**§ 1044. Nonemergency hearings.**

(a) Upon receipt of a petition for a protective order, the Court shall order a hearing within 30 days.

(b) If the Court finds by a preponderance of the evidence that the alleged domestic violence has occurred, or if the respondent consents to entry of a protective order, the Court shall grant any appropriate relief, including, but not limited to, the relief set forth in § 1045 of this title.

(c) Service of the protective order, as well as provision of copies to the parties, shall take place in accordance with § 1043(f) of this title. (69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1.)

**§ 1045. Relief available; duration of orders, modification and termination.**

(a) After consideration of a petition for a protective order, the Court may grant relief as follows:

- (1) Restrain the respondent from committing acts of domestic violence, as defined in § 1041 of this title;
- (2) Restrain the respondent from contacting or attempting to contact the petitioner;
- (3) Grant exclusive possession of the residence or household to the petitioner or other resident, regardless of in whose name the residence is titled or leased. Such relief shall not affect title to any real property;
- (4) Order that the petitioner be given temporary possession of specified personal property solely or jointly owned by respondent or petitioner, including but not limited to, motor vehicles, checkbooks, keys and other personal effects;
- (5) Grant temporary custody of the children of the parties to the petitioner or to another family member. Either party may request visitation at any time during the proceeding. The Court may provide for visitation by separate interim visitation order pursuant to Title 13, which order shall be binding upon and enforceable against both parties. Such interim visitation order may include third party supervision of any visitation, if necessary, in accordance with Chapters 7 and 19 of Title 13;
- (6) Order the respondent to pay support for the petitioner and/or for the parties' children, in accordance with Chapter 5 of Title 13, including temporary housing costs;
- (7) Order the respondent to pay to the petitioner or any other family member monetary compensation for losses suffered as a direct result of domestic violence committed by the respondent, including medical, dental and counseling expenses, loss of earnings or other support, cost of repair or replacement of real or personal property damaged or taken, moving or other travel expenses and litigation costs, including attorney's fees;
- (8) Order the respondent to temporarily relinquish to the sheriff, constable or to a police officer the respondent's firearms and to refrain from purchasing or receiving additional firearms for the duration of the order;
- (9) Prohibit the respondent from transferring, encumbering, concealing or in any way disposing of specified property owned or leased by parties;
- (10) Order the respondent, petitioner and other protected class members, individually and/or as a group, to participate in treatment or counseling programs;

(11) Grant any other reasonable relief necessary or appropriate to prevent or reduce the likelihood of future domestic violence.

(b) Relief granted under this section shall be effective for a fixed period of time, not to exceed 1 year, except that such order may be extended or modified by a further order of the Court as described in subsections (c) and (d) of this section.

(c) An order issued under this part may be extended, for up to 6 months, or terms of the order modified, upon motion of either party. Hearings on such motions shall be scheduled within 30 days after proof of service on the respondent is filed. Such motions may be heard on an emergency basis if filed in accordance with § 1043 of this title. Orders may be extended only after the Court finds by a preponderance of the evidence that domestic violence has occurred since the entry of the order, a violation of the order has occurred, if the respondent consents to the extension of the order or for good cause shown.

(d) Only the Court shall modify an order issued under this part and the reconciliation of the parties shall have no effect on the validity of any of the provisions of such an order. The protective order may be modified or rescinded during the term of the order upon motion, after notice to all parties affected and a hearing.

(e) Any subsequent support, custody or visitation order entered by the Court in any proceeding brought pursuant to Title 13 shall supersede any relevant provisions regarding those issues which are included in a protection from abuse order, without the need to modify such protective order. (69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1; 71 Del. Laws, c. 137, §§ 2-4.)

**§ 1046. Enforcement; sanctions for violation of order.**

(a) The Court may direct that pleadings and orders filed or issued under this part be served upon the respondent by the Sheriff or the Sheriff's deputy or by any person authorized by statute or court rule to serve process.

(b) A copy of a protective order granted under this part shall be entered into the Delaware Justice Information System by the Court on or before the next business day. Entry into the Delaware Justice Information System constitutes notice to all law-enforcement agencies of the existence of the order. The order is fully enforceable in any county of the State.

(c) A law enforcement officer shall arrest, with or without a warrant, any individual whom the officer has probable cause to believe has violated a protective order issued under this part or a valid foreign protection order under Part E of this subchapter and who has notice or knowledge of the protective order. Presentation of a protective order that identifies both the protected person and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a protective order exists. The protective order may be either in tangible form or stored in DELJIS or other electronic medium if it is retrievable in perceivable form. Probable cause for

arrest may be established by a good faith reliance on information contained in DELJIS. If a protective order is not presented, the law enforcement officer may consider other information in determining whether there is probable cause to believe that a protective order exists.

(d) If a law enforcement officer determines that an otherwise valid protective order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

(e) The individual arrested shall be taken immediately before the Family Court. If the Family Court is not in session, the arrested person shall be taken before the nearest justice of the peace. In determining the amount of any bail, the justice of the peace or judicial officer shall take into consideration whether the defendant has previously violated a protective order.

(f) A law enforcement officer is immune from civil and criminal liability for an act or omission arising out of the enforcement of a protective order or the detention or arrest of an alleged violator of a protective order if the act or omission was done in a good faith effort to comply with this part or in good faith reliance on information contained in DELJIS.

(g) The provisions of this section apply to the enforcement of foreign protection orders under Part E of this subchapter.

(h) All protective orders issued under this part shall state that violations may result in:

- (1) A finding of contempt;
- (2) Criminal prosecution; and
- (3) Imprisonment or fine or both.

(i) It shall be unlawful for a respondent to knowingly violate a protective order. Violations shall be punishable as a class A misdemeanor. Nothing in this subsection shall preclude the filing of a civil contempt petition by the petitioner for violations of a protective order issued under this part. (69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1; 70 Del. Laws, c. 186, § 1; 72 Del. Laws, c. 63, §§ 3, 4; 73 Del. Laws, c. 367, § 2.)

**§ 1047. Nonpreclusion of remedies.**

Nothing in this part shall preclude a petitioner or law enforcement officer from filing criminal charges when probable cause exists. (69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1.)

**§ 1048. Jurisdiction.**

The Family Court shall have jurisdiction of proceedings under this part. (69 Del. Laws, c. 160, § 2; 69 Del. Laws, c. 335, § 1.)

**§ 1049. Title.**

This part may be cited as the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. (73 Del. Laws, c. 367, § 1.)

FAMILY DEVELOPMENT PROFILE  
DOMESTIC VIOLENCE DETERMINATION POLICY

Delaware Health and Social Services

Division of Social Services

For further information, please contact  
Thomas Hall  
TANF Policy Administrator  
Division of Social Services  
(302) 255-9605

**FAMILY DEVELOPMENT PROFILE**

All information on this form will be kept in strict confidence and will be used for DSS purposes only! We would rather risk offending you than fail to refer you to some one who might help you.

(Circle the most appropriate response to each question. Please add any additional comments which help clarify any response to a particular question.)

Question #1: How do you like yourself?

Consider this:

- What we think is important.
- What we think contributes to how we feel.
- What we feel contributes to what we do.
- If we feel good, we do well.

Not very much				Very Much

More days than not, do you feel:

- sad, "down in the dumps" \_\_\_\_\_ Y N
- tense, "stressed out" \_\_\_\_\_ Y N
- worthless, inferior, inadequate \_\_\_\_\_ Y N
- "like I'm about to lose control" \_\_\_\_\_ Y N
- "full of anger," resentful \_\_\_\_\_ Y N
- low energy, "hard to get moving" \_\_\_\_\_ Y N
- unfairly criticized \_\_\_\_\_ Y N
- unable to concentrate \_\_\_\_\_ Y N
- Do you ever think about killing yourself? \_\_\_\_\_ Y N

Do you:

- know of any health problems you currently have \_\_\_\_\_ Y N
- sleep well, awaken feeling rested \_\_\_\_\_ Y N
- have a good appetite \_\_\_\_\_ Y N
- use drugs \_\_\_\_\_ Y N
- use alcohol \_\_\_\_\_ Y N

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Question #2: "How do you get along with your family?"

Consider this:

If we are to serve you best, then we need information about your experiences both growing up and as an adult. Those experiences - good and bad - have helped shape the person that you are today. Sometimes difficulties in past or current relationships can get in the way of our being successful.

Terrible					Great
----------	--	--	--	--	-------

Did your parents (caretakers):

- receive public assistance \_\_\_\_\_ Y N
- communicate well \_\_\_\_\_ Y N
- abuse or neglect you \_\_\_\_\_ Y N
- use drugs or alcohol \_\_\_\_\_ Y N
- behave violently \_\_\_\_\_ Y N
- show you how to positively solve problems \_\_\_\_\_ Y N  
(through communication or example)
- have psychiatric problems \_\_\_\_\_ Y N

Has any current or former partner or spouse ever...

- ...hit, kicked, pushed, choked, or slapped you? \_\_\_\_\_ Y N
- ...destroyed or taken your property or possessions? Y N
- ...consistently told you that you were worthless or  
called you names? \_\_\_\_\_ Y N
- ...interfered with you getting or keeping a job? \_\_\_\_\_ Y N

Do you ever feel afraid of your partner? \_\_\_\_\_ Y N

Comments: \_\_\_\_\_  
\_\_\_\_\_

Question #3: "How do you get along with other people, including your children?"

Consider this:

The stresses of life are considerable. Having family and friends who are there for you, provides an important support system. What is the condition of your support system?

Terrible					Great
----------	--	--	--	--	-------

- Do you have friends/family you can count on? \_\_\_\_\_ Y N
- Do your children cause you problems?  
(i.e., behavior, running away, truancy, health) \_\_\_\_\_ Y N
- Do you have any problems with child care or  
transportation? \_\_\_\_\_ Y N

Comments: \_\_\_\_\_  
\_\_\_\_\_

**DOMESTIC VIOLENCE  
IMMEDIATE DANGER SCREENING QUESTIONS**

When someone screens positive for domestic violence, ask the following additional questions to determine whether the person maybe in immediate danger:

1. Do you believe your life is in danger or your partner is capable of hurting you?
2. Has your partner threatened homicide or suicide?
3. Has the frequency or severity of violence recently escalated?
4. Have you and your partner recently separated or discussed separation?
5. Does your partner abuse alcohol or drugs?
6. . Does your partner have access to firearms or other weapons?

### **C.A.G.E. Questions**

1. Have you ever felt that you ought to cut down on your drinking or drug use?

---

2. Have people ever annoyed you by criticizing your drinking or drug use?

---

3. Have you ever felt bad or guilty about your drinking or drug use?

---

4. Have you ever had a drink or used drugs first thing in the morning (or second thing) to steady your nerves or help you get rid of a hangover? (Eye opener)

---

One "yes" response raises suspicions of an alcohol or drug problem. More than one "yes" is a strong indication that a problem exists.

## **Family Development Profile**

The DSS social worker case manager will conduct this assessment with any new TANF clients. DSS social worker case managers must review the assessment with clients at each redetermination appointment to measure client progress in each area of the assessment.

The Family Development Profile assessment is the basis for a conversation between DSS staff and clients surrounding issues of client self-esteem, domestic violence and substance abuse. Introduce the profile by explaining that the following questions will help determine if there are any barriers which need to be addressed in order for the client to meet the goal of self-sufficiency. Many of the questions will require you to ask follow-up or clarification questions in order to obtain an accurate picture of the client's level of self-esteem. Use your discretion and experience when completing the assessment with your clients. Don't be afraid to ask for assistance from your supervisor or lead worker if you are extremely uncomfortable with a particular client response to a question on the profile.

Any issues which surface as a result of the assessment should be addressed on the client's Contract of Mutual Responsibility, as long as the client is willing to seek assistance or acknowledge the problem area. The DSS social worker case manager will make appropriate referrals for the client and document the basis for the referral on the client's contract and case record.

If the DSS social worker case manager feels it is necessary to gain more in-depth knowledge concerning possible drug or alcohol involvement with a particular client, then the worker has the option of asking the client C.A.G.E. These questions can assist the worker in determining if a client has a problem with either drugs or alcohol and is not willing to admit it.

If the DSS social worker case manager feels it is necessary to gain more in-depth knowledge concerning possible domestic violence, then the worker should ask the domestic violence immediate danger screening questions. These questions can assist in determining if DSS should make referrals to a domestic violence treatment provider for follow-up assessment and treatment services.

Comments should be written on the profile after the client leaves the office. Clients may have a copy of the profile if they request it. The employment contractor should be made aware of any issues which are barriers to employment or participation in work-related fields.

## **Family Development Profile**

The Family Development Profile is a tool used to identify possible social, family and emotional barriers to self-sufficiency as they affect an individual's ability to obtain and retain employment. The Family Development Profile covers issues of self-esteem, health and family relationships. This tool is designed to surface those issues which, when resolved, will increase the participant's ability to become truly self-sufficient.

## **Domestic Violence**

One of the issues which may pose a challenge to individuals and families becoming self-sufficient is domestic violence. Domestic violence is a pattern of abusive behavior that happens between two people in an adult relationship. Stress, family history of abuse, drug use and alcohol use may be contributing factors in a domestic violence situation.

Delaware is committed to assisting victims of domestic violence to overcome circumstances which place them in physical, emotional and/or financial jeopardy. This assistance includes aiding the victims in seeking redress and a safe environment for their families. Additionally, on a case-by-case basis, Contract of Mutual Responsibility requirements may be waived if it is determined that by complying with the requirements it would be more difficult for the individual and the family to escape and/or remain safe from the violence. This determination will be made in conjunction with input and information from the domestic violence victim.

## **Domestic Violence Definition**

Domestic violence occurs when one spouse, domestic partner or significant other tries to maintain power and control over the other person. The perpetrator of the violence may use physical, verbal or sexual violence to maintain power and control over the victim. Although domestic violence can happen to anyone, most victims are women. Therefore, we will use feminine pronouns.

The following acts perpetrated by a current or former intimate partner, relative or household member shall be considered to be domestic violence:

- physical acts that resulted in, or threatened to result in, physical injury;
- being forced to engage in nonconsensual sexual acts or activities;
- threats of, or attempts at, physical or sexual abuse;
- mental or emotional abuse;
- neglect or deprivation of medical care; or

- stalking.

Examples of domestic violence situations are:

Please note that this is not an all encompassing list, but some examples to give you an idea of how domestic violence may look.

- A husband who cuts up his wife's clothing so she has nothing to wear to work; or
- A partner who constantly tells his partner that she is worthless or calls her names in private or public; or
- A partner who has to know her partner's every movement and gets furious for not knowing those movements; or
- A partner who doesn't allow his partner to go out without him; or
- A partner who touches or strikes his partner in anger; or
- A partner who constantly calls or shows up at his partners job to interfere with her work.

### **Domestic Violence Determination**

DSS shall consider any evidence that is relevant to the domestic violence claim. This is to include a victim's significantly reduced capacity to care for herself or her child, or significantly reduced capacity to perform essential activities of daily living.

DSS shall determine what evidence is credible and the weight to be given to that evidence. Evidence can be, but is not limited to:

- court, criminal, law enforcement or Division of Family Services records;
- medical or, psychological records;
- Protection from Abuse order;
- indication that the person has taken legal action to end the domestic violence;
- evidence that she has taken refuge in a shelter or similar safe haven;
- photographs of injuries; or

- a statement from a domestic violence service agency documenting the claim.

### **CMR Requirements**

DSS may waive certain CMR requirements when complying with those requirements would make it more difficult for the individual and family to escape and/or remain safe from the violence. For clients who are not active with a domestic violence agency, DSS will refer the client to a domestic violence agency. DSS will allow the client 10 days to contact the agency.

During this time, DSS will suspend CMR requirements. If the client does not go to the domestic violence agency or the domestic violence agency determines that the client is not a victim of domestic violence, then the client will be subject to the usual CMR requirements. If the client goes to the domestic violence agency and the domestic violence agency determines that the client is a victim of domestic violence, then the CMR requirements will be developed by DSS, the client and the domestic violence agency.

Any CMR requirement could be waived based on information from the domestic violence agency.

Exemptions from the CMR requirements can be made up to a maximum of six months at a time. The number of months of exemption will be based on input from the victim and the domestic violence agency. Exemptions will be re-evaluated during the final month they are in effect. Continuance or non-continuance of the exemptions will again be based on input from the domestic violence agency and the client.

### **Children's Program**

When employment and training client responsibilities are waived, then the family will be placed in the Children's Program and be exempt from the time limit requirements. This exemption from the time limits will be in place for as long as the employment and training client responsibilities are waived.

# Division of Social Services November 29, 2006

