

CHAPTER 95**DECATEGORIZATION OF CHILD WELFARE
AND JUVENILE JUSTICE FUNDING PROJECTS***H.F. 616*

AN ACT revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects.

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

Section 1. Section 232.188, Code 2005, is amended by striking the section and inserting in lieu thereof the following:

232.188 DECATEGORIZATION OF CHILD WELFARE AND JUVENILE JUSTICE FUNDING INITIATIVE.

1. DEFINITIONS. For the purposes of this section, unless the context otherwise requires:

a. "Decategorization governance board" or "governance board" means the group that enters into and implements a decategorization project agreement.

b. "Decategorization project" means the county or counties that have entered into a decategorization agreement to implement the decategorization initiative in the county or multicounty area covered by the agreement.

c. "Decategorization services funding pool" or "funding pool" means the funding designated for a decategorization project from all sources.

2. PURPOSE. The decategorization of the child welfare and juvenile justice funding initiative is intended to establish a system of delivering human services based upon client needs to replace a system based upon a multitude of categorical programs and funding sources, each with different service definitions and eligibility requirements. The purposes of the decategorization initiative include but are not limited to redirecting child welfare and juvenile justice funding to services which are more preventive, family-centered, and community-based in order to reduce use of restrictive approaches which rely upon institutional, out-of-home, and out-of-community services.

3. IMPLEMENTATION.

a. Implementation of the initiative shall be through creation of decategorization projects. A project shall consist of either a single county or a group of counties interested in jointly implementing the initiative. Representatives of the department, juvenile court services, and county government shall develop a project agreement to implement the initiative within a project.

b. The initiative shall include community planning activities in the area covered by a project. As part of the community planning activities, the department shall partner with other community stakeholders to develop service alternatives that provide less restrictive levels of care for children and families receiving services from the child welfare and juvenile justice systems within the project area.

c. The decategorization initiative shall not be implemented in a manner that limits the legal rights of children and families to receive services.

4. GOVERNANCE BOARD.

a. In partnership with an interested county or group of counties which has demonstrated the commitment and involvement of the affected county department, or departments of human services, the juvenile justice system within the project area, and board, or boards, of supervisors in order to form a decategorization project, the department shall develop a process for combining specific state and state-federal funding categories into a decategorization services funding pool for that project. A decategorization project shall be implemented by a decategorization governance board. The decategorization governance board shall develop specific, quantifiable short-term and long-term plans for enhancing the family-centered and community-based services and reducing reliance upon out-of-community care in the project area.

b. The department shall work with the decategorization governance boards to best coordinate planning activities and most effectively target funding resources. A departmental service area manager shall work with the decategorization governance boards in that service area to support board planning and service development activities and to promote the most effective alignment of resources.

c. A decategorization governance board shall coordinate the project's planning and budgeting activities with the departmental service area manager for the county or counties comprising the project area and the community empowerment area board or boards for the community empowerment area or areas within which the decategorization project is located.

5. FUNDING POOL.

a. The governance board for a decategorization project has authority over the project's decategorization services funding pool and shall manage the pool to provide more flexible, individualized, family-centered, preventive, community-based, comprehensive, and coordinated service systems for children and families served in that project area. A funding pool shall also be used for child welfare and juvenile justice systems enhancements.

b. Notwithstanding section 8.33, moneys designated for a project's decategorization services funding pool that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure as directed by the project's governance board for child welfare and juvenile justice systems enhancements and other purposes of the project until the close of the succeeding fiscal year and shall be known as "carryover funding". Moneys may be made available to a funding pool from one or more of the following sources:

- (1) Funds designated for the initiative in a state appropriation.
- (2) Child welfare and juvenile justice services funds designated for the initiative by a departmental service area manager.
- (3) Juvenile justice program funds designated for the initiative by a chief juvenile court officer.
- (4) Carryover funding.
- (5) Any other source designating moneys for the funding pool.

c. The services and activities funded from a project's funding pool may vary depending upon the strategies selected by the project's governance board and shall be detailed in an annual child welfare and juvenile justice decategorization services plan developed by the governance board. A decategorization governance board shall involve community representatives and county organizations in the development of the plan for that project's funding pool. In addition, the governance board shall coordinate efforts through communication with the appropriate departmental service area manager regarding budget planning and decategorization service decisions.

d. A decategorization governance board is responsible for ensuring that decategorization services expenditures from that project's funding pool do not exceed the amount of funding available. If necessary, the governance board shall reduce expenditures or discontinue specific services as necessary to manage within the funding pool resources available for a fiscal year.

e. The annual child welfare and juvenile justice decategorization services plan developed for use of the funding pool by a decategorization governance board shall be submitted to the department administrator of child welfare services and the Iowa empowerment board. In addition, the decategorization governance board shall submit an annual progress report to the department administrator and the Iowa empowerment board which summarizes the progress made toward attaining the objectives contained in the plan. The progress report shall serve as an opportunity for information sharing and feedback.

6. DEPARTMENTAL ROLE. A departmental service area's share of the child welfare appropriation that is not allocated by law for the decategorization initiative shall be managed by and is under the authority of the service area manager. A service area manager is responsible for meeting the child welfare service needs in the counties comprising the service area with the available funding resources.

Sec. 2. Section 232.190, subsection 3, Code 2005, is amended to read as follows:

3. Applications for moneys from the community grant fund shall demonstrate a collaborative effort by all relevant local government and school officials and service agencies with authority, responsibilities, or other interests within the decategorization project area. Proposed plans set forth in the applications shall reflect community-wide consensus in how to remediate community problems related to juvenile crime. Services provided under a grant through this program shall be comprehensive, preventive, community-based, and shall utilize flexible delivery systems and promote youth development. A plan for grant moneys under this section shall be a part of or be consistent with the annual child welfare and juvenile justice decategorization services plan developed by the governance board of the decategorization project area and submitted to the department of human services and Iowa empowerment board pursuant to section 232.188.

Sec. 3. Section 235.7, subsection 2, Code 2005, is amended to read as follows:

2. MEMBERSHIP. The department may authorize the governance boards of decategorization of child welfare and juvenile justice funding ~~decategorization~~ projects established under section 232.188 to appoint the transition committee membership and may utilize the boundaries of decategorization projects to establish the service areas for transition committees. The committee membership may include but is not limited to department of human services staff involved with foster care, child welfare, and adult services, juvenile court services staff, staff involved with county general relief under chapter 251 or 252, or of the central point of coordination process implemented under section 331.440, school district and area education agency staff involved with special education, and a child's court appointed special advocate, guardian ad litem, service providers, and other persons knowledgeable about the child.

Sec. 4. Section 237A.1, subsection 3, paragraph k, subparagraph (2), Code 2005, is amended to read as follows:

(2) A contract approved by a ~~local decategorization~~ governance board of a decategorization of child welfare and juvenile justice funding project created under section 232.188.

Approved May 3, 2005

CHAPTER 96

MEDICAL ASSISTANCE PROGRAM — ASSISTED LIVING SERVICES

H.F. 617

AN ACT relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

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

Section 1. HOME AND COMMUNITY-BASED SERVICES WAIVER FOR THE ELDERLY — INCLUSION OF ASSISTED LIVING SERVICES.

1. The department of human services shall request a waiver from the centers for Medicare and Medicaid services of the United States department of health and human services to add assisted living services to the home and community-based services waiver for the elderly under the medical assistance program.