

Regular Session, 2014

HOUSE BILL NO. 249

BY REPRESENTATIVES PRICE, JAMES, LEGER, PIERRE, AND SMITH

CHILDREN/CARE: Provides for access to child care assistance by homeless families

1 AN ACT

2 To amend and reenact R.S. 36:474(A)(11) and to enact Chapter 14-D of Title 46 of the  
3 Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:1443 through 1443.3,  
4 relative to child care assistance for homeless families; to provide for requirements  
5 of the Child Care and Development Fund state plan; to provide for duties of the  
6 Department of Children and Family Services; to provide findings, purposes, and  
7 definitions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 36:474(A)(11) is hereby amended and reenacted to read as follows:

10 §474. Powers and duties of the secretary of the Department of Children and Family  
11 Services

12 A. In addition to the functions, powers, and duties otherwise vested in the  
13 secretary by law, he shall:

14 \* \* \*

15 (11) Except as provided in Subsection G of this Section, prepare and submit  
16 a state plan for participation in the Child Care and Development Block Grant  
17 Program and in the Title IV-A federal program to assist families at risk of welfare  
18 dependency. The secretary shall ensure that the Child Care and Development Fund  
19 plan of this state conforms with the requirements of the Improving Access to Child  
20 Care for Homeless Louisiana Families Act, R.S. 46:1443 et seq. The ~~Joint~~ House



1        §1443.2. Legislative findings; purposes

2            A. The Legislature of Louisiana hereby finds and declares the following:

3            (1) Families with minor children comprise a significant and growing  
4            segment of the homeless population of this state.

5            (2) As filed with the Administration for Children and Families, the Child  
6            Care and Development Fund plan of this state for the period October 1, 2013,  
7            through September 30, 2015, authorizes the same services for families experiencing  
8            homelessness as for other low-income families. However, the plan does not address  
9            other eligibility factors that may be a barrier for homeless families in seeking child  
10           care assistance.

11           (3) Louisiana requires parents who receive subsidized child care to work or  
12           attend school for a prescribed number of hours in a defined period as a condition of  
13           receiving child care assistance; but, unlike many other states, does not waive work  
14           and education activity requirements for homeless parents.

15           (4) Compliance with work and education activity requirements, as is  
16           mandated currently for homeless parents to receive child care assistance, is  
17           disproportionately more burdensome for homeless parents than for parents with  
18           stable housing, and creates unique risks to the safety and health of homeless children.

19           B. The purposes of this Chapter include, without limitation, the following:

20           (1) To mitigate barriers that Louisiana families experiencing homelessness  
21           face in accessing child care.

22           (2) To reduce the incidence of developmental delays and physical and mental  
23           health problems among young children who experience homelessness by providing  
24           access to quality child care.

25        §1443.3. Child Care and Development Fund state plan; access by homeless families  
26        to child care assistance

27           A. In order to fulfill the purposes of this Chapter, the secretary of the  
28           department shall take such actions as are necessary to accomplish all of the  
29           following:

1           (1) Ensure that services to families experiencing homelessness are included  
2           within the CCDF plan of this state if allowable as a use of Child Care and  
3           Development Block Grant funding pursuant to federal regulations.

4           (2) Establish a grace period of a defined duration in which a homeless family  
5           can be authorized to receive subsidized child care pending submission of birth  
6           certificates and immunization records, as long as all other eligibility factors are met.

7           (3) Waive requirements relative to hours of work and school engagement for  
8           homeless parents who apply for child care assistance and demonstrate that they are  
9           seeking employment or participating in a transitional living program for a period of  
10          not less than ninety days and not more than one hundred eighty days from the  
11          effective date of the certification for child care assistance.

12          (4) Collaborate and coordinate efforts with all of the following persons and  
13          entities to improve access by homeless families to information concerning child care  
14          and transportation to child care placements:

15                 (a) Local child care programs.

16                 (b) Local educational agency liaisons designated pursuant to the  
17          McKinney-Vento Education for Homeless Children and Youth Act.

18                 (c) Any other persons and entities that provide services to homeless families.

19          (5) Collect data that indicates whether parents who receive child care  
20          subsidies are homeless.

21          B. The department shall promulgate rules in accordance with the  
22          Administrative Procedure Act, institute departmental policies, secure requisite  
23          federal approvals, and undertake any other actions as may be necessary to implement  
24          the provisions of this Section.

25          Section 3. This Act shall become effective upon signature by the governor or, if not  
26 signed by the governor, upon expiration of the time for bills to become law without signature  
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
29 effective on the day following such approval.

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Price

HB No. 249

**Abstract:** Provides for access to child care assistance by homeless families through the Child Care and Development Fund (CCDF) program.

Present law requires the secretary of the Dept. of Children and Family Services (DCFS) to prepare and submit a state plan for participation in the federal Child Care and Development Block Grant Program. Proposed law retains present law and adds requirement for the secretary to ensure that the state plan conforms with the requirements of proposed law relative to access to child care assistance by homeless families.

Proposed law establishes that its purposes include, without limitation, the following:

- (1) To mitigate barriers that La. families experiencing homelessness face in accessing child care.
- (2) To reduce the incidence of developmental delays and physical and mental health problems among young children who experience homelessness by providing access to quality child care.

Proposed law defines "department", for purposes of proposed law, as the DCFS or its successor as administrator of the Child Care and Development Fund (CCDF) program in this state.

Proposed law requires the secretary of the department to take such actions as are necessary to accomplish all of the following:

- (1) Ensure that services to families experiencing homelessness are included within the CCDF state plan if allowable as a use of Child Care and Development Block Grant funding pursuant to federal regulations.
- (2) Establish a grace period of a defined duration in which a homeless family can be authorized to receive subsidized child care pending submission of birth certificates and immunization records, as long as all other eligibility factors are met.
- (3) Waive requirements relative to hours of work and school engagement for homeless parents who apply for child care assistance and demonstrate that they are seeking employment or participating in a transitional living program for a period of not less than 90 days and not more than 180 days from the effective date of the certification for child care assistance.
- (4) Collaborate and coordinate efforts with all of the following persons and entities to improve access by homeless families to information concerning child care and transportation to child care placements:
  - (a) Local child care programs.
  - (b) Local educational agency liaisons designated pursuant to the McKinney-Vento Education for Homeless Children and Youth Act.
  - (c) Any other persons and entities that provide services to homeless families.

- (5) Collect data that indicates whether parents who receive child care subsidies are homeless.

Proposed law requires the department to promulgate rules in accordance with the APA, institute policies, secure requisite federal approvals, and undertake any other actions as may be necessary to implement the provisions of proposed law.

Proposed law provides that proposed law shall be known and may be cited as the "Improving Access to Child Care for Homeless Louisiana Families Act".

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 36:474(A)(11); Adds R.S. 46:1443-1443.3)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Revised legislative finding relative to the Child Care and Development Fund plan to recognize that the plan authorizes the same services for homeless families as for other low-income families, but does not address other eligibility factors that may be a barrier for homeless families in seeking child care assistance.
2. Deleted a requirement that DCFS allow for a homeless child to enroll immediately in subsidized care pending submission of necessary entry documentation. Added in lieu thereof a requirement that DCFS establish a grace period of a defined duration in which a homeless family can be authorized to receive subsidized child care pending submission of birth certificates and immunization records, provided that all other eligibility factors are met.
3. In proposed law requiring a homeless family to demonstrate that they are seeking employment or participating in a transitional living program in order to qualify for child care assistance, added stipulation that the employment search or transitional living program participation be for a period of at least 90 days and not more than 180 days from the effective date of the certification for child care assistance.