

Regular Session, 2014

HOUSE BILL NO. 249

BY REPRESENTATIVES PRICE, JAMES, 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           Committee on Health and Welfare and the Senate Committee on Health and Welfare,  
2           jointly, shall serve as an advisory committee to the secretary to begin developing the  
3           state plan.

4   \*       \*       \*

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

7           CHAPTER 14-D. ACCESS TO CHILD CARE FOR HOMELESS FAMILIES

8           §1443. Short title

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

11           §1443.1. Definitions

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

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

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

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

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

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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, does not provide for any services to families  
8 experiencing homelessness.

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

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

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

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

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

23        §1443.3. Child Care and Development Fund state plan; prioritization of access by  
24 homeless families to child care

25            A. In order to fulfill the purposes of this Chapter, the secretary of the  
26 department shall take such actions as are necessary to accomplish all of the  
27 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) Allow for a homeless child to enroll immediately in subsidized care  
5           pending submission of necessary entry documentation.

6           (3) Waive requirements relative to hours of work and school engagement for  
7           homeless parents who apply for child care assistance and demonstrate that they are  
8           seeking employment or participating in a transitional living program.

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

12           (a) Local child care programs.

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

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

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

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

22          Section 3. This Act shall become effective upon signature by the governor or, if not  
23          signed by the governor, upon expiration of the time for bills to become law without signature  
24          by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
25          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
26          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) Allow for a homeless child to enroll immediately in subsidized care pending submission of necessary entry documentation.
- (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.
- (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)