



SPONSOR: Sen. Paradee & Rep. Harris
Sens. Buckson, Cruce, Hansen, Hoffner, Huxtable,
Pinkney; Reps. Heffernan, K. Johnson, Morrison,
Osienski, Romer, Kamela Smith

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 278

AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO CHILD CARE ASSISTANCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 502, Title 31 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and redesignating accordingly:

3 § 502. Definitions.

4 ~~As used in~~ For purposes of this chapter:

5 (9) "Purchase of Care" or "POC" means child care assistance provided under this chapter.

6 Section 2. Amend § 503, Title 31 of the Delaware Code by making deletions as shown by strike through and
7 insertions as shown by underline as follows and redesignating accordingly:

8 § 503. Eligibility for assistance; amount; method of payment.

9 ~~(e) Child care assistance. — Persons seeking employment who are in need of child care services in order to obtain~~
10 ~~employment, to retain employment, or to obtain training leading to employment are~~

11 (1)a. An individual is eligible to apply for child care assistance under the Child Care Subsidy Program. Such
12 persons Purchase of Care if the individual needs child care services in order to do any of the following:

13 1. Obtain employment.

14 2. Retain employment.

15 3. Obtain training leading to employment.

16 b. An individual seeking employment are is eligible to apply for child care assistance under paragraph
17 (e)(1)a. of this section for a period not to exceed 90 consecutive days over the course of 1 year.

18 (2) A child in the custody of the Department of Services for Children, Youth and their Families under Chapter
19 25 of Title 13 is eligible for POC assistance.

20 (3) Eligibility for and the amount of assistance granted to persons under Delaware's Child Care Subsidy
21 Program under POC shall be determined in accordance with the rules and regulations made established by the

22 Department of Health and Social ~~Services, Division of Social Services~~ (DHSS) and Chapter 3 of this ~~title~~ title, and
23 must include all of the following:

24 a. Copayments for families receiving POC assistance must be determined based on all of the following:

25 1. The family's household size and income.

26 2. If the child is receiving assistance for a full day of child care or a half day of child care.

27 b. That DHSS will authorize more than 1 child care provider for a child if care is needed during different
28 hours or at different locations, including authorization for a child care provider that a child will attend during the
29 summer.

30 1. DHSS must authorize a summer child care provider at any time after January 1 if authorization is
31 necessary for enrollment. Authorization provided in advance of attendance under this paragraph (e)(3)b.1.
32 may be for purposes of enrollment only and subject to meeting eligibility requirements for POC at the time the
33 child attends the summer child care provider.

34 2. The total number of hours of child care authorized for a child under paragraph (e)(3)b.1. of this
35 section may not exceed 10 hours a day.

SYNOPSIS

This Act requires that the Department of Health and Social Services (DHSS) regulations for Purchase of Care (POC), this state's child care assistance program, provide authorization for a child care provider a child will attend during the summer at any time after January 1 because current regulations do not provide authorization for summer care early enough for families to enroll children in summer camps before camps are full.

This requirement is consistent with existing POC regulations that allow families to have 2 child care providers if child care is needed at different hours or locations or in the event the primary provider is unavailable. Existing POC regulations also allow families to interrupt their child care assistance with a break during the summer without requiring reapplications for care when school resumes in September.

In addition, this Act requires that parent copayments be based on whether the child receives assistance for a full or half day of child care and codifies the following POC policies in existing regulations:

- Parent copayments are determined based on household size and income.
- Children in the custody of the Department of Services for Children, Youth and their Families are eligible for POC assistance.

This Act is effective immediately because under § 10113 of Title 29, amendments that make existing regulations consistent with changes in basic law are exempt from the procedural requirements under the Administrative Procedures Act.

This Act also adds the name of this State's child care assistance program, "Purchase of Care" or "POC" to Chapter 5 of Title 31 and makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Pardee