

# Delaware Developmental Disabilities Council

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July 15, 2011

The Honorable Rita Landgraf  
Secretary Health & Social Services  
Administration Building  
Herman Holloway Campus  
New Castle, DE 19720

RE: DSS Final Child Subsidy Program Child Support Coop. Reg. [15 DE Reg. 92 (July 1, 2011)]

Dear Secretary Landgraf,

The Developmental Disabilities Council is aware that the SCPD and GACEC commented on the proposed version of this regulation in May, 2011. The Councils encouraged the Division of Social Services to include explicit provisions to protect participants reluctant to cooperate with pursuit of child support based on fear of domestic violence/retribution.

The Division has now adopted a final regulation with no changes. In a nutshell, DSS defers to the Division of Child Support Enforcement to address lack of cooperation based on fear of domestic violence/retribution:

Since 2008, DSS and specifically the Division of Child Support Enforcement (DCSE) has taken into consideration that domestic violence is a major barrier to cooperating with child support and has taken into account the wider criteria which establishes valid reasons for exemptions from cooperation. DCSE is the division charged with making determinations of what criteria is adequate to determine whether a care taker or child may be in danger from the absent parent. They have certain rules that must be adhered to prior to letting DSS know if enough information or cooperation has been collected. No change to the regulation was made as a result of this comment.

At 94.

The "weaknesses" in this approach are twofold.

First, the DSS regulation imposes mandatory sanctions on beneficiaries who are "guilty" of undefined DCSE cooperation requirements:

11003.4. Failure of a parent/caretaker to cooperate with and provide information to the DCSE will result in the case being sanctioned. This means the child care case will close until the applicant or recipient has complied with all DCSE requirements.

Second, the "DCSE requirements" are not regulatory and unknowable. The DHSS website contains zero DCSE regulations and the DCSE website contains no readily discoverable child support cooperation standards. This system is affirmatively misleading to applicants for the child subsidy program since the only published regulation mandates full cooperation with DCSE with no disclosure of exemption based on fear of domestic violence. Victims of domestic violence will be deterred from pursuing subsidized child care based on the belief that they will have to affirmatively pursue child support through DCSE with no disclosure of eligibility for exemption.

As the Department and its Divisions assess their systems to ensure a consumer friendly environment and respectful interactions and communications, the Developmental Disabilities Council requests that the DSS reconsider its decision on the above regulation and make appropriate changes.



Thank you in advance for your consideration of our request and if you have any questions please contact our office at 739-3333.

Sincerely,

*Harline J. Dennison*

Harline Dennison  
Chair

cc. Stephanie Hamilton, VRTF  
Carol Post, DCADV  
Bridget Poule, DVCC  
SCPD  
GACEC  
Elaine Archangelo, DSS