

## TEXAS WORKFORCE COMMISSION LETTER

**ID/No:** WD 46-06

**Date:** July 17, 2006

**Keywords:** Child Care;  
Hurricanes Katrina/Rita

**To:** Local Workforce Development Board Executive Directors  
Commission Executive Staff  
Integrated Service Area Managers



**From:** Luis M. Macias, Director, Workforce Development Division

**Subject:** **Use of Child Care and Development Fund Matching Funds under the Waiver of State Match for Hurricanes Katrina and Rita**

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### **PURPOSE:**

To provide Local Workforce Development Boards (Boards) with information and guidance regarding:

- use of Child Care and Development Fund (CCDF) federal matching funds subject to the waiver of state match granted to Texas for families affected by Hurricanes Katrina and Rita;
- application of the Commission's Child Care and Development rules, Chapter 809, to hurricane-affected families, including compliance with child support provisions for Hurricane Katrina evacuees; and
- information entered in The Workforce Information System of Texas (TWIST).

### **REFERENCE:**

Texas Workforce Commission Child Care and Development Rules: 40 TAC, Chapter 809

WD Letter 01-05, issued January 24, 2005, and entitled "Verification of Child Support"

WD Letter 73-05, issued September 29, 2005, and entitled "Requirements for Disaster National Emergency Grant Participants"

WD Letter 73-05, Change 1, issued November 8, 2005, and entitled "Requirements for Disaster National Emergency Grant Participants: *Update*"

WD Letter 41-06, issued June 26, 2006, and entitled "Charges Related to Child Care Provided to Individuals Affected by Hurricanes Katrina and Rita"

### **FLEXIBILITY RATINGS:**

**No Local Flexibility (NLF):** This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local

flexibility in determining whether and/or how to comply. Federal and state laws, rules, policies, and required procedures with a “No Local Flexibility” rating are indicated by the acronym, **NLF**, in the margin to the right of the applicable paragraph. Additionally, all information with a “No Local Flexibility” rating is indicated by “must” or “shall.”

Failure to comply with the federal and state laws, rules, policies, and required procedures with a “No Local Flexibility” rating may result in corrective action, up to and including sanction and penalty.

**Local Flexibility (LF):** This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All guidance or recommended practices with a “Local Flexibility” rating are indicated by the acronym, **LF**, located in the margin to the right of the applicable paragraph. Additionally, guidance or recommended practices with a “Local Flexibility” rating are indicated by “may” or “recommend.”

Boards are not subject to corrective action for failure to comply with guidance or recommended practices with a “Local Flexibility” rating.

## **BACKGROUND:**

WD Letter 73-05 contains the requirements for disaster National Emergency Grant (NEG) participants and states that all requirements set forth in Commission rules Chapter 809 apply to NEG participants with the exception of:

- eligibility documentation;
- the parent responsibility agreement;
- continuity of care;
- child care appeals; and
- child care for children living with noncustodial relatives.

Additionally, WD Letter 73-05 states that until the Office of the Attorney General (OAG) can begin overseeing compliance with child support requirements for Hurricane Katrina evacuees, Boards are to assume that NEG participants who are receiving NEG-funded child care services are cooperating with OAG.

OAG oversees compliance with child support requirements for Hurricane Katrina evacuees only in circumstances in which the custodial parent opens a child support enforcement case in Louisiana, and the noncustodial parent lives in Texas.

Furthermore, WD Letter 41-06 states that, effective July 1, 2006, Boards must use funds provided by the Child Care and Development Fund/Child Care Waiver (CCDF/CCW) contract for child care services provided to families affected by Hurricanes Katrina and Rita. WD Letter 41-06 also requires Boards to transfer expenditures charged since October 1, 2005, and funded by NEG, Workforce Investment Act (WIA), or CCDF, to the CCDF/CCW contract.

Because WD Letter 73-05 allowed for exceptions to some of the requirements in Commission rules Chapter 809 for NEG-funded child care and those exceptions will not be allowed for families receiving child care services through the CCDF/CCW contract, this WD letter provides information and guidance to enable Boards to transition families from NEG-funded child care to CCDF/CCW-funded child care.

**PROCEDURES:**

Unless otherwise specified in this WD Letter, *effective immediately*, Boards must ensure that all requirements set forth in Commission rules, Chapter 809, are applied to families receiving child care services through the CCDF/CCW contract.

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Boards must ensure that the continuity of care provisions of Commission rule §809.225 are applied to parents who previously received NEG- or WIA-funded child care, and whose charges were reversed and applied to the CCDF/CCW contract.

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For eligibility redeterminations after July 31, 2006, Boards must ensure that:

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- the definition of a parent, as set forth in Commission rule §809.2(6), is applied to cases in which the child was living with noncustodial relatives previously receiving NEG-funded child care services, as set forth in WD Letter 73-05; and
- parents receiving CCDF/CCW-funded child care services cooperate with the child support requirements in Commission rule §809.78. (See WD Letter 01-05 for the procedures on verifying a custodial parent’s cooperation with OAG and receipt of child support income.)

Boards also must ensure that Hurricane Katrina evacuees who have an open child support enforcement case with the Louisiana Department of Social Services (DSS) in which the noncustodial parent lives in Texas, follow the procedures set forth in WD Letter 01-05 to obtain information from OAG upon receipt of child support services.

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Boards must ensure that parents who have an open Louisiana DSS child support enforcement case in which the noncustodial parent resides in a state *other than Texas*, provide evidence of the open case by:

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- contacting the Louisiana DSS Customer Service Center at 1-800-256-2650; or
- accessing the Louisiana DSS Web site at <https://www.dss.state.la.us/ChildSupportPayInqWeb/>.

Boards must ensure that parents who have not established a child support case in Louisiana or Texas are referred to a local OAG office or apply online at [www.oag.state.tx.us](http://www.oag.state.tx.us).

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The Workforce Information System of Texas

Boards that have entered *Child Care Support Services Code 202* in TWIST under *Fund Code 146* (Hurricane Katrina) or *Fund Code 147* (Hurricane Rita) must not make changes to the records in TWIST. State office staff will update the records

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in TWIST to migrate the codes to *Fund 1-One Stop, Subfund Code 27* (Hurricane Katrina), or *Subfund Code 28* (Hurricane Rita).

**ACTIONS REQUIRED:**

Boards must ensure that appropriate staff is apprised of and complies with the requirements in this WD Letter.

**INQUIRIES:**

Direct inquiries regarding this WD Letter to the assigned contract manager for your local workforce development area.

Rescissions: None	Expiration: Continuing
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