

Regular Session, 2012

HOUSE BILL NO. 379

BY REPRESENTATIVE HARRISON

PUBLIC ASSISTANCE: Restricts eligibility for and benefits of certain assistance programs for families with a child who is detained in a juvenile institution

1 AN ACT

2 To amend and reenact R.S. 40:444, R.S. 46:231(4), 231.7(A)(3)(g), and 237(B)(2) and to
3 enact R.S. 46:231.7(A)(3)(h), relative to public assistance; to provide for duties of
4 local housing authorities; to provide for duties of the Department of Children and
5 Family Services; to provide for limitations on eligibility for and benefits of
6 assistance; to provide for consideration of juvenile detention status in eligibility and
7 benefits determinations of certain assistance programs; to authorize promulgation of
8 rules; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:444 is hereby amended and reenacted to read as follows:

11 §444. Program eligibility, procedures, and requirements

12 A. Subject to the limitations contained in R.S. 40:482 through 489 and
13 Subsection B of this Section, a local housing authority may establish and apply such
14 criteria and requirements relating to eligibility for any assistance administered or
15 provided by the authority as the authority shall, from time to time, determine to be
16 necessary, appropriate, or desirable, including without limitation criteria and
17 requirements relating to income, work or employment, child care, education, job
18 training, and personal or family self-sufficiency; in addition to establishing
19 eligibility, utilize such criteria and requirements for determining the amount and
20 duration of any assistance to be provided to a beneficiary for such assistance;

1 establish such exclusions from income for purposes of determining eligibility as the
2 authority shall deem appropriate; and adopt and administer lawful preferences which
3 may include preferences for working persons and families.

4 B. Notwithstanding any provision of law to the contrary, when a local
5 housing authority considers the number of persons in a household or assistance unit
6 in determining eligibility for assistance administered or provided by the authority,
7 or amount or duration of such assistance, no child who is detained in a juvenile
8 institution of the Department of Public Safety and Corrections shall be counted as
9 part of the household or assistance unit.

10 Section 2. R.S. 46:231(4), 231.7(A)(3)(g), and 237(B)(2) are hereby amended and
11 reenacted and R.S. 46:231.7(A)(3)(h) is hereby enacted to read as follows

12 §231. Aid to needy families; definitions

13 As used in this Subpart, unless the context clearly requires otherwise:

14 * * *

15 (4)(a) "Dependent child" shall mean a needy child who meets all of the
16 following criteria:

17 ~~(a)~~ (i) A needy child under the age of eighteen or needy child under the age
18 of nineteen who is a full-time student in a secondary school, or in the equivalent
19 level of vocational or technical training, who may reasonably be expected to
20 complete the program of such secondary school or training before attaining the age
21 of nineteen.

22 ~~(b)~~ (ii) The child is living with his father, mother, or other relative, within
23 fifth degree, in a place of residence maintained by one or more of such relatives as
24 his or their own home. For the purposes of this Subpart, all such relatives shall
25 qualify as such, whether the relationship was acquired by adoption or birth, and
26 neither divorce nor death shall terminate such relationship.

27 (b) "Dependent child" shall not mean a child who is detained in a juvenile
28 institution of the Department of Public Safety and Corrections.

29 * * *

1 §231.7. Education, employment, and related services for FITAP participants;
2 responsibilities of the secretary, agencies, and participants

3 A.

4 * * *

5 (3) Immediately upon application for cash assistance, work-eligible
6 applicants, according to R.S. 46:231, shall be required to participate in job readiness
7 assistance. If satisfactory participation in job readiness is documented, an applicant's
8 application for cash assistance shall be completed. Upon notification of eligibility,
9 a work-eligible participant shall be notified, verbally and in writing, of program
10 expectations and client responsibilities. Such notification shall include:

11 * * *

12 (g) Notification of the required reduction of benefits which shall occur if a
13 child on whose behalf a family receives assistance becomes detained in a juvenile
14 institution of the Department of Public Safety and Corrections.

15 (h) Availability of supportive services.

16 * * *

17 §237. Kinship Care Subsidy Program

18 * * *

19 B. For purposes of this Section:

20 * * *

21 (2) "Minor relative" means a grandchild, step-grandchild, or other minor
22 relative not the natural or adopted child of the kinship caregiver who is under
23 eighteen years of age, not detained in a juvenile institution of the Department of
24 Public Safety and Corrections, and who meets the definition of "dependent child"
25 specified in ~~R.S. 46:231(3)(a)~~ R.S. 46:231(4)(a)(i).

26 * * *

27 Section 3. A local housing authority shall adopt, by resolution of its board of
28 commissioners, all policies and procedures necessary to implement the provisions of this
29 Act.

1 Section 4. The Department of Children and Family Services shall promulgate, in
2 accordance with the Administrative Procedure Act, any rules necessary to implement the
3 provisions of this Act.

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)]

Harrison

HB No. 379

Abstract: Restricts eligibility for and benefits of certain assistance programs for families with a child who is detained in a juvenile institution.

Proposed law retains present law which authorizes a local housing authority to establish and apply eligibility criteria for assistance administered or provided by the authority, including without limitation criteria and requirements relating to income, work or employment, child care, education, job training, and personal or family self-sufficiency; and to utilize such criteria and requirements for determining the amount and duration of any assistance to be provided to a beneficiary.

Proposed law adds a requirement to the effect that when a local housing authority considers the number of persons in a household or assistance unit in determining eligibility for assistance administered or provided by the authority, or the amount or duration of such assistance, no child who is detained in a juvenile institution of DPS&C shall be counted as part of the household or assistance unit.

Present law provides that the Family Independence Temporary Assistance Program (FITAP) is the cash assistance program for needy families of this state established pursuant to the Federal Welfare Reform Act of 1996.

Present law provides that FITAP shall provide money payments to a qualifying family on behalf of a dependent child, and provides a definition of "dependent child" for the purposes of present law.

Proposed law revises the definition of "dependent child" in present law to stipulate that "dependent child" shall not mean a child who is detained in a juvenile institution of DPS&C.

Present law provides that upon determination of FITAP eligibility, DCFS shall notify the eligible participant of program expectations and client responsibilities; and shall include certain program information in such notification. Proposed law provides that such information include notification of the required reduction of benefits which would occur if a child on whose behalf a family receives assistance becomes detained in a juvenile institution of DPS&C.

Present law provides for the Kinship Care Subsidy Program for the purpose of providing cash assistance to eligible kinship caregivers, including grandparents, step-grandparents, or other adult relatives within the fifth degree of consanguinity who have legal custody or guardianship of a minor relative; and defines "minor relative" for the purposes of the program.

Proposed law revises the definition of "minor relative" in present law to stipulate that "minor relative" shall not mean a child who is detained in a juvenile institution of DPS&C.

Proposed law provides that a local housing authority shall adopt, by resolution of its board of commissioners, all policies and procedures necessary to implement the provisions of proposed law.

Proposed law provides that DCFS shall promulgate, in accordance with the Administrative Procedure Act, any rules necessary to implement the provisions of proposed law.

(Amends R.S. 40:444, R.S. 46:231(4), 231.7(A)(3)(g), and 237(B)(2); Adds R.S. 46:231.7(A)(3)(h))