

NOTICE OF INTENT

Department of Children and Family Services

Economic Stability

**Family Independence Temporary Assistance Program (FITAP) and
Strategies to Empower People (STEP) Program**

**(LAC 67:III.1213, 1229, 5703, 5705, 5707, 5709, 5713, 5715,
5717, 5719, 5721, 5723, 5725, 5727, and 5729)**

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:III, Subpart 2 Family Independence Temporary Assistance Program (FITAP), Chapter 12, Subchapter A, Section 1213 and Subchapter B, Section 1229; and Subpart 16 Strategies to Empower People (STEP) Program, Chapter 57, Subchapter A, Sections 5703, 5705, and 5707, Subchapter B, Sections 5709, 5713, 5715, and 5717, and Subchapter C, Sections 5719, 5721, 5723, 5725, 5727, and 5729.

Sections 1213 and 1229 are being amended to provide clarification of program requirements.

Sections 5703, 5705, 5707, 5709, 5713, 5715, 5717, 5719, 5721, 5723, 5725, and 5729 are being amended to provide clarification of administration of the program, of availability, coordination, and provision of employment services for work-eligible FITAP recipients, and of program requirements. Section 5727 is being repealed.

Pursuant to Louisiana's Temporary Assistance for Needy Families (TANF) Block Grant, the department considers these amendments necessary to address changes in revised statute as amended by Act 285 of the 2013 Regular Session, to add clarification, and to facilitate the expenditure of TANF funds.

Title 67

SOCIAL SERVICES

Part III. Economic Stability

Subpart 2. Family Independence Temporary Assistance Program

Chapter 12. Application, Eligibility, and Furnishing Assistance

Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance

§1213. Domestic Violence

A. The secretary shall waive, for as long as necessary, pursuant to a determination of good cause, any public assistance program requirement that will create obstacles for a victim of domestic violence to escape a domestic violence situation, including but not limited to, time limits on receipt of assistance; work, training, or educational requirements; limitations on TANF assistance to noncitizens; child support or paternity establishment cooperation requirements; residency requirements; and any other program requirements which will create obstacles for such victim to escape violence or penalize that victim for past, present, and potential for abuse. However, a victim of domestic violence shall develop a plan that specifies the necessary actions, goals, and services that may enable the victim to become free of a domestic violence situation. ~~This plan shall be made part of the participant's family success agreement.~~

B. - C.5. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474 and R.S. 46:231.1.B, Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2447 (December 1999), amended LR 30:494 (March 2004), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:

Subchapter B. Conditions of Eligibility

§1229. Income

A. - A.32. ...

B. Need Standards Deduction. This deduction as described in §1229.F.3.b is applied to the income of an alien sponsor when determining eligibility and benefits of an alien.

1. The ~~FITAP~~ need standards are as follows.

Size of Household	Current Need Standard
1	\$ 245
2	472
3	658
4	809
5	955
6	1,089
7	1,217
8	1,347
9	1,471
10	1,595
11	1,731
12	1,870
13	2,005
14	2,146
15	2,291
16	2,444
17	2,564
18	2,727

B.2. - E. ...

F. Income of Alien Sponsors

1. - 1.b. ...

2. The ~~agency~~ department has opted not to apply the deeming rule of 42 U.S.C. 608 in determining the eligibility and benefits of non-213A aliens.

3. The gross countable income of a sponsor and the sponsor's spouse shall be deemed to be the unearned income of an alien minus the following deductions:

a. 20 percent of the total earned income not to exceed \$175;

b. The appropriate Need Standard amount for the sponsor, spouse, and any other persons living in the home whom the sponsor claims or could claim as a dependent for federal income tax purposes;

c. Total amounts the sponsor or spouse pays to anyone not living in the household but whom the sponsor or

spouse claims or could claim as a dependent for federal income tax purposes; and

d. Total verified alimony or child support the sponsor or spouse pays to persons not living in the household.

G. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq. and 10602(c), R.S. 36:474, R.S. 46:231.1.B., R.S. 46:231.2, P.L. 108-447, Act 16, 2005 Reg. Session, 7 CFR 273.2, (j).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2449 (December 1999), amended LR 26:1342 (June 2000), LR 26:2831 (December 2000), LR 31:2956 (November 2005), LR 32:1616 (September 2006), LR 32:1912 (October 2006), LR 34:2678 (December 2008), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2524 (November 2010), LR 40:
Subpart 16. Strategies to Empower People (STEP) Program
Chapter 57. Strategies to Empower People (STEP) Program
Subchapter A. Designation and Authority of State Agency
§5703. Program Administration

A. ~~The STEP Program will be administered by OFS State Office, regional and parish staff.~~ The Department of Children and Family Services (DCFS) shall develop, implement, and administer STEP as the employment program for work-eligible recipients of the Family Independence Temporary Assistance Program (FITAP) in accordance with the provisions of the Federal Welfare Reform Act and make available to eligible FITAP recipients the allowable work, training, and education activities of the STEP Program.

B. ~~The Department of Social Services will coordinate with the Louisiana Workforce Commission, who will identify, direct, and coordinate the provision of employment services offered~~

~~through the STEP Program. These services will include but are not limited to:~~ Prior to receipt of FITAP, a work-eligible participant shall be notified in writing of program expectations and participant responsibilities. When possible, notification may be delivered via e-mail or other electronic means, and notification delivered in this manner shall be deemed to satisfy the written notification requirement established in this Chapter.

~~1. job readiness, job preparation, and job search;
2. workplace literacy and related assessments; and
3. applicable skill based training, employer based training, and other employment activities designed to meet the needs of Louisiana employers with a preference towards demand occupations.~~

C. ~~The Louisiana Workforce Commission shall coordinate the provision of services utilizing the Department of Labor, one stop services centers, the Louisiana Community and Technical College system, and the Department of Education adult literacy and community-based organizations.~~ DCFS shall collaborate with the Louisiana Workforce Commission (LWC) to identify and coordinate employment services for the program. Employment services shall be delivered pursuant to performance-based contracts between the department and LWC, other government agencies, or any community partner.

D. ...

E. The secretary shall provide workers' compensation and liability insurance coverage for participants engaged in work experience or community service activities.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:497 (March 2004), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:

§5705. Definitions

Family Assessment—consists of an initial employability assessment and a comprehensive assessment if needed:

1. initial employability assessment is designed to determine the applicant's level of employability, immediate needs, and family circumstances during the application process;

2. comprehensive assessment is conducted once the applicant is certified for eligibility if needed and ~~shall~~ may include but is not limited to workplace literacy, basic skills and educational attainment, interests and aptitude related to employment, barriers to employment, need for education, supportive services such as child care and transportation, and other supportive services. Specialized assessments can occur for issues that arise after an initial assessment has been completed and could include substance abuse, domestic violence, mental health screening, or others as determined by the department.

Family Success Agreement (FSA)—the mutually developed contract between a Family Independence Temporary Assistance Program (FITAP) recipient, on behalf of their family, and the ~~agency~~ department that sets forth mutual and time-bound responsibilities, expectations, activities, and goals designed to transition the family from receipt of FITAP to self-sufficiency.

~~*Family Transition Assessment (FTA)*—mutually developed plan between a FITAP recipient, on behalf of their family, and the agency, for those families nearing the end of their FITAP eligibility to identify the action plan necessary to enable a successful transition from receipt of FITAP to self-sufficiency.~~

~~Temporary Exception—a limited time period in which the work-eligible recipient does not have to participate in an assigned work activity due to unavailable child care or a domestic violence situation.~~

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session; Act 110, 2004 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:497 (March 2004), amended LR 31:103 (January 2005), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:

§5707. Domestic Violence

A. The secretary shall waive, for as long as necessary, pursuant to a determination of good cause, any public assistance program requirement that will create obstacles for a victim of domestic violence to escape a domestic violence situation, including but not limited to time limits on receipt of assistance, work, training or educational requirements, limitations on TANF requirements, residency requirements, and any other program requirements which will create obstacles for such victim to escape violence or penalize that victim for past, present, and potential for abuse. However, a victim of domestic violence shall develop a plan that specifies the necessary actions, goals, and services that may enable the victim to become free of a domestic violence situation. ~~Such plan shall be made a component of the participant's Family Success Agreement (FSA).~~

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:498 (March 2004), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:

Subchapter B. Participation Requirements

§5709. School Attendance

A. Work-eligible FITAP recipients, in order to ensure appropriate child development, educational attainment, and school attendance for each minor child included in the assistance unit, shall agree in the Family Success Agreement (FSA) to actively participate in their child's education through parent-teacher conferences, homework assistance, or other activities.

~~1. actively participate in their child's education through parent teacher conferences, homework assistance, or other activities; and~~

~~2. provide documentation to the department that they are ensuring school attendance and are engaged in the child's learning.~~

B. ...

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:498 (March 2004), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:

§5713. Work Activities

A. Work-eligible recipients shall participate in appropriate work activities for the minimum number of hours specified by federal law as agreed upon in the FSA. ~~These~~ Appropriate work activities may include but are not limited to:

1. subsidized or unsubsidized employment;
2. unpaid work experience;
3. on-the-job training;
4. job search;
5. job readiness;
6. vocational education;
7. attendance in secondary school for those

individuals who have not graduated from high school;

8. participation in GED or basic skills training;
9. employment-related education;
10. job skills training;
11. community service; and
12. the provision of child care to an individual who

is participating in community service.

B. ...

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:498 (March 2004), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:

§5715. ~~Temporary Exceptions~~ Good Cause

A. A work-eligible applicant or recipient of cash assistance shall immediately participate in work activities for the minimum number of hours per week required by federal law unless one of the following ~~exceptions~~ good cause reasons applies: ~~These temporary exceptions shall not exceed six months in a 12 month period. Effective October 1, 2004, the exceptions include:~~

- ~~1. inability to obtain appropriate child care; or~~

~~2. status as a victim of domestic violence based on evidence presented to the department which may include, but not limited to, information from law enforcement agencies or domestic violence providers. This exception shall only be granted if a participant develops a plan to address the domestic violence situation and incorporates this plan in the FSA.~~

1. Appropriate child care is unavailable within a reasonable distance from the participant's home or worksite after efforts have been made, and assistance has been offered, to secure child care.

2. Appropriate transportation is:

a. unavailable and the participant's home or worksite are not within a reasonable walking distance, or

b. available but is cost prohibitive.

3. Situations Related to Domestic Violence. Any participant that receives a good cause exception related to domestic violence shall complete a plan that specifies the necessary actions, goals, and services that may enable the victim to become free of the violence.

4. Situations related to the treatment of a mental or physical illness, including substance abuse treatment, where there is verification that participation in required activities would impair a treatment plan of a mental health or medical professional.

5. Temporary, short-term illness, or the temporary care of a family member who is ill, as documented by a medical professional.

6. Temporary emergency crisis, such as homelessness, fire, accident, dislocation due to natural causes, hurricane, flood, or similar circumstances that can be substantiated.

~~B. During a period in which a participant receives a temporary exception to the work requirement, a revised FSA shall~~

~~be developed to enable satisfactory progress toward meeting employment and educational activity requirements.~~

~~C.~~ Participants who ~~receive a temporary exception~~ are granted good cause shall be informed that this time is counted against their federal 60-month time limit and state 24-month time limit for receipt of cash assistance.

C. When good cause is granted, the basis for good cause shall be re-evaluated every six months to determine if good cause continues to exist.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session; Act 110 and Act 675, 2004 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:498 (March 2004), amended LR 31:103 (January 2005), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:

§5717. Sanctions

A. Sanctions shall be used as a last resort to inform participants that they have not met the expectations set forth in the FSA. Participants shall be sanctioned for the following violations:

~~1. failure of the participant to provide documentation to the department that they are ensuring school attendance and are engaged with their child's learning;~~

~~2.~~ 1. failure of a work-eligible, minor parent with a child who has not yet received a high school diploma or its equivalent, to attend school or related education classes designed to obtain a high school diploma or its equivalent;

~~3.~~ 2. failure of a public assistance recipient who is pregnant or has a child under age one to attend parenting education and other training conducive to the unique needs of new parents;

~~4.~~ 3. failure of work-eligible families to meet the required employment and education activities for the minimum number of hours without good cause, as specified in the FSA; or

~~5.~~ 4. failure of work-eligible families to meet other requirements such as but not limited to immunization, cooperation with support enforcement services, compliance with substance abuse screening, testing, treatment, etc., as specified in the FSA.

B. - B.3. ...

~~C. The following represent good cause for not complying with the requirements set forth in the FSA.~~

~~1. Appropriate child care or transportation is unavailable within a reasonable distance from the participant's home or worksite after efforts have been made, and assistance has been offered, to secure child care or transportation.~~

~~2. Situations Related to Domestic Violence. Any participant that receives a good cause exception related to domestic violence shall complete a plan that specifies the necessary actions, goals, and services that may enable the victim to become free of the violence and incorporate this plan into their FSA.~~

~~3. Situations related to the treatment of a mental or physical illness, including substance abuse treatment, where there is verification that participation in required activities would impair a treatment plan of a mental health or medical professional. Any participant that receives a good cause exception related to mental or physical illness shall incorporate the completion of the identified treatment plan in the FSA.~~

~~4. Temporary, short term illness, or the temporary care of a family member who is ill, as documented by a medical professional.~~

~~5. Temporary emergency crisis, such as homelessness, fire, accident, dislocation due to natural causes, hurricane, flood, or similar circumstances that can be substantiated.~~

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:499 (March 2004), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:

Subchapter C. STEP Program Process

§5719. Family Assessment

A. A family assessment shall be completed on all FITAP/STEP applicants in order to assist the worker in identifying family strengths, weaknesses, opportunities and barriers as well as determining programs that the applicants will need to become self-sufficient.

B. The family assessment may be created, sent, signed, or stored by electronic means.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:499 (March 2004), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:

§5721. Job Readiness

A. A work-eligible applicant ~~for cash assistance of FITAP shall participate in job readiness activities as part of the core services available under STEP.~~ register for work with the Louisiana Workforce Commission (LWC). Registration for work shall be documented as a condition for certification of

eligibility for FITAP. The applicant shall receive an initial employability assessment designed to determine their level of employability, immediate needs, and family circumstances.

B. ~~Job developers, through performance-based contracts,~~ DCFS will ~~provide~~ ensure job readiness services are provided through other state partners or through performance-based contracts. ~~that shall include, but are not limited to:~~

- ~~1. workplace literacy assessment;~~
- ~~2. résumé development;~~
- ~~3. interview skills;~~
- ~~4. job search;~~
- ~~5. workplace standards and soft skills development;~~
- ~~6. work ethics;~~
- ~~7. interest inventories related to job market and skills;~~
- ~~8. assistance with identification of available jobs and employers;~~
- ~~9. life skills development;~~
- ~~10. budget and financial management; and~~
- ~~11. client follow-up.~~

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:499 (March 2004), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:

§5723. Comprehensive Assessment

A. Once the applicant is certified for eligibility, a comprehensive assessment shall be conducted if needed and may include but is not limited to workplace literacy, basic skills and educational attainment, interests and aptitude related to

employment, barriers to employment, need for education, supportive services such as child care and transportation, and other supportive services.

B. ...

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:499 (March 2004), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:

§5725. Family Success Agreement (FSA)

A. Upon determination of eligibility and after completion of the comprehensive assessment if needed, work-eligible participants shall enter into a contractual agreement, known as the Family Success Agreement (FSA), with the department. The FSA will specify:

1. the client's time-bound goals, responsibilities, and work activity participation; and
2. the department's obligation to provide necessary supportive services, assessments, notifications, information, and case management.

B. The FSA shall be updated at least every six months or as the client's needs, goals, barriers, and family circumstances change. It shall be the responsibility of the participant to inform the department or its representative of these changes.

C. The Family Success Agreement may be created, sent, signed, or stored by electronic means. The electronic version of the Family Success Agreement is known as the Case Plan.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:500 (March 2004), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:

~~§5727. Family Transition Assessment~~

~~A. The department shall complete a Family Transition Assessment (FTA) to assist participants with their transition from cash assistance. Effective October 1, 2004, the plan will be completed with participants who have received three of the first six months of earned income disregard, or who are within six months of an expected transition from FITAP for reasons other than non-compliance with program requirements, whichever is earlier.~~

~~B. The FTA shall include but is not limited to:~~

- ~~1. a plan for on going success in the work force;~~
- ~~2. identification of short and long term goals;~~
- ~~3. identification of potential barriers and an action plan to overcome these barriers; and~~
- ~~4. information regarding eligibility for supportive services including, but not limited to: Medicaid benefits, food stamp benefits, child care, transportation, Louisiana Child Health Insurance Program, the earned income tax credit, and TANF-funded services.~~

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session; Act 110 and Act 675, 2004 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:500 (March 2004), amended LR 31:103 (January 2005), LR 33:1686 (August 2007), repealed by the Department of Children and Family Services, LR 40:

§5729. Support Services

A. - A.7. ...

B. Support services may be provided to:

1. persons participating in the family assessment;
2. persons referred by the ~~agency~~ department to

other activities, such as drug counseling, prior to their participation in a work activity;

B.3. - C.2. ...

D. The department shall inform participants of available supportive services as part of the initial family assessment and shall integrate the provision of any necessary supportive services to the Family Success Agreement developed and signed by the department and the participant.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session, ACYF-IM-CC-05-03.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:500 (March 2004), amended LR 32:2098 (November 2006), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 38:1391 (June 2012), LR 40:

Family Impact Statement

1. What effect will this Rule have on the stability of the family? This Rule will have no impact on the family's stability.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? This Rule will have no effect on the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? This Rule will have no negative effect on the functioning of the family.
4. What effect will this have on family earnings and family budget? This Rule will have no effect on family earnings or family budget.
5. What effect will this have on the behavior and personal responsibility of children? This Rule will have no effect on the behavior and personal responsibility of children.
6. Is the family or local government able to perform the function as contained in this proposed Rule? No, these functions are department functions.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The department has considered the impact of the proposed rule on providers and organizations that provide services for individuals with development disabilities. It is estimated that the proposed action will have no adverse fiscal impact regarding staffing requirements or qualifications, the total cost to the provider, or the overall effect on the provider's ability to provide the same level of service.

Small Business Impact Statement

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Public Comments

All interested persons may submit written comments through July 29, 2014, to Lisa Andry, Deputy Assistant Secretary of Programs, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, Louisiana, 70804-9065.

Public Hearing

A public hearing on the proposed Rule will be held on July 29, 2014 at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-127, Baton Rouge, LA, beginning at 9 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 Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Suzy Sonnier
Secretary