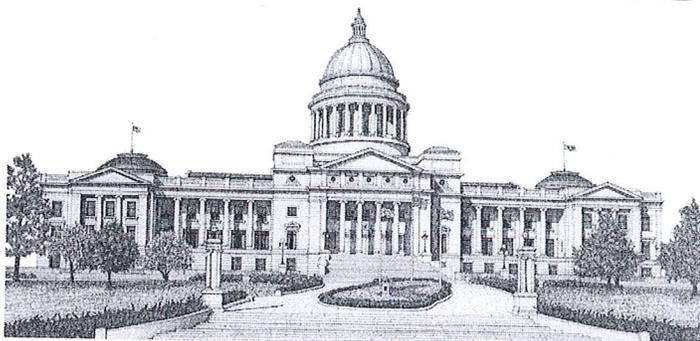


ARKANSAS REGISTER

Transmittal Sheet

* Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State
Mark Martin
State Capitol, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-3527
www.sos.arkansas.gov



For Office
Use Only:

Effective Date _____ Code Number _____

Name of Agency Department of Workforce Services

Department Temporary Assistance for Needy Families

Contact Derwin Taylor E-mail derwin.taylor@arkansas.gov Phone 501-683-1353

Statutory Authority for Promulgating Rules Arkansas Code 20-76-401

Rule Title: Amended TANF State Plan, Section 8- Parental Responsibilities

Intended Effective Date
(Check One)

- Emergency (ACA 25-15-204)
- 30 Days After Filing (ACA 25-15-204)
- Other May 12, 2014
(Must be more than 30 days after filing date.)

	Date
Legal Notice Published	<u>03/05/14</u>
Final Date for Public Comment	<u>4/04/14</u>
Reviewed by Legislative Council	_____
Adopted by State Agency	_____

Electronic Copy of Rule submitted under ACA 25-15-218 by:

Derwin Taylor derwin.taylor@arkansas.gov 04/09/14

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. (ACA 25-15-201 et. seq.)

Artee Williams
Signature

(501) 682-3101 artee.williams@arkansas.gov

Phone Number

E-mail Address

Director

Title

04/09/14

Date

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Department of Workforce Services
DIVISION Temporary Assistance for Needy Families
DIVISION DIRECTOR Phil Harris
CONTACT PERSON Derwin Taylor
ADDRESS PO BOX 2981, Little Rock, AR 72203
PHONE NO. 501-683-1353 FAX NO. 501-683-1531 E-MAIL derwin.taylor@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Derwin Taylor
PRESENTER E-MAIL derwin.taylor@arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

**Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201**

1. What is the short title of this rule? Amended TANF State Plan, Section 8- Parental Responsibilities
2. What is the subject of the proposed rule? Arkansas TANF State Plan Amendment
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No
If yes, please provide the federal rule, regulation, and/or statute citation. Sections 402, 408(a), and 409 of the Social Security Act.
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No
If yes, what is the effective date of the emergency rule? _____
- When does the emergency rule expire? NA

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes No

5. Is this a new rule? Yes No
If yes, please provide a brief summary explaining the regulation. _____

Does this repeal an existing rule? Yes No
If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. _____

Is this an amendment to an existing rule? Yes No
If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Arkansas Code 20-76-401

7. What is the purpose of this proposed rule? Why is it necessary? Meet federal requirements to be eligible to receive and continue receiving the TANF Block Grant.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). <http://dws.arkansas.gov/Programs/TANF/PublicNotice.htm>

9. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

4/4/14

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

5/12/14

12. Do you expect this rule to be controversial? Yes No

If yes, please explain. _____

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Workforce Services
DIVISION Temporary Assistance for Needy Families
PERSON COMPLETING THIS STATEMENT Derwin Taylor
TELEPHONE NO. 501-683-1353 **FAX NO.** 501-683-1351 **EMAIL:** derwin.taylor@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Amended TANF State Plan, Section 8- Parental Responsibilities

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;
NA
- (b) The reason for adoption of the more costly rule;
NA
- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;
NA
- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.
NA

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total 0

Total 0

(b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total 0

Total 0

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ 0

\$ 0

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ 0

\$ 0

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and

- (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Summary of Change

This amendment is being made for Federal compliance with Sections 402, 408 (a), and 409 of the Social Security Act. The amendment adds a section regarding Statutory Rape Prevention and Education to the TANF State Plan (Section 8.3) as requested by Federal Government.

8.3 Plan to Reduce Unwed Births and Teenage Pregnancy

Introduction

Unmarried birth prevention should be viewed as a process, not a program, involving multiple strategies and multiple agencies in a sustained effort. The rise in unwed births is an urgent social problem that resists easy solutions. Arkansas' approach is multifaceted with four major components:

- Abstinence programs using funding in the welfare reform act
- Improve access to family planning services statewide
- Community-based efforts in targeted counties
- Two state level steering committees to coordinate the efforts

Abstinence Programs

Arkansas Act 1705 required the establishment of the Community Investment Initiative to provide services to children, adults, families, and parents.

The TANF-funded Community Investment Initiative includes a component designed to improve outcomes for youth. These outcomes include reducing risky behaviors such as sexual activities, drug use, and criminal behavior.

Partnerships are formalized with community and faith-based organizations through the award of TANF-funded contracts on an annual basis.

These community partnerships recognize the reduction of out-of-wedlock births as a priority and have developed programs that include strategies to enhance educational attainment, reduce teenage pregnancies, and reduce the incidence of criminal behaviors by participating youth.

Services offered by providers meet TANF Goal 3, to prevent and reduce the incidence of out-of-wedlock pregnancies by providing prevention and intervention programs for students who live in poor communities and/or show evidence of academic underperformance, dropping out, or engaging in negative behaviors that can lead to dependency, out-of-wedlock births, or imprisonment.

Improved Access to Family Planning Services

Arkansas Act 1705 required the establishment of the Community Investment Initiative to provide services to children, adults, families, and parents.

The TANF-funded Community Investment Initiative includes components designed to improve parenting and family functioning through services and support to parents, children, and to families. Additionally, this initiative addresses improving marriage and relationship skills among youth and engaged and married couples.

Partnerships are formalized with community and faith-based organizations through the award of TANF-funded contracts on an annual basis.

Services offered by providers meet TANF Goal 4, to encourage the formation and maintenance of two-parent families.

These community partnerships recognize the importance of both family planning as well as enhanced family functioning.

Education and Training on Rape Prevention

The Arkansas Commission on Child Abuse, Rape, and Domestic Violence (ACCARDV) of the University of Arkansas for Medical Sciences (UAMS) and the Arkansas Department of Health (ADH) is authorized to allocate and administer funds for Sexual Violence Prevention and Education through a cooperative agreement with the Centers for Disease Control and Prevention (CDC).

These funds strengthen sexual violence prevention and education efforts through the provision of grants to community-based organizations to provide comprehensive sexual violence primary prevention aimed at preventing the initial occurrence of sexual violence.

Currently, there are eight (8) programs funded across the state. These contracts solicit the assistance of community organizations to provide sexual violence prevention and education to youth, at-risk youth, and adults. These programs are designed to change attitudes, beliefs, and behaviors that allow sexual violence to occur.

Educational programs are available to specific populations, including males, Hispanics, African Americans, and persons with disabilities.

Statutory Rape Prevention and Education

In Arkansas, a person commits rape if he or she engages in Sexual Intercourse or Deviate Sexual activity with another person:

1. By forcible compulsion; or
2. Who is incapable of consent because he or she is physically helpless,

mentally defective, or mentally incapacitated; or

3. Who is less than 14 years of age; or actor is more than 3 years older than victim

4. Who is less than 18 years of age, and the actor is victim's guardian

a. The

b. Uncle, aunt, grandparent, step-grandparent, grandparent by adoption

c. Brother, sister or the whole or half-blood or by adoption

d. Nephew, niece or first cousin

The Arkansas Commission on Child Abuse, Rape, and Domestic Violence serves as the lead entity in administering an educational and training effort to increase the awareness sexual abuse, including statutory rape.

In 2007, the Arkansas Sexual Violence Primary Prevention Comprehensive Planning Team was formed by the Arkansas Commission on Child Abuse, Rape and Domestic Violence and the Arkansas Department of Health through the Center for Disease Control (CDC) and Injury Prevention's Rape Prevention and Education (RPE) Cooperative Agreement. The planning team conducted a comprehensive assessment of sexual violence prevention efforts in the state to articulate a vision and broad goals for Rape Prevention in Arkansas.

Additionally, each year the Centers for Disease Control provides funds to the state for Rape Prevention Activities through which the Commission awards contracts to local entities across the state to provide sexual violence, including statutory rape, training.

The Department of Human Services and Arkansas State Police maintain a contractual agreement that jointly maintains the Family Protection Unit, now known as the Crimes Against Children Division (CACD). The CACD is composed of two sections: 1) the Child Abuse Hotline, and 2) specially-trained civilian and law enforcement officials who assess child maltreatment reports. Again, these child maltreatment assessments include sexual abuse (statutory rape) reports. The CADC maintains an around-the-clock statewide intake process (Child Abuse Hotline) for accepting reports of alleged child maltreatment.

Finally, the Arkansas Commission on Law Enforcement Standards and Training requires all law enforcement officers to complete a minimum of twenty (20) hours of training concerning sexual assaults as a part of the basic police training course curriculum.

State Steering Committees

Separate Steering Committees are currently in place to provide input and direct the State's Abstinence and Unwed Birth Prevention initiatives.

The Governor's Abstinence Education Steering Committee, composed of ten members appointed by the Governor, was established by Executive Order of the Governor. This committee provides input regarding abstinence education programs on a statewide basis.

The Unwed Birth Prevention Steering Committee is a legislatively appointed committee of twenty members. This committee provides oversight and makes recommendations regarding the Unwed Birth Prevention Program.

Section 9 GENERAL PROGRAM ADMINISTRATIONS

9.1 Nondiscrimination

In accordance with Transitional Employment Assistance (TEA) Policy 2002, no person shall be prevented from participation, be denied benefits or be subject to discrimination on the basis of age, religion, disability, political affiliation, veteran status, sex, race, color, or national origin. The Department will comply with the provisions of the Civil Rights Act of 1964.

The Department has the responsibility of informing applicants and recipients that assistance is provided on a nondiscriminatory basis and of their right to file a complaint with the agency or federal government if they think that discrimination has occurred on the basis of age, religion, disability, political affiliation, veteran status, sex, race, color, or national origin.

9.2 Safeguarding Information

It is unlawful, except for purposes directly connected with the administration of the Transitional Employment Assistance program, for any person or persons to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of, any list of names, of or any information concerning persons applying for or receiving such assistance. This includes information from the records, papers, files or communications of the State or Local or County Office; or information acquired in the course

Arkansas Department of Workforce Services
Public Notice and Request for Public Comment

In accordance with Sections 402, 408(a), and 409 of the Social Security Act, the Arkansas Department of Workforce Services (ADWS) is amending its Temporary Assistance for Needy Families (TANF) Program State Plan for Title IV-A of the Social Security Act: TANF Program.

ADWS is requesting public comment on the amendments for sections 8 and 19. The amendments are available for review at the ADWS website. In addition, hard copies are available at TANF – 4th Floor, #2 Capitol Mall, Little Rock, Arkansas 72203.

All comments must be submitted in writing no later than COB, Friday, April 4, 2014. Please submit written comments to Department of Workforce Services (TANF), Attn: Derwin Taylor, PO Box 2981, Little Rock, Arkansas 72203 or derwin.taylor@arkansas.gov.