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State of Indiana

*Indiana Family and Social Services Administration*  
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## **FSSA's Family Impact Statement for Vocational Rehabilitation Services Rule**

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Executive Order 13-05 (Order) requires the Family and Social Services Administration (FSSA) to assess a policy or proposed rule's impact on family formation and general well-being and to certify its compliance with the Order. FSSA hereby submits this certification that it has assessed the proposed rule's impact on family formation and general well-being based on the enumerated considerations listed in the Order.

### **Background and Summary of the Rule**

In 2011, Audrey Roberts filed a Petition for Judicial Review of the Division of Disability and Rehabilitative Services' (DDRS) final agency action denying her request for benefits through the Vocational Rehabilitation Services program. The American Civil Liberties Union (ACLU), in conjunction with Indiana Protection and Advocacy Services (IPAS), amended Ms. Roberts' Complaint to assert a class action suit seeking declaratory and injunctive relief, based on the allegation that the Vocational Rehabilitation Policy and Procedural Manual has not been lawfully promulgated into rule as required under the Indiana Administrative Rules and Procedures Act, Indiana Code 4-22-2-13 *et seq.* The ACLU also joined another Vocational Rehabilitation judicial review asserting the same rule promulgation theory. These cases are consolidated in *Robert Bryant v. IFSSA, DDRS, et. al.*, Cause No. 49D12-1205-MI-019254.

In 2013, the plaintiffs agreed to stay their proceedings to provide the FSSA-DDRS an opportunity to promulgate the policy manual into rule. Pursuant to the agreed stay, FSSA-DDRS agreed to publish the Notice of Intent to Adopt a Rule by October 1, 2014 and to complete the rule promulgation by October 1, 2015. The parties agreed to extend the deadline for filing the Notice of Intent to Adopt a Rule. FSSA-DDRS must publish the Notice of Intent to Adopt a Rule fifteen days after the Office of Management and Budget (OMB) grants FSSA-DDRS approval to proceed with rulemaking. FSSA-DDRS must file this request with OMB by December 15, 2014.

### **Impact of the proposed rule on the family well-being or family formation**

FSSA assessed the proposed rule's impact on family formation and well-being in light of the six considerations enumerated in the Order. In general, the Vocational Rehabilitation Services rule does not discourage traditional family formation or encourage family dissolution. Accordingly, FSSA expects that the proposed rule will have a positive impact on family well-being or family

formation. The FSSA is submitting this certification to the OMB that it has considered the requisite criteria in the Order in developing the proposed rule. FSSA's response to the enumerated measures is as follows:

**1) Whether or not this action by government strengthens or erodes the stability of the family and the marital commitment.**

Response: FSSA anticipates that this proposed rule will strengthen family stability and marital commitment. The Vocational Rehabilitation Services (VRS) program assists families with disabled family members by providing services to help the disabled family member prepare for, enter, reenter, or maintain employment in the competitive labor market and, thereby, increase family income and self-reliance. This rule will detail the policies and procedures FSSA-DDRS will use in implementing the VRS program.

**2) Whether or not this action encourages or discourages non-marital childbearing.**

Response: The VRS program does not provide pregnancy, child-bearing or child-rearing services or assistance. Thus, FSSA anticipates that this proposed rule will neither encourage nor discourage non-marital childbearing.

**3) Whether or not this action respects or inhibits the rights of parents to raise their children and make the best choices about their children's education, health, and well-being.**

Response: FSSA expects that this proposed rule will respect the rights of parents to rear their children and make the best choices for their children's education, health, and well-being. Most people served by the VRS program are working age adults. However, when the VRS program serves minors, the VRS program involves parents or legal guardians in choosing the vocational rehabilitation services provided to the minor. All individuals served by the VRS program, including their parents or guardians, have the right to make informed choices regarding their services, service providers and employment outcomes.

**4) Whether or not this action increases or decreases private family earnings or the incentive for parents to provide materially and emotionally for their children.**

Response: FSSA expects that this proposed rule will increase private family earnings and the ability of parents to provide materially and emotionally for their children. The objective of the VRS program is to provide services for disabled family members to prepare for, enter, reenter, or maintain competitive employment. Competitive employment is paid work which provides earnings and benefits for a person with a disability equal to other workers who are not disabled.

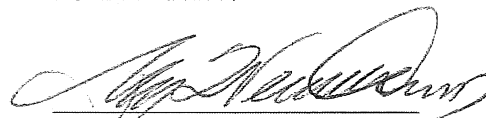
**5) What message, intended or otherwise, does this program send to the public concerning the status of the family?**

Response: The VRS program sends a positive message to the public regarding the status of the family. The VRS program promotes services for disabled family members and strengthens the financial and emotional ability of people with disabilities to have families of their own.

**6) What message does the action send to children about the relationship between their present choices and their future well-being?**

Response: The message sent to all VRS program participants concerning their present choices and future well-being is that they can achieve their employment goals with the appropriate information and supports and that the choices they make now will impact their financial well-being, self-sufficiency, and independence in the future.

Office of the Secretary of Family and  
Social Services



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