

Regular Session, 2013

HOUSE BILL NO. 525

BY REPRESENTATIVE HARRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TANF: Revises provisions relative to aid to needy families and employment services for TANF cash assistance recipients

1 AN ACT

2 To amend and reenact R.S. 46:230.1(C), 231(4)(introductory paragraph) and (b),

3 231.2(A)(2), and 231.6(C), to enact R.S. 46:231.12 and 460.6(F), and to repeal R.S.

4 46:231(13), 231.3, 231.6(D) and (E), 231.7 through 231.11, and 460.8(C), relative

5 to aid to needy families; to provide for definitions; to provide eligibility conditions

6 for the cash assistance program; to provide for employment services for cash

7 assistance recipients; to provide for contingency of certain services upon

8 appropriation; to provide for promulgation of rules; and to provide for related

9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 46:230.1(C), 231(4)(introductory paragraph) and (b), 231.2(A)(2),

12 and 231.6(C) are hereby amended and reenacted and R.S. 46:231.12 and 460.6(F) are hereby

13 enacted to read as follows:

14 §230.1. Legislative intent

15 \* \* \*

16 C. The Louisiana Workforce ~~Investment Council~~ Commission shall work

17 with the department to enhance program effectiveness of ongoing services on a

18 continual basis.

1 §231. Aid to needy families; definitions

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

3 \* \* \*

4 (4) "Dependent child", in accordance with federal law and regulations  
5 relative to the TANF program, shall mean a needy child who meets all of the  
6 following criteria:

7 \* \* \*

8 (b) The child is living with his father, mother, stepfather, stepmother, or  
9 other relative, within fifth degree, in a place of residence maintained by one or more  
10 of such relatives as his or their own home. For the purposes of this Subpart, all such  
11 ~~relatives~~ persons shall ~~qualify as such~~ be deemed as relatives, whether ~~the~~ their  
12 relationship to the dependent child was acquired by adoption, marriage, or birth, and  
13 neither divorce nor death shall terminate such relationship.

14 \* \* \*

15 §231.2. Family Independence Temporary Assistance Program; benefits; eligibility

16 A.

17 \* \* \*

18 (2) FITAP assistance shall include:

19 ~~(a) Money payments, to meet the needs of the relative who resides with a~~  
20 ~~dependent child and the relative's spouse if the spouse resides with such child and~~  
21 ~~is the child's parent.~~

22 ~~(b) Money payments with respect to any~~ money payments to meet the needs  
23 of a dependent child, including payments to meet the needs of the father, mother,  
24 stepfather, stepmother, or other relative, the relative's spouse with whom such child  
25 is living, and the needs of any other individual living in the same home if such needs  
26 are taken into account in making the determination of eligibility.

27 \* \* \*

28 §231.6. Termination of eligibility; twenty-four-month limit; refusal of employment

29 \* \* \*

1 C. ~~All work-eligible families receiving FITAP benefits will receive on-going~~  
2 ~~intensive case management including monthly contact with those engaged in a work~~  
3 ~~activity. The on-going intensive case management services will be provided to~~  
4 ~~work-eligible families by the Department of Children and Family Services and other~~  
5 ~~TANF partner agencies, in accordance with R.S. 46:231.7, to develop and comply~~  
6 ~~with Family Success Agreements. The Family Success Agreement is the mutually~~  
7 ~~developed contract between a FITAP recipient, on behalf of their family, and the~~  
8 ~~department that sets forth mutual and time-bound responsibilities, expectations,~~  
9 ~~activities, and goals designed to transition a participant from welfare to~~  
10 ~~self-sufficiency. The Family Success Agreement shall be reviewed every six~~  
11 ~~months. Failure to comply with the Family Success Agreement shall result in~~  
12 ~~sanctions imposed upon the family in accordance with R.S. 46:231.7. The secretary~~  
13 ~~of the department may promulgate rules and regulations which establish exceptions~~  
14 ~~to the time limitations provided in this Section to the extent that funds are available~~  
15 ~~for this purpose; however, any such exception shall be contingent upon the recipient~~  
16 ~~maintaining compliance with the STEP Family Success Agreement pursuant to R.S.~~  
17 ~~46:231.12.~~

18 §231.12. Employment, education, and related services for FITAP participants;  
19 responsibilities of the secretary, agencies, and participants

20 A.(1) The department shall develop and implement STEP as the employment  
21 program for work-eligible recipients of cash assistance in accordance with the  
22 provisions of the Federal Welfare Reform Act. The Louisiana Workforce  
23 Commission shall collaborate with the department to identify and coordinate  
24 employment services for the program. The Louisiana Workforce Commission and  
25 the department shall report to the House and Senate committees on health and  
26 welfare on the progress of the plan within one year of the implementation of the plan.

27 (2) The employment services provided for in this Subsection shall be  
28 delivered pursuant to performance-based contracts between the department and the

1        Louisiana Workforce Commission, other government agencies, or any community  
2        partner. The services may include, but shall not be limited to the following:

3                (a) Job readiness, job preparation, and job search.

4                (b) Workplace literacy and related assessments.

5                (c) Applicable skill-based training, employer-based training, and other  
6        employment activities designed to meet the needs of Louisiana employers with a  
7        preference towards demand occupations.

8                (d) Temporary and permanent job placements.

9                (e) Subsidized employment services.

10               (f) On-the-job training.

11               B. In order to receive cash assistance, an applicant who is work eligible as  
12        defined in R.S. 46:231 shall fulfill each requirement set forth in his Family Success  
13        Agreement and shall participate in the employment program provided for in  
14        Subsection A of this Section.

15               C. Prior to receipt of cash assistance, a work eligible participant shall be  
16        notified in writing of program expectations and participant responsibilities. When  
17        possible, notification may be delivered via email or other electronic means, and  
18        notification delivered in this manner shall be deemed to satisfy the written  
19        notification requirement established in this Subsection.

20               D. Within the limits of appropriation therefor, the secretary shall establish  
21        and administer STEP, which shall include the allowable work activities as provided  
22        in the Federal Welfare Reform Act, for work eligible recipients of FITAP.

23               E. The secretary shall provide workers' compensation and liability insurance  
24        coverage for participants engaged in work experience or community service  
25        activities.

26               F. Subject to appropriation, the department may provide support services and  
27        transitional services to facilitate progress by FITAP recipients toward self  
28        sufficiency and sustainable employment.

1           G. The secretary shall promulgate in accordance with the Administrative  
2           Procedure Act any rules necessary to implement the provisions of this Section.

3   \*       \*       \*

4           §460.6. Individual development account

5   \*       \*       \*

6           F. The department may administer an individual development account  
7           program as provided in this Section contingent upon the availability of funding to do  
8           so.

9           Section 2. R.S. 46:231(13), 231.3, 231.6(D) and (E), 231.7 through 231.11, and  
10          460.8(C) are hereby repealed in their entirety.

11          Section 3. This Act shall become effective upon signature by the governor or, if not  
12          signed by the governor, upon expiration of the time for bills to become law without signature  
13          by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
14          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
15          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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Harris HB No. 525

**Abstract:** Revises provisions relative to aid to needy families and employment services for TANF cash assistance recipients.

Present law provides for services of the federal Temporary Assistance for Needy Families (TANF) block grant program (successor to the Aid to Families with Dependent Children program) to be coordinated at the state level by DCFS. Proposed law retains present law providing for the following:

- (1) TANF-funded cash assistance known as the Family Independence Temporary Assistance Program (FITAP)
- (2) Employment and job training services for FITAP recipients known as the Strategies to Empower People (STEP) program.
- (3) A contract between a FITAP recipient and DCFS known as a "Family Success Agreement" that sets forth responsibilities, expectations, activities, and goals designed to transition the recipient from welfare to self-sufficiency.

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

Present law designates the La. Workforce Investment Council as the state partner of DCFS for TANF employment and job training services. Proposed law revises present law to designate the La. Workforce Commission as the state partner of DCFS for such services.

Present law defines "dependent child", for purposes of present law, in part as a needy child who is living with his father, mother, or other relative, within fifth degree, in a place of residence maintained by one or more of such relatives as his or their own home. Proposed law adds a stepfather and a stepmother as relatives within this definition in conformance with federal law providing for the TANF program. Further, proposed law adds marriage as a condition under which persons may acquire a relationship to a child and be deemed as a "relative" for the purposes of proposed law and present law, which provides only adoption and birth as such conditions.

Proposed law deletes all of the following from present law:

- (1) Provisions for ongoing intensive case management by DCFS including a requirement that the department review the Family Success Agreement every six months.
- (2) Provisions requiring DCFS to implement a "Transition Assessment Plan" for recipients who are within six months of an expected cessation of FITAP cash assistance, for reasons other than noncompliance with program requirements, to assist in their transition from FITAP recipients.
- (3) Provisions relative to evaluation, screening, and comprehensive employability assessments for FITAP applicants.
- (4) Provisions authorizing DCFS to establish procedures which allow FITAP participants to bring grievances and appeal decisions of the department concerning the program.
- (5) Provisions relative to the program known as "FIND Work" which was succeeded by the STEP program.
- (6) Provisions authorizing DCFS to promulgate rules requiring each housing authority of the state created by or pursuant to present law to establish councils or committees to implement programs for tenants to participate in work experience activities designed to provide maintenance and upkeep of housing units managed by the housing authority, contingent upon appropriation of funds for such purpose.
- (7) Provisions requiring DCFS, to the extent that appropriations are available, to coordinate supportive services for FITAP recipients and to inform those recipients of other available assistance including but not limited to the following:
  - (a) Medicaid.
  - (b) Food stamps (now known as the Supplemental Nutrition Assistance Program).
  - (c) Child care programs.
  - (d) Transportation services.
  - (e) La. Children's Health Insurance Program.
  - (f) Earned Income Tax Credit.
  - (g) TANF-funded initiatives to support self-sufficiency.

Proposed law revises present law relative to employment and job training services for FITAP recipients in the following manner:

- (1) Adds requirement that the La. Workforce Commission and DCFS shall report to the legislative committees on health and welfare on the progress of the plan within one year of the implementation of the plan.
- (2) Adds provision stipulating that employment and job training services be delivered pursuant to performance-based contracts between DCFS and the La. Workforce Commission, other government agencies, or any community partner.
- (3) Adds temporary and permanent job placements, subsidized employment services, and on-the-job training as employment services which may be offered by the STEP program.
- (4) Deletes requirement that the DCFS state partner for TANF employment and job training services coordinate service delivery, to the extent possible and when applicable, with the following entities:
  - (a) One-stop services centers of the La. Workforce Commission.
  - (b) La. Community and Technical College System.
  - (c) Adult literacy programs of DOE.
  - (d) Community-based organizations.
- (5) Adds provision authorizing the use of e-mail communication, when possible, as an acceptable method for providing required written notification of Family Success Agreement contractual obligations to FITAP recipients.
- (6) Deletes numerous detailed provisions relating to FITAP work requirements, client employability assessment, intermediate client monitoring, exceptions, and sanctions; adds a simplified provision stipulating that the FITAP recipient must comply with his Family Success Agreement and the work requirements of proposed law in order to continue receiving cash assistance.

Proposed law revises present law providing for a TANF-funded individual development account matched-savings program to stipulate that administration of such program is contingent upon availability of funding.

Proposed law deletes certain date-specific provisions of present law which have expired relative to federal waiver applications and promulgation of rules by the DCFS secretary.

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

(Amends R.S. 46:230.1(C), 231(4)(intro. para.) and (b), 231.2(A)(2), and 231.6(C); Adds R.S. 46:231.12 and 460.6(F); Repeals R.S. 46:231(13), 231.3, 231.6(D) and (E), 231.7-231.11, and 460.8(C))

Summary of Amendments Adopted by House

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

1. In proposed law designating the La. Workforce Commission and community partners as entities with which DCFS may contract for employment services for the STEP program, added "other government agencies" as entities with which DCFS may contract for such services.
2. Changed a requirement that the STEP program include certain specified employment services to an authorization for the program to offer those specified services.

House Floor Amendments to the engrossed bill.

1. Added requirement that the La. Workforce Commission and DCFS shall report to the legislative committees on health and welfare on the progress of the plan within one year of the implementation of the plan.
2. In provisions stipulating that certain persons, including fathers, mothers, stepfathers, and stepmothers, shall be deemed as "relatives" for the purposes of present law and proposed law whether their relationship to the child was acquired by adoption or birth, added marriage as a condition under which such persons may acquire a relationship to a child and be deemed as a relative.
3. Made technical change to relocate new Section of proposed law.