

## **Appendix 4: Temporary Assistance for Needy Families Program (TANF)**

**States that include TANF in the Combined State Plan must outline how the state will meet the requirements of Section 402 of the Social Security Act including how it will:**

- (a) Conduct a program designed to serve all political subdivisions in the State (not necessarily in a uniform manner) that provides assistance to needy families with (or expecting) children and provides parents with job preparation, work, and support services to enable them to leave the program, specifically cash assistance, and become self-sufficient (section 402(a)(1)(A)(i) of the Social Security Act).**

The TANF Programs will be operated statewide in all political subdivisions of the state. No specific provisions will be applied to families moving to Louisiana from another state.

- (b) Require a parent or caretaker receiving assistance to engage in work (defined by the state) once the state determines the parent or caretaker is ready to engage in work, or once he or she has received 24 months of assistance, whichever is earlier, consistent with the child care exception at 407(e)(2) (section 402(a)(1)(A)(ii) of the Social Security Act).**

To assist Louisiana families in becoming economically self-reliant so that their dependence on government benefits for basic needs is minimized, the department implemented the STEP Program effective October 1, 2003, so that all cash assistance recipients, with certain exceptions, are actively engaged in meaningful activities designed to enable their transition from cash assistance to self-reliance.

It is further intended that cash assistance recipients demonstrate active and diligent personal responsibility in achieving self-reliance through employment and increased workplace literacy. All appropriate state agencies responsible for employment, training, and educating Louisiana's citizens are expected to cooperate in the pursuit of this goal.

- (c) Ensure that parents and caretakers receiving assistance engage in work in accordance with Section 407 (Section 402(a)(1)(A)(iii) of the Social Security Act). Consistent with the required strategic elements discussed in section II (a)(2) herein, provide a specific analysis of how the State's workforce development activities are addressing employment and training services for parents or caretakers receiving assistance.**

Work-eligible recipients shall participate in appropriate work activities as agreed upon in the Family Success Agreement. Work-eligible is defined as families containing an adult under sixty years of age, or teen head of household, that is not disabled, incapacitated, or caring for a family member who is disabled or incapacitated as documented by a medical expert to which the status of disability is clearly established and explained. Work-eligible excludes cases in

which only the child portion of need that is unrelated to a sanction or penalty, known as a child-only case, is considered in determining eligibility.

The work activities may include but are not limited to:

- Unsubsidized employment,
- Subsidized employment,
- Unpaid work experience,
- On-the-job training,
- Job search/job readiness,
- Vocational education,
- Satisfactory attendance at secondary school or in course of study leading to a certificate of general equivalence, in the case of recipients who have not completed secondary schools or received a certificate,
- Education directly related to employment, in the case of a recipient who has not received a high school diploma or certificate of equivalency,
- Job skills training directly related to employment, community service, and
- The provision of child care to an individual who is participating in community service. Participants, who are found not to possess basic workplace or basic literacy skills, as determined by an assessment, shall combine employment and job readiness and job search activities with activities designed to increase their basic and workplace literacy skills.

**(d) Take such reasonable steps as the State deems necessary to restrict the use and disclosure of information about individuals and families receiving assistance under the program attributable to funds provided by the federal government (Section 402(a)(1)(A)(iv) of the Social Security Act)**

Client information may only be used for the administration of the program. Use and disclosure of information will be restricted in accordance with all applicable state laws and federal regulations. Use of information for commercial, personal, or political purposes is prohibited.

**(e) Establish goals and take action to prevent and reduce out-of-wedlock pregnancies, with special emphasis on teenage pregnancies (Section 402(a)(1)(A)(v) of the Social Security Act)**

Through an agreement with the Department of Education, DCFS will fund the Jobs for America's Graduates Louisiana (JAG-LA) Program to keep in school those students at risk of failing in school, to capture out-of-school youth in need of a high school education, to provide an avenue for achieving academically, and to assist students in ultimately earning recognized credentials that will make it possible for them to exit school and enter post-secondary education and/or the workforce.

Services provided will meet TANF Goal 3 to prevent and reduce the incidence of out-of-wedlock pregnancies by providing intervention and improved life prospects for students who show evidence of failing, dropping out or engaging in negative behaviors that can lead to

dependency, out-of-wedlock births, imprisonment, and/or other undesirable outcomes which may lead to the detriment and impoverishment of youth.

Eligible participants in the JAG-LA Program shall be 12-22 years of age and must face at least two designated barriers to success that include economic, academic, personal, environmental, or work related barriers.

- (f) Conduct a program designed to reach state and local law enforcement officials, the education system, and relevant counseling services, that provides education and training on the problem of statutory rape so that teenage pregnancy prevention programs may be expanded to include men (Section 402(a)(1)(A)(vi) of the Social Security Act).**

The department provides services for victims of domestic violence and their children, including rural outreach and community collaboration training for the purpose of educating attendees about domestic violence and the available services provided by the Department of Children and Family Services including but not limited to TANF, Supplemental Nutrition Assistance, Child Care Assistance, and Employment Training. Additionally, these services will include education and training addressing the problem of statutory rape. These programs are designed to not only reach the public, but also law enforcement officials, educators, relevant counseling services. Training regarding statutory rape will also be made available to males 18 and older.

- (g) Implement policies and procedures as necessary to prevent access to assistance provided under the state program funded under this part through any electronic fund transaction in an automated teller machine or point-of-sale device located in a place described in section 408(a)(12), including a plan to ensure that recipients of the assistance have adequate access to their cash assistance (Section 402(a)(1)(A)(vii) of the Social Security Act)**

Needy families, through the FITAP, KCSP, and STEP programs, will be provided financial assistance, job preparation, work and supportive services. Financial assistance is delivered through Electronic Benefits Transfer.

#### **EBT Restrictions**

The department has promulgated rules to establish provisions necessary to prevent cash assistance provided under the FITAP and KCSP programs from being used in any electronic benefit transfer (EBT) transaction in a liquor store, gambling casino or gaming establishment, or any retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment purposes, or at any retailer for the purchase of an alcoholic beverage, a tobacco product, or a lottery ticket.

- (h) Ensure that recipients of assistance provided under the state program funded under this part have the ability to use or withdraw assistance with minimal**

**fees or charges, including an opportunity to access assistance with no fee or charges, and are provided information on applicable fees and surcharges that apply to electronic fund transactions involving the assistance, and that such information is made publicly available (Section 402(a)(1)(A)(viii) of the Social Security Act).**

Louisiana continues to provide recipients access to their benefits and related services in each of the 64 parishes based on the policies and procedures in effect. All of the major ATM networks accept the Louisiana Purchase (EBT) cards and many carry the Louisiana Purchase logo on the machines to allow the recipient to know that the card is accepted. First time users of the EBT card are provided with a list of banks with no “out of network” surcharges. Information regarding transaction fees and surcharges, including a list of banks that assess no surcharge to recipients, is publicly available on the department’s website. Recipients may still access their benefits at grocery stores that sell both groceries and intoxicating liquors as long as the retail establishment does not sell exclusively or primarily intoxicating liquors. Also, recipients may still access their benefits at establishments that offer gaming activities as long as those gaming activities are incidental to the principal purpose of the business.

**(i) Indicate whether it intends to treat families moving from another state differently from other families under the program, and if so how (Section 402(a)(1)(B)(i) of the Social Security Act).**

The TANF Programs will be operated statewide in all political subdivisions of the state. No specific provisions will be applied to families moving to Louisiana from another state.

**(j) Indicate whether it intends to provide assistance to non-citizens, and if so include an overview of the assistance (Section 402(a)(1)(B)(ii) of the Social Security Act).**

Each recipient must be a United States citizen, a non-citizen national (person born in an outlying possession of the United States [American Samoa or Swain's Island] on or after the date the U.S. acquired the possession, or a person whose parents are U.S. non-citizen nationals), or a qualified alien as defined below:

1. An alien who is lawfully admitted for permanent residence under the [Immigration and Nationality Act](#);
2. An alien who is granted asylum under [Section 208](#) of such act;
3. A refugee who is admitted to the United States under Section 207 of such act;
4. An alien who is paroled into the United States under Section 212(d)(5) of such act for a period of at least one year;
5. An alien whose deportation is withheld under §243(h) of such act (as in effect immediately before the effective date [April 1, 1997] of §307 of Division C of Public Law 104-208) or §241(b)(3) of such act (as amended by Section 305(a) of Division C of Public Law 104-208);

6. An alien who is granted conditional entry pursuant to §203(a)(7) of such act as in effect prior to April 1, 1980; or
7. An alien who is a Cuban or Haitian entrant as defined in § 501(e) of the Refugee Education Assistance Act of 1980; or
8. An alien who has been battered or subjected to extreme cruelty in the United States by a spouse or parent, or by a member of the spouse's or parent's family residing in the same household as the alien if the spouse or parent consented to, or acquiesced in, such battery or cruelty. The individual who has been battered or subjected to extreme cruelty must no longer reside in the same household with the individual who committed the battery or cruelty. The agency must also determine that a substantial connection exists between such battery or cruelty and the need for the benefits to be provided. The alien must have been approved or have a petition pending which contains evidence sufficient to establish:
  - a. The status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of §204(a)(1)(A) of the [Immigration and Nationality Act](#); (INA); or
  - b. The classification pursuant to clause (ii) or (iii) of Section 204(a)(1)(B) of the INA; or
  - c. Cancellation of removal under section 1229b of the INA (as in effect prior to April 1, 1997); or
  - d. The status as a spouse or child of a United States citizen pursuant to clause (i) of §204(a)(1)(A) of the INA, or classification pursuant to clause (i) of Section 204(a)(1)(B) of the INA;
9. An alien child of a battered parent or the alien parent of a battered child as described in §1223A.8.;
10. An alien who is a victim of a severe form of trafficking in persons, or an eligible relative of a victim of a severe form of trafficking in persons; or
11. An alien who is an Iraqi or Afghani immigrant who has been granted Special Immigrant Visa (SIV) status.

An alien who is a qualified alien and who enters the United States on or after August 22, 1996, is not eligible for any Federal means-tested public benefit for a period of 5 years beginning on the date of the alien's entry into the United States unless:

Exception for refugees and asylees:

- An alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act [[8 U.S.C. 1157](#)].
- An alien who is granted asylum under section 208 of such Act [[8 U.S.C. 1158](#)].
- An alien whose deportation is being withheld under section 243(h) of such Act [[8 U.S.C. 1253](#)] (as in effect immediately before the effective date of section 307 of division C of Public Law 104–208) or section 241(b)(3) of such

Act [8 U.S.C. [1231 \(b\)\(3\)](#)] (as amended by section 305(a) of division C of Public Law 104–208).

- An alien who is a Cuban and Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980.
- An alien admitted to the United States as an Amerasian immigrant as described in section [1612 \(a\)\(2\)\(A\)\(i\)\(V\)\[1\]](#) of this title.
- An alien who is a victim of a severe form of trafficking in persons, or an eligible relative of a victim of a severe form of trafficking in persons.
- An alien who is an Iraqi or Afghani immigrant who has been granted Special Immigrant Visa (SIV) status.

**(k) Set forth objective criteria for the delivery of benefits and the determination of eligibility and for fair and equitable treatment, including an explanation of how it will provide opportunities for recipients who have been adversely affected to be heard in a state administrative or appeal process (Section [402\(a\)\(1\)\(B\)\(iii\)](#) of the Social Security Act)**

The DCFS Bureau of Appeals is responsible for providing a system of hearings that must meet the due process standards set forth in federal regulations, state laws and *Goldberg vs. Kelly* [397 US 254](#) (1970).

Each applicant is informed by the application form and by the appropriate notification forms (as decisions are made affecting his case) of his right to a hearing, of the method by which a hearing may be requested, and who may present his case.

The claimant may represent himself at the hearing or be represented by any authorized agent.

When a decision is made on a case, the client is notified and is allowed the following number of days from the date of the notice to request a Fair Hearing:

- FITAP 30 days
- STEP Program 30 days
- KCSP 30 days

The client may appeal at any time during a certification period for a dispute of the current level of benefits.

An appeal is timely requested if the appeal request:

- Is delivered on or before the due date, or
- Mailed on or before the due date. If the appeal request is received by mail on the first working day following the due date, there shall be a rebuttable presumption that the appeal was timely filed.

Recipients of FITAP and KCSP who request a Fair Hearing prior to the expiration of the Advance Notice of Adverse Action or within 13-days of the date of Concurrent Notice must have benefits continued at, or reinstated to, the benefit level of the previous month, unless:

- The recipient indicates he does not want benefits continued;
- A determination is made at the hearing that the sole issue is one of existing or changing state or federal law; or,
- Change unrelated to the appeal issue affecting the client's eligibility occurs while the hearing decision is pending and the client fails to request a hearing after receiving the notice of change.

A decision by the hearing authority shall be binding on the Department of Children and Family Services and shall summarize the facts of the case, specify the reasons for the decision, and identify the supporting evidence and the pertinent state or federal regulations. The decision shall become a part of the record. The household shall be notified in writing of the:

- Decision,
- Reasons for the decision,
- Available appeal rights, and
- Right to pursue judicial review of the decision.

**(1) Indicate whether the state intends to assist individuals to train for, seek, and maintain employment (Section 402(a)(1)(B)(v) of the Social Security Act)—**

- (1) Providing direct care in a long-term care facility (as such terms are defined under section 1397j of this title); or
- (2) In other occupations related to elder care, high-demand occupations, or occupations expected to experience labor shortages as, determined appropriate by the State for which the State identifies an unmet need for service personnel, and, if so, shall include an overview of such assistance.

To assist Louisiana families in becoming economically self-reliant so that their dependence on government benefits for basic needs is minimized, the department implemented the STEP Program effective October 1, 2003, so that all cash assistance recipients, with certain exceptions, are actively engaged in meaningful activities designed to enable their transition from cash assistance to self-reliance. It is further intended that cash assistance recipients demonstrate active and diligent personal responsibility in achieving self-reliance through employment and increased workplace literacy. All appropriate state agencies responsible for employment, training, and educating Louisiana's citizens are expected to cooperate in the pursuit of this goal.

## **Elder Care**

The Louisiana Workforce Commission is responsible for evaluating the labor market and identifying employment trends and demand occupations related to elder care. The Department of Children and Family Services will work with various state agencies to provide referrals of TANF participants seeking training and/or employment in the elder care workforce. Assistance includes vocational education training, job search/job readiness, and supportive services.

- (m) **Provide for all MOE-funded services the following information: the name of the program benefit or service, and the financial eligibility criteria that families must meet in order to receive that benefit or service. In addition, for TANF MOE-funded services (co-mingled or segregated MOE) describe the program benefit provided to eligible families (SSP services do not have to include a description but the Department of Health and Human Services encourages it) (§263.2(b)(3) & §263.2(c) preamble pages 17826-7)**

### **State Earned Income Tax Credit (EITC)**

The State EITC is provided to families with dependents and includes the amount of the State EITC that exceeds the taxpayer's tax liability (amount owed prior to application of any other credits). It is available to Louisiana residents who claim the federal Earned Income Tax Credit (EITC).

These services meet TANF goal 2 to end the dependence of needy parent on government benefits by promoting job preparation, work and marriage.

### **Louisiana Office of Student Financial Assistance (LOSFA)**

The department through an agreement with the Louisiana Office of Student Financial Assistance (LOSFA) collects information on tuition assistance expenditures provided to eligible low income students who are pursuing postsecondary education for the purpose of claiming eligible expenditures that may count as Maintenance of Effort (MOE) effective TANF State Plan FY 2011 for the Temporary Assistance for Needy Families (TANF) grant. The eligible tuition assistance expenditures that may be claimed as MOE are from the following programs:

- **Louisiana Go Grants** – A need based student financial aid grant that supports nontraditional and low income students in their pursuit of postsecondary education. To receive the Go Grants, a student must be receiving a federal Pell grant and have remaining financial need, as determined in accordance with a formula established by the Louisiana Board of Regents. The formula for determining financial need is subject to change on a yearly basis in order to ensure that the greatest number of students will benefit from the funds appropriated for the program by the Louisiana Legislature.

- **Taylor Opportunity Program for Students (TOPS)** – A state scholarship program for Louisiana residents who attend Louisiana postsecondary institutions.

These services meet TANF goal 3, to prevent and reduce the incidence of out-of-wedlock pregnancies, by providing financial aid to eligible students who are pursuing postsecondary education. The services provide the students with the tools necessary to reduce risky behaviors and increase positive decision making.

### **Department of Public Safety and Corrections – Youth Services OJJ – Community Supervision**

The Department has an agreement with the Department of Public Safety and Corrections, Office of Juvenile Justice (DPSC-OJJ), to provide services to youth and their families as a result of an adjudication and disposition by a court that orders DPSC-OJJ to supervise youth in their communities in an effort to prevent removal from the home.

Financial eligibility for those services attributable to TANF/Maintenance of Effort (MOE) funds is limited to eligible families; that is a family that includes a minor child living with a custodial parent or an adult caretaker relative. An eligible family is one 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 XIX (Medicaid) Medical Assistance Program benefits, Louisiana Children’s Health Insurance Program (LACHIP) benefits, or Supplemental Security Income (SSI).

These services meet TANF 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 by providing services to youth, who are in jeopardy of removal from their homes, and their families.

### **Louisiana State Child Care Tax Credit**

This is an annual refundable tax credit for low-income individuals and families who have a qualified dependent who is under the age of 13, and the parent or qualified relative has paid someone to provide care so that they can work or look for work.

Eligibility is limited to those families with minor children who meet the Louisiana Department of Revenue Child Care Tax Credit eligibility standards.

These services meet TANF Goal 2, to end dependence of needy parents on government benefits, by promoting job preparation, work, and marriage.

### **Louisiana 4 Public Pre-Kindergarten Program (LA4)**

The LA4 program provides high quality early childhood education for low-income 4-year-olds in participating public school districts and charter schools.

Services are for children of at risk families in which the child is one year younger than the eligible age for kindergarten and is eligible to receive free or reduced school lunch meals pursuant to the Federal Child Nutrition Program as documented by a completed application for such meals, whether or not such meals are sought.

These services meet TANF goal 3, to prevent and reduce the incidence of out-of-wedlock pregnancies and TANF goal 4, to encourage the formation and maintenance of two-parent families by placing children in learning environments at the pre-school level to foster an interest in learning, increase literacy levels, and increase the likelihood of developing responsible behavior.

### TANF Certifications

States that include TANF in the Combined State Plan must provide a certification by the chief executive officer of that State, that during the fiscal year, the State will:	
1.	Operate a child support enforcement program under the State Plan approved under part D. (section 402(a)(2) of the Social Security Act);
2.	Operate a foster care and adoption assistance program under the State Plan approved under part E, and that the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State Plan under title XIX. (section 402(a)(3) of the Social Security Act);
3.	Specify which State agency or agencies will administer and supervise the program referred to in paragraph (1) for the fiscal year, which shall include assurances that local governments and private sector organizations (section 402(a)(4) of the Social Security Act)— (A) have been consulted regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations; and (B) have had at least 45 days to submit comments on the plan and the design of such services;
4.	Provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government. (section 402(a)(5) of the Social Security Act);
5.	Establish and enforce standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage. (section 402(a)(6) of the Social Security Act);
6.	(optional) Establish and Enforcing standards and procedures to (section 402(a)(7) of the Social Security Act).— (i) screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals; (ii) refer such individuals to counseling and supportive services; and (iii) waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.