

NOTICE OF INTENT

Department of Children and Family Services

Child Welfare

Chafee Foster Care Independence Program and Young Adult Program
(LAC 67:V.3901 and 3903)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953(A), the Department of Children and Family Services (DCFS) proposes to amend LAC 67:V, Subpart 5, Foster Care, Chapter 39 Chafee Foster Care Independence Program (CFCIP) and Young Adult Program.

Section 3901 is being amended to include the utilization of the CFCIP grant funds and to eliminate the information regarding the Young Adult Program. Section 3903 is being repealed as the Child Welfare Young Adult Program has been terminated.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart V. Foster Care

Chapter 39. Chafee Foster Care Independence Program ~~and Young Adult Program~~

§3901. Chafee Foster Care Independence Program

A. The Department of ~~Social Services, Office of Community Services (OCS)~~ Children and Family Services, Child Welfare Division will provide a Chafee Foster Care Independence Program (CFCIP) to assist youth in making preparations for living independently, including, but not limited to résumé writing, budgeting, banking and other financial skills, and conflict management skills. The CFCIP provides opportunities for youth to interact with other youth from similar backgrounds, and to receive supportive services until ~~21~~-26 years of age, with the exception of educational assistance via the Chafee Educational

and Training Voucher (ETV), which is available until 23 years of age.

B. The ~~OCS~~ DCFS will provide CFCIP services based upon the availability of funds, up to the maximum allowable amount funded by the federal Chafee Act, in compliance with the requirements of the program, and, the varying identified needs of each youth.

C. Eligibility for the CFCIP is limited to youth who meet the requirements of the program and is based on the availability of federal funding. Participants should be either: ~~OCS DCFS foster youth from 13-14 years of age to 21 years of age or youth who were adopted after 16 years of age to 21 years of age; Office of Juvenile Justice youth from 13 years of age to 21 years of age; youth in a court ordered guardianship after 16 years of age; and/or, Native American youth from 13 years of age to 21 years of age who are in state or tribal custody. Youth in a secure placement (detention, jail, etc.) are not eligible for services provided by Chafee funds.~~ age 18; foster youth who aged out of foster care from 18 to 26 years old; foster youth who were adopted from foster care after 16 years of age to 26 years of age; Office of Juvenile Justice youth from 14 years of age to 26 years of age; youth in a court ordered guardianship from foster care initiated after 16 years of age to 26 years of age; and/or, Native American youth from 13 years of age to 26 years of age who were in state or tribal custody. Youth in a secure placement (detention, jail, etc.) are not eligible for services provided by Chafee funds.

D. The allowable services and activities must be purposefully planned by the foster care worker and the youth to meet specific needs that have been identified and addressed in the youth's transitional living plan. The allowable services may include: training delivered by Chafee Independent Living

Providers contracted with DCFS to prepare youth for living independently; an assessment ~~and survey~~ of independent living skills to identify which skills are needed; and a written individualized ~~independent living skills~~ transitional living plan, based on the assessment ~~and an individualized transitional living plan~~; a monetary payment/stipend upon completing the CFCIP coursework and questionnaire, if resources allow; assistance with obtaining an independent living arrangement and/or housing; case management services; and, assistance with educational expenses, which could include educational and training voucher services, with need being determined by contracted providers.

AUTHORITY NOTE: Promulgated in accordance with 42. USC. 677 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 35:2205 (October 2009), amended by the Department of Children and Family Services, Child Welfare Section, LR 43:

~~§3903. Young Adult Program~~

~~A. The OCS will provide a Young Adult Program (YAP), based on the availability of funds, to assist youth in transitioning to living independently and to help prevent homelessness for youth aging out of foster care. Participation in the YAP provides participants with benefits such as: educational funding assistance not otherwise provided by government grants, including the Chafee ETV; short term emergency mental health services; suitable clothing for educational or employment purposes; supportive assistance for the youth's educational requirements, such as, school supplies, monthly board assistance, a Medicaid card, transportation~~

~~assistance, and the ability to remain in the YAP to 21 years of age.~~

~~B. Eligibility for the YAP is limited to foster care youth and former foster care youth who meet the requirements of the program upon reaching 18 years of age. Requirements include the following.~~

~~1. The young adult must be/have been in foster care upon reaching 18 years of age, and, be in need of continued assistance to complete an educational or vocational program, or, to obtain employment.~~

~~2. The young adult must be:~~

~~a. enrolled in a high school to obtain a high school diploma;~~

~~b. enrolled in GED classes and also working part time;~~

~~c. enrolled in and attending a Louisiana public technical or community college; or~~

~~d. accepted into and attending an approved Louisiana public college or university.~~

~~3. The young adult must apply for and provide documentation of application for the ETV, Pell grants, Go grants or other similar governmental grants prior to approval for YAP educational benefits.~~

~~4. The young adult may remain in the YAP for a maximum of three months in order to obtain employment or have a source of income and be searching for a place to live independently.~~

~~5. The young adult must live in a foster family home or in a college dormitory, apartment or in their own apartment, if receiving their own board rate.~~

~~6. Youth in a secure placement (detention, jail, etc.) are not eligible for services provided by Chafee funds.~~

~~C. Participants must meet the requirements of the program, and, have individual identified needs as outlined in the program guidelines. The maximum allowable amount for a youth participating in the YAP will vary according to the specific needs of the youth and the guidelines for services funded by the federal Chafee Act.~~

~~D. Participation is voluntary and by contract with the OCS. The contract shall state the actions expected of the youth and the services that the OCS will provide. The YAP participant may cancel his/her contract with the OCS at any time. The OCS may cancel the YAP participant contract at any time the youth is in non-compliance with the terms of the agreement.~~

~~AUTHORITY NOTE: Promulgated in accordance with DSS Statutes R.S. 36:471 et seq.~~

~~HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 35:2205 (October 2009).~~

Family Impact Statement

The proposed rule is not anticipated to have an adverse impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Impact Statement

The proposed rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through, December 27, 2017 to Rhenda Hodnett, Assistant Secretary of Child Welfare, Department of Children and Family Services, P.O. Box 3118, Baton Rouge, LA, 70821.

Public Hearing

A public hearing on the proposed Rule will be held on December 27, 2017 at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-127, Baton Rouge, LA beginning at 10:00 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call 225-342-4120 (Voice and TDD).

Marketa Garner Walters
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement:	<u>Toni Buxton</u>	Department:	<u>Department of Children and Family Services</u>
Phone:	<u>(225) 342-4006</u>	Office:	<u>Child Welfare</u>
Return Address:	<u>627 North 4th Street</u> <u>Third Floor</u> <u>Baton Rouge, LA 70821</u>	Rule Title:	<u>Chafee Foster Care Independence Program and Young Adult Program</u>
		Date Rule Takes Effect:	<u>March 1, 2018</u>

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. Estimated Implementation Costs (Savings) to State or Local Governmental Units (Summary)

Other than the publication fees associated with the proposed rule change, it is not anticipated that the Louisiana Department of Children and Family Services (DCFS) will incur any other costs or savings as a result of this rule.

This rule change repeals LAC 67:V, Subpart 5, Foster Care, Chapter 39, Section 3903 Young Adult Program. This program was eliminated as a result of budget cuts in FY 13 generating \$1.16 M in savings in DCFS. Therefore, rules related to administering the program are being removed, as the program no longer exists.

This rule change also updates eligibility requirements for the Chafee Foster Care Independence Program (CFCIP) to reflect eligibility requirements in the existing state plan. The current rule states that youths that age out of foster care and meet eligibility requirements can receive CFCIP services until the age of 21. However, current practice, as authorized by DCFS's state plan, is that these individuals can receive CFCIP services until the age of 26. Therefore, the rules are being updated to reflect current practice and the state plan.

II. Estimated Effect on Revenue Collections of State or Local Governmental Units (Summary)

Implementation of this proposed rule will not affect current revenue collections of DCFS. Funding for the Young Adult Program was already eliminated from the DCFS budget in 2013.

III. Estimated Costs and/or Economic Benefits to Directly Affected Persons or Non-Governmental Groups (Summary)

Implementation of this proposed rule will have no economic cost or benefit to directly affected persons. The amendment repeals administrative rules for the Young Adult Program, as this program ceased in 2013. The amendment also updates eligibility requirements for CFCIP to reflect the state plan, which is also current practice.

IV. Estimated Impact on Competition and Employment (Summary)

The proposed rule change does not affect competition and/or employment.

Signature of Agency Head
or Designee

Date

LEGISLATIVE FISCAL OFFICER
OR DESIGNEE

Rhenda Hodnett, Assistant Secretary
Typed Name and Title of Agency Head

DATE OF SIGNATURE

DCFS Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberations on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated)

The Department of Children and Family Services (DCFS) proposes to amend LAC 67:V, Subpart 5, Foster Care, Chapter 39, Chafee Foster Care Independence Program and Young Adult Program. Section 3901 is being amended to include the utilization of the CFCIP grant funds and to eliminate the information regarding the Young Adult Program. Section 3903 is being repealed as the Child Welfare Young Adult Program has been terminated.

- B. Summarize the circumstances which require this action. If the action is required by federal regulations, attach a copy of the applicable regulation.

Chapter 39 is being amended to eliminate the utilization of the CFCIP grant funds and to eliminate the information regarding the Young Adult Program as the Child Welfare Young Adult Program has been terminated.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

There will be no increase in the expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) Yes. If yes, attach documentation.

(b) No. If no, provide justification as to why this rule change should be published at this time.

The cost of publishing rulemaking is routinely included in the department's annual operating budget appropriated by the legislature.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

I. A. Costs or Savings to State Agencies Resulting from the Action Proposed

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

Costs	FY 17-18	FY 18-19	FY 19-20
Personal Services	\$0		
Operating Expenses	\$852.00		
Professional Services	\$0		
Other Charges	\$0		
Equipment	\$0		
Major Repair & Constr.	\$0		
Total	\$852.00		
Positions (#)			

2. Provide a narrative explanation of the costs or savings shown in "A.1.," including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The Department of Children and Family Services (DCFS) proposes to amend LAC 67:V, Subpart 5, Foster Care, Chapter 39. Chafee Foster Care Independence Program and Young Adult Program. Section 3901 is being amended to include the utilization of the CFCIP grant funds and to eliminate the information regarding the Young Adult Program. Section 3903 is being repealed as the Child Welfare Young Adult Program has been terminated.

The proposed rule will not impact the overall revenues or expenditures of the department. The only cost associated with this proposed rule is the cost of publishing rulemaking. It is anticipated that \$852.00 (Federal) will be expended in SFY17-18 for the state's administrative expenses for promulgation of this proposed rule and the final rule.

3. Sources of funding for implementing the proposed rule or rule change.

Source	FY 17-18	FY 18-19	FY 19-20
State General Fund	\$0		
Agency Self-Generated	\$0		
Federal Funds	\$852.00		
Dedicated	\$0		
Other (Specify)	\$0		
Total	\$852.00		

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The agency currently has sufficient funds to cover the cost of publishing rulemaking.

B. Cost or Savings to Local Governmental Units Resulting from the Action Proposed

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There are no estimated costs or savings to local governmental units resulting from this rule.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these cost or savings.

There will be no impact on local governmental units.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

II. Effect on Revenue Collections of State and Local Governmental Units

A. What increase (decrease) in revenues can be anticipated from the proposed action?

Revenue Increase/Decrease	FY 17-18	FY 18-19	FY 19-20
State General Fund	\$0	\$0	\$0
Agency Self-Generated	\$0	\$0	\$0
Dedicated Funds *	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0
Total	\$0	\$0	\$0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

Implementation of this rule will have no effect on state or local revenue collections.

III. Costs and/or Economic Benefits to Directly Affected Persons or Nongovernmental Groups

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

There is no anticipated cost to any persons or nongovernmental groups as a result of this rule.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

This rule will not have a significant impact on receipts and/or income.

IV. Effects on Competition and Employment

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

This rule will not have a significant impact on competition for employment in the public and private sectors.