

Chapter 809. Child Care.

§809.88 Additional Transitional Child Care Eligibility Criteria.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART XX. Texas Workforce Commission

CHAPTER 809. Child Care and Development

40 TAC §809.88

The Texas Workforce Commission adopts new §809.88, concerning Additional Transitional Child Care Eligibility Criteria, without changes to the proposed text as published in the July 19, 1996, issue of the Texas Register (21 TexReg 6774).

The new section implements child care provisions of House Bill (H.B.) 1863, the Texas Welfare Reform legislation. Under current federal legislation, clients who lose eligibility for Aid to Families with Dependent Children (AFDC) due to earnings are entitled to 12 months of transitional child care if the care is needed to support the parent's employment. TWC addresses eligibility for these benefits in current §809.13. H.B. 1863 expands the transitional child care entitlement to cover clients who lose AFDC due to expiration of AFDC time limits. In addition, H.B. 1863 specifies that a client who is exempt from participation in the Job Opportunities and Basic Skills (JOBS) program because of the age of the youngest child or because the client must care for a child with disabilities will be entitled to an extra six months (for a total of 18 months) of transitional child care if the client volunteers for the JOBS program. New §809.88 addresses the specific criteria to be used to determine if clients have a need for the child care services. For clients who become entitled to transitional child care due to loss of time-limited AFDC benefits, the definition of need allows child care during a brief job search period and/or to support employment. These provisions of H.B. 1863 are included in a waiver of federal regulations recently approved by the Department of Health and Human Services.

The 74th State Legislature passed H. B. 1863 which required significant changes in the state's welfare program. Article 3 of H. B. 1863 imposed a limit on the length of time clients are eligible to receive AFDC benefits. The Bill requires that after the time limits expires, the clients receive Transitional Child Care if they meet the eligibility criteria for Transitional Child Care services. This new child care rule addresses the addition of criteria for transitional eligibility due to the expiration of time limited benefits. Only one comment was received from the Child Care Management Services contractor in Dallas and it was positive. It supported the six month extension as especially important considering the mandate of H.B. 1863 for less preparation and training time and it also advised TWC to notify all eligible parents in a timely manner.

The new section is adopted under Human Resource Code, Chapter 44.002, which provides the Texas Workforce Commission with the authority to adopt, amend, or rescind such rules as it deems necessary for the effective administration of child care programs which are fully or partially funded.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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