



Division of Programs
627 N. Fourth St.
Baton Rouge, LA 70802

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www.dcfsl.a.gov

Bobby Jindal, Governor
Suzy Sonnier, Secretary

January 23, 2015

The Honorable David Heitmeier, Chairman
Louisiana Senate Committee on Health and Welfare
P. O. Box 94183, Capitol Station
Baton Rouge, Louisiana 70804

Dear Senator Heitmeier:

The Department of Children and Family Services (DCFS) hereby announces its plan to proceed with rulemaking by finalizing the Notice of Intent titled "Access to Child Care for Homeless Families" that was promulgated and published on page 2286 of the November 2014 *Louisiana Register*. Copies of the notice and fiscal statement were provided to you on, or about, November 10, 2014.

The proposed rule will adopt definitions relative to homelessness, temporarily waive certain eligibility requirements for families experiencing homelessness to receive child care assistance, and authorize payments to child care providers on behalf of homeless families pursuant to the requirements of Act 787 of the 2014 Regular Legislative Session.

DCFS held a public hearing on December 29, 2014. Copies of the summary of testimony from this hearing, written comment letter received, and the department's response to the comment letter are attached. The written comment submission was generally in response to time limits for waiving certain requirements for homeless families and household definition.

While comments received were considered, the department deems the proposed rule necessary to implement provisions of Act 787. Therefore, no changes have been made to the proposed rule. At this time the department intends to submit the Final Rule to the Office of State Register for publication in the March issue of the *Louisiana Register*. This Rule is effective April 1, 2015.

Please contact me at (225) 342-9538 if the department may be of any assistance to you concerning this matter.

Sincerely,

A handwritten signature in blue ink that reads "Sammy Guillory".

Sammy Guillory
Deputy Assistant Secretary

sg/vg





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Bobby Jindal, Governor
Suzy Sonnier, Secretary

January 23, 2015

The Honorable Scott Simon, Chairman
House Committee on Health and Welfare
P. O. Box 94062, Capitol Station
Baton Rouge, Louisiana 70804

The Department of Children and Family Services (DCFS) hereby announces its plan to proceed with rulemaking by finalizing the Notice of Intent titled "Access to Child Care for Homeless Families" that was promulgated and published on page 2286 of the November 2014 *Louisiana Register*. Copies of the notice and fiscal statement were provided to you on, or about, November 10, 2014.

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Bobby Jindal, Governor
Suzy Sonnier, Secretary

January 23, 2015

The Honorable John Alario
President of the Senate
Louisiana State Senate
P. O. Box 94183, Capitol Station
Baton Rouge, Louisiana 70804

Dear Senator Alario:

The Department of Children and Family Services (DCFS) hereby announces its plan to proceed with rulemaking by finalizing the Notice of Intent titled "Access to Child Care for Homeless Families" that was promulgated and published on page 2286 of the November 2014 *Louisiana Register*. Copies of the notice and fiscal statement were provided to you on, or about, November 10, 2014.

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Deputy Assistant Secretary

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Bobby Jindal, Governor
Suzy Sonnier, Secretary

January 23, 2015

The Honorable Charles E. Kleckley
Speaker of the House
Louisiana House of Representatives
P. O. Box 94062, Capitol Station
Baton Rouge, Louisiana 70804

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Sincerely,

A handwritten signature in blue ink that reads "Sammy Guillory".

Sammy Guillory
Deputy Assistant Secretary

sg/vg



PUBLIC HEARING

APPEAL #263799

TUESDAY, DECEMBER 30, 2014 AT 9:00 A.M.

BATON ROUGE, LOUISIANA

**DEPARTMENT OF
CHILDREN AND FAMILY SERVICES
PLANNING AND POLICY CIRCULATION SECTION**

NOTICE OF INTENT – ACCESS TO CHILD CARE FOR HOMELESS FAMILIES



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Bobby Jindal, Governor
Suzie Sonnier,
Secretary

INTEROFFICE MEMORANDUM

**TO: Doris Weston
Manager, Appeals Unit**

**FROM: Celia Alexander, Attorney IV
Bureau of General Counsel**

DATE: December 30, 2014

RE: Public Hearing 263799 regards the proposed adoption of provisions necessary to establish access to child care for homeless families by establishing a definition for "homeless" and amending conditions of eligibility and payment within the Child Care Assistance Program

I conducted a Public Hearing in Room 1-127 of the Iberville Building on Monday, December 30, 2014, at 9:00 a.m. The hearing commenced at 9:05 a.m.

Presenting on behalf of the agency was Vashika Gilmore, Program Coordinator, with the Planning and Policy Section of the Department of Children and Family Services.

Hearing Summary

Vashika Gilmore testified that the Child Care Assistance Program (CCAP) proposes to amend LAC 67:III, Subpart 12, Child Care Assistance Program, Chap. 51, Child Care Assistance Program, Subchapter A Administration, Conditions of Eligibility and Funding, Section 5102 and 5103, Conditions of Eligibility, and Subchapter B, Section 5109 Payment. Section 5102 is being amended to include definitions relative to homeless families. Section 5103 is being amended to conform to the requirements of the Improving Access to Child Care for Homeless Louisiana Families Act, La. R.S. 46:1443 et seq. Section 5109 is being amended to authorize payments to child care providers on behalf of homeless families.



Adjournment

The hearing was adjourned at 9:07 a.m.

Respectfully Submitted by:



Celia Alexander, Hearing Officer



CERTIFICATION

THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES HEARING OFFICER NAMED BELOW DOES HEREBY CERTIFY THAT THE ITEMS IN THE FILE CONSTITUTE THE OFFICIAL RECORD OF THE PUBLIC HEARING. THE HEARING WAS ADJOURNED WITH 0 PUBLIC COMMENT(S), 1 WRITTEN COMMENT SUBMISSIONS, AND 1 MEMBER(S) OF THE PUBLIC WAS (WERE) PRESENT TO OFFER REMARKS.



HEARING OFFICER

Louisiana Progress

Dylan Waguespack
Advocacy & Outreach Coordinator
650 N. 6th Street
Baton Rouge, LA 70802
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C: 504.450.7496
dylan@louisianaprogress.org

December 18, 2014

Department of Children and Family Services
Attention: Lisa Andry
PO Box 94065
Baton Rouge, LA 70804

Re: Notice of Intent - LAC 67:III.5102, 5103, and 5109

Dear Ms. Andry,

Louisiana Progress is a nonpartisan organization dedicated to promoting public policy that moves Louisiana ahead without leaving some of its people behind. We advocate policies that strengthen the middle class, protect the less advantaged, equalize opportunity, and ensure that businesses large and small have the tools they need to innovate, compete, and create well-paying, long-term jobs. Our Opportunity Agenda initiative works to ensure success for families, children and youth whose lives have been disrupted by poverty, hunger, and the lack of safe, permanent, and adequate housing. We appreciate the opportunity to offer feedback on the proposed rule changes for the Child Care Assistance Program.

Young children and families experience high rates of homelessness. 51% of children in shelters funded by the U.S. Department of Housing and Urban Development are under the age of six. Homeless families face barriers to accessing child care that exceed those confronted by other families in poverty. For example:

- Mothers who have experienced homelessness are less likely to have received government subsidies for child care than those at-risk of homelessness or those with stable housing.
- Only 32% of ever-homeless mothers received a child care subsidy, while 55% of mothers at-risk of homelessness and 36% of those stably housed received such financial assistance.
- Mothers who have experienced homelessness are more likely to have unreliable child care and are less likely to access center-based care.

CERTIFIED TRUE AND CORRECT COPY
THIS 18th DAY OF December, 2014.


NOTARY PUBLIC

- Over a third (35%) of ever-homeless women characterized their child care as unreliable, compared with 23% of mothers at risk of homelessness and 6% of stably housed mothers.
- Only 24% of ever-homeless mothers access center-based care, compared to 55% of mothers at-risk of homelessness. Enrollment in formal, center-based programs has been linked to improved social, cognitive, and language skills for low-income children.
- Mothers who have experienced homelessness are more likely to be forced to leave jobs or school due to lack of child care.
- 25% of ever-homeless mothers reported quitting jobs or school due to problems with their child care, compared to 15% of mothers at-risk of homelessness and 5% of stably housed mothers.

This lack of child care makes it extremely difficult for homeless parents to obtain the additional education and employment necessary for them to secure and maintain permanent housing. It makes it more likely that children will remain homeless longer, resulting in greater damage to children's cognitive and socioemotional development.

Many of the proposed rules will facilitate homeless families' access to child care. In particular, we support the following proposed changes:

- Establishing the exemption of employment and training activity requirements for homeless parents who demonstrate that they are seeking employment or participating in a transitional living program;
- Establishing a grace period of 90 days in which homeless parents can submit documentation verifying a child's age and/or immunization records;
- Using the same payment determination formula for homeless families as is used to determine payments to providers on behalf of FITAP recipients;
- Establishing 12-month eligibility determinations; and
- Highlighting the need to build capacity to serve homeless children.

In addition to supporting these changes, we offer the following recommendations for minor revisions that would significantly enhance homeless families' access to services.

§5103. Conditions of Eligibility

(B)(4)(e) Exemption: The employment and training activity requirements may be waived for a period of 180 days from the effective date of certification for homeless parents or persons acting as parents who demonstrate that they are seeking employment or participating in a transitional living program as defined in Section 5102. ~~There is a six-month-lifetime-maximum for this exception.~~

(C) The family requesting child care services must provide the information and verification necessary for determining eligibility and benefit amount, and meet appropriate eligibility

requirements established by the state. However, the verification of a child's age and/or immunizations may be waived for a period of 90 days from the effective date of certification for a household in which ~~all of the members~~ the parents, persons acting as parents, and/or child meet the homeless definition described in Section 5102, as long as all other eligibility factors described in Section 5103 Subsection B Paragraphs 1-3 and 5-7 are met.

(E) Effective October 1, 2004, all children receiving services must be age-appropriately immunized according to the schedule of immunizations as promulgated by the Louisiana Office of Public Health, or be in the process of receiving all age-appropriate immunizations. No person is required to comply with this provision if that person or his/her parent or guardian submits a written statement from a physician stating that the immunization procedure is contraindicated for medical reasons, or if the person or his/her parent or guardian objects to the procedure on religious grounds. However, the verification of a child's age and/or immunizations may be waived for a period of 90 days from the effective date of certification for a household in which ~~all of the members~~ the parents, persons acting as parents, and/or child meet the homeless definition described in Section 5102, as long as all other eligibility factors described in Section 5103 Subsection B Paragraphs 1-3 and 5-7 are met.

Rationale:

(B)(4)(e)

The Child Care and Development Block Grant Act of 2014, signed by President Obama on November 19, 2014 reauthorized the federal legislation governing the CCDF block grants for the first time since 1996. The reauthorization establishes a 12-month eligibility re-determination period for CCDF families, regardless of changes in income (as long as income does not exceed the federal threshold of 85% of State median income) or temporary changes in participation in work, training, or education activities. Under the new law, homeless parents will be able to participate in Louisiana's Child Care Assistance Program for at least 12 months under the conditions of their original eligibility. By not including a six month lifetime maximum for this exception, the rules will come closer to matching the criteria they will be asked to meet by the Administration for Children and Families in the near future. The changes will be easier to navigate for homeless service providers, case managers, and homeless families in Louisiana.

Furthermore, research has consistently shown that most homeless families have relatively brief episodes of homelessness -- they exit homelessness within three to six months and do not return. However, a small percent of homeless families experience multiple episodes of homelessness, and those families may need more than one period of child care assistance in their lifetime in order to be successful and retain stable housing long-term. For these families, this assistance could be instrumental in meeting HUD's current priority of ending chronic homelessness by 2016.

(C) and (E)

Parents and children fleeing domestic abuse may incorrectly interpret “household” to include an abusive spouse or partner, and unaccompanied minors with dependents may incorrectly interpret “household” to include their parent(s) or legal guardian(s). By explicitly stating that the waiver exists for homeless children and either of their parents, unaccompanied children and parents fleeing domestic abuse may be less likely to apply for child care assistance incorrectly and subsequently have their application denied.

Further Reading

National Center on Family Homelessness. [Homeless Children: America's New Outcasts 2010](http://homeless.samhsa.gov/resource/homeless-children-america's-new-outcasts-2010-32806.aspx). Available from

<http://homeless.samhsa.gov/resource/homeless-children-america's-new-outcasts-2010-32806.aspx>

National Center for Children in Poverty, Mailman School of Public Health Columbia University. [Poverty and Brain Development in Early Childhood](http://www.nccp.org/publications/pdf/text_398.pdf). Available from

http://www.nccp.org/publications/pdf/text_398.pdf

The Urban Institute. [Homelessness: Programs and the People They Serve: Summary Report-Findings of the National Survey of Homeless Assistance Providers and Clients](https://www.hudexchange.info/resources/documents/HomelessProgramsPeople.pdf). Available from <https://www.hudexchange.info/resources/documents/HomelessProgramsPeople.pdf>

U.S. Conference of Mayors. [2008 Status Report on Hunger & Homelessness](http://usmayors.org/press/releases/documents/hungerhomelessnessreport_121208.pdf). Available from http://usmayors.org/press/releases/documents/hungerhomelessnessreport_121208.pdf



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Bobby Jindal, Governor
Suzy Sonnier, Secretary

January 20, 2015

Dylan Waguespack, Advocacy & Outreach Coordinator
Louisiana Progress
650 N. 6th Street
Baton Rouge, LA 70802

Re: Public Hearing Comments (Access to Child Care for Homeless Families – Notice of Intent)

Dear Ms. Waguespack:

This is in response to your letter dated December 18, 2014, that was submitted to the Department of Children and Family Services (DCFS) regarding the Department's proposed rule published in the November 20, 2014 *Louisiana Register*. This rule was published in order to implement the provisions included in Act 787 of the 2014 Regular Session.

In reference to your recommendation to delete the six-month lifetime maximum time limit for this exception:

The Department has interpreted the language in Act 787 to limit the period of time that a homeless family can have certain requirements waived. Specifically, Act 787 requires DCFS to waive requirements relative to work and school engagement for homeless parents "for a period of not less than ninety days and not more than one hundred eighty days from the effective date of the certification for child care assistance". It is the interpretation of DCFS that the time periods described in the Act were intended to apply a limit on the amount of time that a homeless family could receive child care assistance with these waived requirements.

In reference to your recommendation to change our requirement that "all of the members" of the household be homeless to a requirement that "the parents, persons acting as parents, and/or child" be homeless:

The Department defines a household as "a group of individuals who live together, consisting of the head of household, that person's legal spouse or non-legal spouse, the disabled adult parent who is unable to care for himself/herself and his/her child(ren) who are in need of care, and all children under the age of 18 who are dependent on the head of household and/or spouse, including the minor unmarried parent (MUP) who is not legally emancipated, and the MUP's children." It is the interpretation of DCFS that this definition limits the child care assistance household to certain individuals who "live together", thus excluding parents and/or spouses from which the household may be fleeing to avoid domestic abuse.



Please feel free to contact me if you have additional questions.

Sincerely,



Sammy Guillory, Deputy Assistant Secretary
DCFS – Division of Programs

cc: Kim Glapion-Bertrand
Lisa Andry
Charlie Dirks
Kim Matherne

