

CHAPTER 1121**NOMINATION OF LIEUTENANT GOVERNOR***H.F. 2374*

AN ACT relating to the nomination of candidates for the office of lieutenant governor for the general election in the year 1990.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 43.123 NOMINATION OF LIEUTENANT GOVERNOR.

Notwithstanding this chapter and any other statute relating to the nomination of a person for the office of lieutenant governor, the nomination of a person for the office of lieutenant governor for the general election in the year 1990 and each four years thereafter shall be held at the state convention of the political party. The nomination of a person for the office of lieutenant governor by a nonparty political organization shall be the procedure specified in chapter 44. This section applies only if the constitutional amendment contained in Senate Joint Resolution 1* is adopted by the qualified electors of this state in the general election in 1988.

Approved April 27, 1988

CHAPTER 1122**FAMILY SUPPORT SUBSIDIES FOR CHILDREN REQUIRING SPECIAL EDUCATION***S.F. 2018*

AN ACT creating a family support subsidy program.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Sections 2 through 9 of this Act are created as a new division of chapter 225C.

Sec. 2. NEW SECTION. 225C.35 DEFINITIONS.

For purposes of this division, unless the context otherwise requires:

1. "Family" means a family member and the parent or legal guardian of the family member.
2. "Family member" means a person less than eighteen years of age who requires special education pursuant to section 281.9, subsection 1, paragraph "c" or "d".
3. "Legal guardian" means a person appointed by a court to exercise powers over a family member.
4. "Parent" means a biological or adoptive parent.
5. "Supplemental security income" means financial assistance provided to individuals pursuant to Title XVI of the federal Social Security Act, 42 U.S.C. § 1381 to 1383c.
6. "Department" means the department of human services.
7. "Medical assistance" means payment of all or part of the care authorized to be provided pursuant to chapter 249A.

Sec. 3. NEW SECTION. 225C.36 FAMILY SUPPORT SUBSIDY PROGRAM.

A family support subsidy program is created as specified in this division. The purpose of the family support subsidy program is to keep families together and to reduce capacity in state facilities by defraying some of the special costs of caring for a family member, thus facilitating the return of family members from out-of-home placements to their family homes, and preventing

*Chapter 1285 herein

or delaying the out-of-home placement of family members who reside in their family homes. The department shall adopt rules to implement the purposes of sections 225C.36 through 225C.42 which assure that families retain the greatest possible flexibility in determining appropriate use of the subsidy.

Sec. 4. NEW SECTION. 225C.37 PROGRAM SPECIFICATIONS RULES.

A parent or legal guardian of a family member who is a resident of or being considered for placement in a state hospital-school, a community-based intermediate care facility which is intended to serve mentally retarded individuals or persons with developmental disabilities, a child foster care group home, a child foster care family home, or a state mental health institute may apply to the local office of the department for the family support subsidy program. The application shall include:

1. A statement that the family resides in a county of this state.
2. Verification that the family member meets the definitional requirements of section 225C.35, subsection 2.
3. A statement that the family member resides, or is expected to reside, with the parent or legal guardian of the family member or, on a temporary basis, with another relative of the family member.
4. A statement that if the child receives medical assistance, then the family support subsidy shall only be used for the cost of a service which is not covered by medical assistance. The family may receive welfare assistance for which the family is eligible.
5. Verification that the net taxable income for the family for the calendar year immediately preceding the date of application did not exceed forty thousand dollars unless it can be verified that the estimated net taxable income for the family for the year in which the application is made will be less than forty thousand dollars.

Within the limits set by the appropriation for this purpose, the department shall approve or disapprove the application based on the family support services plan which identifies the needs of the child and the family and the eligibility criteria required to be included in the application under subsections 1 through 5 and shall notify the parent or legal guardian of the decision.

Sec. 5. NEW SECTION. 225C.38 EFFECT OF APPROVAL OF APPLICATION — CONTRACT — REPORT.

1. If an application for a family support subsidy is approved by the department:
 - a. A family support subsidy shall be paid to the parent or legal guardian on behalf of the family member. An approved subsidy shall be payable as of the first of the next month after the department approves the written application.
 - b. A family support subsidy shall be used to meet the special needs of the family. This subsidy is intended to complement but not supplant public assistance or social service benefits based on economic need, available through governmental programs.
 - c. Except as provided in section 225C.41, a family support subsidy shall be in an amount equivalent to the monthly maximum supplemental security income payment available in Iowa for an adult recipient living in the household of another, as formulated under federal regulations. In addition, the parent or legal guardian of a family member who is in an out-of-home placement at the time of application may receive a one-time lump-sum advance payment of twice the monthly family support subsidy amount for the purpose of meeting the special needs of the family in preparing for in-home care.
2. The department shall administer the payment of family support subsidies.
3. The parent or legal guardian who receives a family support subsidy shall report, in writing, the following information to the department:
 - a. Not less than annually, a statement that the family support subsidy was used to meet the special needs of the family.
 - b. The occurrence of any event listed in section 225C.40.

c. A request to terminate the family support subsidy.

Sec. 6. NEW SECTION. 225C.39 SUBSIDY PAYMENTS NOT ALIENABLE.

Family support subsidy payments shall not be alienable by action, including but not limited to, assignment, sale, garnishment, or execution, and in the event of bankruptcy shall not pass to or through a trustee or any other person acting on behalf of creditors.

Sec. 7. NEW SECTION. 225C.40 TERMINATION OR DENIAL OF SUBSIDY — HEARING.

1. The family support subsidy shall terminate if any of the following occur:
 - a. The family member dies.
 - b. The family no longer meets the eligibility criteria in section 225C.37.
 - c. The family member attains the age of eighteen years.
 - d. The family member is no longer eligible for special education pursuant to section 281.9, subsection 1, paragraph "c" or "d".
2. The family support subsidy may be terminated by the department if a report required by section 225C.38, subsection 3, is not timely made or a report required by section 225C.38, subsection 3, paragraph "a", contains false information.
3. If an application for a family support subsidy is denied or a family support subsidy is terminated by the department, the parent or legal guardian of the affected family member may request, in writing, a hearing before an impartial hearing officer.

Sec. 8. NEW SECTION. 225C.41 APPROPRIATIONS.

Family support subsidy payments shall be paid from funds appropriated by the general assembly for this purpose.

Sec. 9. NEW SECTION. 225C.42 ANNUAL EVALUATION OF PROGRAM.

The department shall conduct an annual evaluation of the family support subsidy program and shall submit the evaluation report with recommendations to the governor and general assembly prior to the end of the fiscal year. The evaluation shall include, but not be limited to, all of the following:

1. The impact of the family support subsidy program upon children covered by this division in institutions and residential care programs including, to the extent possible, sample case reviews of families who choose not to participate.
2. Case reviews of families who voluntarily terminate participation in the family support subsidy program for any reason, particularly when the family member is placed out of the family home, including the involvement of the department in offering suitable alternatives.
3. Sample assessments of families receiving family support subsidy payments including adequacy of subsidy and need for services not available.
4. The efforts to encourage program participation of eligible families.
5. The geographic distribution of families receiving subsidy payments and, to the extent possible, family members presumed to be eligible for family support subsidy payments.
6. Programmatic and legislative recommendations to further assist families in providing care for family members including eligibility criteria, availability of family support services and parent satisfaction with the program.
7. Problems that occur in identifying family members through diagnostic evaluations.
8. The number of beds reduced in state institutions and foster care facilities serving severely mentally, multiply, and autistically impaired children when the children return home to natural families as a result of the subsidy program.

The department shall report caseload figures by eligibility category as defined by administrative rule.

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