

# DECLARATION OF EMERGENCY

## Department of Children and Family Services Economic Stability Section

TANF NRST Benefits and Post-FITAP Transitional Assistance (LAC 67:III.1229, 5329, 5551, and 5729)

The Department of Children and Family Services (DCFS), Economic Stability, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:III, Subpart 2, Section 1229 Income; Subpart 13, Section 5329 Income; Subpart 15, Section 5551 Community Response Initiative; and Subpart 16, Section 5729 Support Services. This declaration is necessary to extend the original Emergency Rule for the maximum period allowed by the APA and will expire before the Final Rule takes effect. This Emergency Rule extension is effective on November 28, 2021, and shall remain in effect for the maximum period allowed by the APA until adoption of a Final Rule, whichever occurs first.

Pursuant to Louisiana's Temporary Assistance for Needy Families (TANF) Block Grant, amendment of Sections 1229 and 5329 is required to allow TANF nonrecurrent, short-term (NRST) benefit payments to FITAP and KCSP recipients to mitigate the impact of a specific crisis situation or episode of need such as an economic crisis, disaster, pandemic, etc. Under the American Rescue Plan Act of 2021, \$7,905,732 has been allotted to Louisiana in Pandemic Emergency Assistance Funds (PEAF), which are a supplemental appropriation to the basic TANF block grant, to assist needy families impacted by the COVID-19 pandemic. The proposed change would allow the department to issue PEAF-funded NRST benefits directly to TANF-eligible recipients of FITAP and KCSP.

Section 5551 is being amended to change earned income eligibility for those services meeting TANF goals 1 and 2 from 200 to 250 percent of the federal poverty level.

Section 5729 is being amended to provide time-limited Post-FITAP transitional assistance to families who are leaving cash assistance when their FITAP case closes due to earned income. Families that leave TANF for work continue to face hardships in making ends meet once cash assistance ends and may be unable to maintain employment. Transitional benefits provided to working families can reduce poverty by providing transitional assistance on top of the earnings families receive when they go to work and improve their ability to maintain employment.

The department considers emergency action necessary to facilitate the expenditure of TANF funds. The authorization to promulgate emergency rules to facilitate the expenditure of TANF funds is contained in Act 119 of the 2021 Regular Session of the Louisiana Legislature.

### Title 67

### SOCIAL SERVICES

### Part III. Economic Stability

### Subpart 2. Family Independence Temporary Assistance Program

### Chapter 12. Application, Eligibility, and Furnishing Assistance

### Subchapter B. Conditions of Eligibility

### §1229. Income

A. - D. ...

E. Payment Amount

1. For FITAP basic assistance, the budgetary deficit is the amount remaining after subtracting applicable income from the total assistance needs (flat grant amount). Round down to the next lower dollar of the budgetary deficit to determine the payment amount. Prorate the initial assistance payment from the date of application if otherwise eligible.

2. Within the limits of appropriations, a FITAP household may also receive a nonrecurrent, short-term (NRST) benefit that meets the regulatory definition (45 CFR 260.31(b)(1)) to mitigate the impact of a specific crisis situation broadly affecting needy families or a specific episode of need affecting a specific family, such as an economic crisis, disaster, pandemic, etc. The department has flexibility to respond with a sufficient and appropriate response regarding the duration of payments up to four months, type of payment (lump-sum or monthly installments), number of NRST benefits provided for different episodes of crisis or need, payment amount for each NRST benefit, and any lifetime limits imposed for eligible families.

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with 42 USC 601 et seq. and 10602(c), R.S. 36:474, R.S. 46:231.1(B), R.S. 46:231.2, P.L. 108-447, Act 16, 2005 Reg. Session, and 7 CFR 273.2(j).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2449 (December 1999), amended LR 26:1342 (June 2000), LR 26:2831 (December 2000), LR 31:2956 (November 2005), LR 32:1616 (September 2006), LR 32:1912 (October 2006), LR 34:2678 (December 2008), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2524 (November 2010), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:1675 (September 2014), LR 42:1651 (October 2016), LR 44:444 (March 2018), LR 47:

### Subpart 13. Kinship Care Subsidy Program (KCSP) Chapter 53. Application, Eligibility, and Furnishing Assistance

### Subchapter B. Conditions of Eligibility

### §5329. Income

A. - C. ...

D. Payment Amount

1. ...

2. Within the limits of appropriations, a KCSP household may also receive a nonrecurrent, short-term (NRST) benefit that meets the regulatory definition (45 CFR 260.31(b)(1)) to mitigate the impact of a specific crisis situation broadly affecting needy families or a specific episode of need affecting a specific family, such as an economic crisis, disaster, pandemic, etc. The department has flexibility to respond with a sufficient and appropriate response regarding the duration of payments up to four months, type of payment (lump-sum or monthly installments), number of NRST benefits provided for different episodes of crisis or need, payment amount for each NRST benefit, and any lifetime limits imposed for eligible families.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq. and 10602(c), R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237, and P.L. 108-447, Act 16, 2005 Reg. Session, 7 CFR 273.2(j).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:353 (February 2000), amended LR 26:2832 (December 2000), LR 31:2958 (November 2005), LR 32:1617 (September 2006), LR 32:1913

(October 2006), repromulgated LR 32:2098 (November 2006), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 36:2537 (November 2010), LR 38:1390 (June 2012), amended by the Department of Children and Family Services, Economic Stability Section, LR 45:1443 (October 2019), LR 47:

### **Subpart 15. Temporary Assistance for Needy Families (TANF) Initiatives**

#### **Chapter 55 TANF Initiatives**

##### **§5551. Community Response Initiative**

A. The department may enter into Memoranda of Understanding or contracts to develop innovative and strategic programming solutions suited to the unique needs of Louisiana's communities.

B. The services provided by the various partners must meet one, or a combination of, the four TANF goals:

1. Goal 1—to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;

2. Goal 2—to end dependence of needy parents on government benefits by promoting job preparation, work, and marriage;

3. Goal 3—to prevent and reduce the incidence of out-of-wedlock pregnancies; and

4. Goal 4—to encourage the formation and maintenance of two-parent families.

C. Eligibility for those services meeting TANF goals 1 and 2 is limited to needy families, that is, a family in which any member receives a Family Independence Temporary Assistance Program (FITAP) grant, Kinship Care Subsidy Program (KCSP) grant, Supplemental Nutrition Assistance Program (SNAP) benefits, Child Care Assistance Program (CCAP) services, Title IV-E, Medicaid, Louisiana Children's Health Insurance Program (LaChip) benefits, Supplemental Security Income (SSI), Free or Reduced Lunch, or who has earned income at or below 250 percent of the federal poverty level. For TANF goals 1 and 2 a family consists of minor children residing with custodial parents, or caretaker relatives of minor children.

D. Eligibility for those services meeting TANF goals 3 and 4 may include any family in need of the provided services regardless of income. For TANF goals 3 and 4 a family consists of a minor child residing with a custodial parent or caretaker relative of the minor child, and non-custodial parents, and legal guardians.

E. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 13, 2002 Reg. Session, Act 18, 2007 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2374 (November 2002), amended LR 34:695 (April 2008), amended by the Department of Children and Family Services, Economic Stability Section, LR 47:

### **Subpart 16. Strategies to Empower People (STEP) Program**

#### **Chapter 57 Strategies to Empower People (STEP) Program**

##### **Subchapter C. STEP Program Process**

##### **§5729. Support Services**

A. Clients may be provided support services that include but are not limited to:

1. a full range of case maintenance and case management services designed to lead to self-sufficiency;

2. transportation assistance;

3. Supplemental Nutrition Assistance Program (SNAP) benefits;

4. Medicaid benefits;

5. child care;

6. TANF-funded services;

7. other services necessary to accept or maintain employment; and

8. Post-FITAP transitional assistance benefits.

a. Effective September 1, 2021, these services may be provided to participants who are or become ineligible for cash assistance due to earned income within the limits of appropriations. They include a monthly transportation payment, other supportive service payments used to cover certain costs deemed necessary for employment, housing assistance used to address a specific episode of need deemed necessary to maintain employment, educational assistance, and a work retention incentive. The payments may begin with the first month of FITAP ineligibility and continue through the twelfth month of ineligibility or through the last month of employment, whichever comes first. The twelve months need not be consecutive.

B. Support services may be provided to:

1. persons participating in the family assessment;

2. persons referred by the department to other activities, such as drug counseling, prior to their participation in a work activity;

3. FITAP recipients participating in approved activities necessary to meet exemptions to the FITAP time limits;

4. FITAP recipients to facilitate their attendance in the FITAP Drug Testing Program or Parenting Skills Program;

5. allow participation in educational activities for FITAP recipients who are exempt from STEP.

C. Electronic disbursement of support services payments shall be mandatory for all payment types.

1. Electronic disbursement of support services payments includes direct deposit to the STEP participant's bank account (checking or savings) or payments to a stored value card account for the STEP participant.

D. The department shall inform participants of available supportive services as part of the initial family assessment and shall integrate the provision of any necessary supportive services to the family success agreement developed and signed by the department and the participant.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, R.S. 46:231, R.S. 46:460, and Act 58, 2003 Reg. Session, ACYF-IM-CC-05-03.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 30:500 (March 2004), amended LR 32:2098 (November 2006), amended by the Department of Children and Family Services, Economic Stability and Self-Sufficiency Section, LR 38:1391 (June 2012), amended by the Department of Children and Family Services, Economic Stability Section, LR 40:1678 (September 2014), LR 47:

Marketa Garner Walters  
Secretary

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