

**ACT No. 787**

Regular Session, 2014

HOUSE BILL NO. 249

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

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~~  
21 ~~Committee on Health and Welfare and the Senate Committee on Health and Welfare,~~  
22 jointly, shall serve as an advisory committee to the secretary to begin developing the  
23 state plan.

24 \* \* \*

25 Section 2. Chapter 14-D of Title 46 of the Louisiana Revised Statutes of 1950,  
26 comprised of R.S. 46:1443 through 1443.3, is hereby enacted to read as follows:

1           CHAPTER 14-D. ACCESS TO CHILD CARE FOR HOMELESS FAMILIES2           §1443. Short title

3                   This Chapter shall be known and may be cited as the "Improving Access to  
4           Child Care for Homeless Louisiana Families Act".

5           §1443.1. Definitions

6                   As used in this Chapter, the following terms have the meaning ascribed to  
7           them in this Section:

8                   (1) "Administration for Children and Families" and "ACF" mean the division  
9           of the United States Department of Health and Human Services which administers  
10          the Child Care and Development Block Grant.

11                  (2) "Child Care and Development Fund" and "CCDF" mean the fund and  
12          program authorized by the Child Care and Development Block Grant Act and  
13          Section 418 of the Social Security Act to assist low-income families in obtaining  
14          child care.

15                  (3) "Department" means the Department of Children and Family Services  
16          or its successor as administrator of the Child Care and Development Fund program  
17          in this state.

18                  (4)(a) "Homeless" means lacking a fixed, regular, and adequate nighttime  
19          residence.

20                  (b) For purposes of this Chapter, the term "homeless" shall encompass  
21          children and youths experiencing the particular conditions and situations provided  
22          for in Subtitle B of Title VII of the McKinney-Vento Education for Homeless  
23          Children and Youth Act, 42 U.S.C. 11434a(2).

24          §1443.2. Legislative findings; purposes

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

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

28                  (2) As filed with the Administration for Children and Families, the Child  
29          Care and Development Fund plan of this state for the period October 1, 2013,  
30          through September 30, 2015, authorizes the same services for families experiencing

1 homelessness as for other low-income families. However, the plan does not address  
2 other eligibility factors that may be a barrier for homeless families in seeking child  
3 care assistance.

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

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

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

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

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

18 §1443.3. Child Care and Development Fund state plan; access by homeless families  
19 to child care assistance

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

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

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

29 (3) Waive requirements relative to hours of work and school engagement for  
30 homeless parents who apply for child care assistance and demonstrate that they are

1           seeking employment or participating in a transitional living program for a period of  
2           not less than ninety days and not more than one hundred eighty days from the  
3           effective date of the certification for child care assistance.

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

7                           (a) Local child care programs.

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

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

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

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

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

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_