

NOTICE OF INTENT

Department of Children and Family Services

Child Welfare

Daycare Services
(LAC 67:V.2301)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953(A), the Department of Children and Family Services (DCFS) proposes to repeal LAC 67:V, Subpart 4, Daycare Services, Chapter 23 Daycare.

Chapter 23 is being repealed as the Child Welfare Daycare Services Program has been terminated. Additionally, the Child Care and Development Block Grant Program, which funded the Child Care Assistance Program, has been transferred to Louisiana Department of Education in accordance with R.S. 17:407.28.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart IV. ~~Daycare Services~~ Reserved

~~Chapter 23. Daycare~~

~~§2301. Daycare Services~~

~~A. The Department of Social Services, Office of Community Services Children and Family Services, will only provide daycare services to children who are at risk of abuse and/or neglect, and for foster care and adoption reasons.~~

~~B. Class A Day Care Centers will be reimbursed for day care services at the same reimbursement rate as the Office of Family Support Child Care Assistance Program. When a center's rate is less than the maximum amount reimbursed by the department, the department reimbursement rate will be the center's usual charge for day care services.~~

~~C. The department will reimburse centers for up to five days per month per eligible child for absences when the plan is for the child to return to the center.~~

~~D. Daycare providers that have been disqualified from receiving payment or terminated from participation in the OFS Child Care Assistance Program shall be disqualified from receiving payment for or providing services to any client of the OCS until the provider qualification status is resolved with the OFS and the provider is no longer disqualified or terminated.~~

~~E. The non custody child of a minor child in foster care is upon birth at risk for abuse and or neglect due to: the abuse/neglect history of the parent, and, the competency level of the minor parent to provide care for a child. Protective services provided to insure the safety and well being of a non-custody child of minor in foster care shall include child care assistance.~~

~~AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.~~

~~HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 11:689 (July 1985), amended LR 18:868 (August 1992), LR 25:2443 (December 1999), LR 31:101 (January 2005), LR 33:1685 (August 2007), LR 35:961 (May 2009), LR 35:1256 (July 2009).~~

Family Impact Statement

The proposed rule is not anticipated to have an adverse impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed rule is not anticipated to have an adverse impact on poverty as defined by R.S. 49:973.

Small Business Impact Statement

The proposed rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through, December 28, 2017 to Rhenda Hodnett, Assistant Secretary of Child Welfare, Department of Children and Family Services, P.O. Box 3118, Baton Rouge, LA, 70821.

Public Hearing

A public hearing on the proposed Rule will be held on December 28, 2017 at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-127, Baton Rouge, LA beginning at 9:00 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call 225-342-4120 (Voice and TDD).

Marketa Garner Walters
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement:	<u>Toni Buxton</u>	Department:	<u>Department of Children and Family Services</u>
Phone:	<u>(225) 342-4006</u>	Office:	<u>Child Welfare</u>
Return Address:	<u>627 North 4th Street</u> <u>Third Floor</u> <u>Baton Rouge, LA 70821</u>	Rule Title:	<u>Daycare Services</u>
		Date Rule Takes Effect:	<u>March 1, 2018</u>

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. Estimated Implementation Costs (Savings) to State or Local Governmental Units (Summary)

Other than the publication fees associated with the proposed rule change, it is not anticipated that the Louisiana Department of Children and Family Services (DCFS) will incur any other costs or savings as a result of this rule. This rule change repeals LAC 67: V, Subpart 4, Daycare Services, Chapter 23 Daycare Services. DCFS no longer administers this program; therefore rules regarding the program are being repealed. In 2015 the Child Care & Development Fund (CCDF) Block Grant (\$79.9 M), which supported the funding and administration of child welfare daycare services, was transferred from DCFS to the Louisiana Department of Education (DOE).

II. Estimated Effect on Revenue Collections of State or Local Governmental Units (Summary)

Implementation of this proposed rule will not affect current revenue collections of DCFS. The funding for the program was transferred to the Louisiana DOE in 2015.

III. Estimated Costs and/or Economic Benefits to Directly Affected Persons or Non-Governmental Groups (Summary)

Implementation of this proposed rule will have no economic cost or benefit to persons receiving child welfare daycare services. The services are still being provided. However, it is now provided through the Louisiana DOE. Determination of eligibility for daycare services has not changed and services are not being interrupted.

IV. Estimated Impact on Competition and Employment (Summary)

The proposed rule change does not affect competition and/or employment.

Signature of Agency Head
or Designee

Date

LEGISLATIVE FISCAL OFFICER
OR DESIGNEE

Rhenda Hodnett, Assistant Secretary
Typed Name and Title of Agency Head

DATE OF SIGNATURE

DCFS Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberations on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated)

Chapter 23 is being repealed as the Child Welfare Daycare Services Program is no longer a program of DCFS. Additionally, the Child Care and Development Block Grant Program, which funded the Child Care Assistance Program, has been transferred to Louisiana Department of Education in accordance with R.S. 17:407.28.

- B. Summarize the circumstances which require this action. If the action is required by federal regulations, attach a copy of the applicable regulation.

Chapter 23 is being repealed as the Child Welfare Daycare Services Program is no longer a program of DCFS. Additionally, the Child Care and Development Block Grant Program, which funded the Child Care Assistance Program, has been transferred to Louisiana Department of Education in accordance with R.S. 17:407.28.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

There will be no increase in the expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) Yes. If yes, attach documentation.

(b) No. If no, provide justification as to why this rule change should be published at this time.

The cost of publishing rulemaking is routinely included in the department's annual operating budget appropriated by the legislature.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

I. A. Costs or Savings to State Agencies Resulting from the Action Proposed

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

Costs	FY 17-18	FY 18-19	FY 19-20
Personal Services	\$0		
Operating Expenses	\$426.00		
Professional Services	\$0		
Other Charges	\$0		
Equipment	\$0		
Major Repair & Constr.	\$0		
Total	\$426.00		
Positions (#)			

2. Provide a narrative explanation of the costs or savings shown in "A.1.," including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

Chapter 23 is being repealed as the Child Welfare Daycare Services Program is no longer a program of DCFS. Additionally, the Child Care and Development Block Grant Program, which funded the Child Care Assistance Program, has been transferred to Louisiana Department of Education in accordance with R.S. 17:407.28.

The proposed rule will not impact the overall revenues or expenditures of the department. The only cost associated with this proposed rule is the cost of publishing rulemaking. It is anticipated that \$426.00 (Federal) will be expended in SFY17-18 for the state's administrative expenses for promulgation of this proposed rule and the final rule.

3. Sources of funding for implementing the proposed rule or rule change.

Source	FY 17-18	FY 18-19	FY 19-20
State General Fund	\$0		
Agency Self-Generated	\$0		
Federal Funds	\$426.00		
Dedicated	\$0		
Other (Specify)	\$0		
Total	\$426.00		

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The agency currently has sufficient funds to cover the cost of publishing rulemaking.

B. Cost or Savings to Local Governmental Units Resulting from the Action Proposed

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There are no estimated costs or savings to local governmental units resulting from this rule.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these cost or savings.

There will be no impact on local governmental units.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

II. Effect on Revenue Collections of State and Local Governmental Units

A. What increase (decrease) in revenues can be anticipated from the proposed action?

Revenue Increase/Decrease	FY 17-18	FY 18-19	FY 19-20
State General Fund	\$0	\$0	\$0
Agency Self-Generated	\$0	\$0	\$0
Dedicated Funds *	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0
Total	\$0	\$0	\$0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

Implementation of this rule will have no effect on state or local revenue collections.

III. Costs and/or Economic Benefits to Directly Affected Persons or Nongovernmental Groups

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

There is no anticipated cost to any persons or nongovernmental groups as a result of this rule.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

This rule will not have a significant impact on receipts and/or income.

IV. Effects on Competition and Employment

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

This rule will not have a significant impact on competition for employment in the public and private sectors.