

CHAPTER 151
JUVENILE COURT SERVICES DIRECTED PROGRAMS

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PREAMBLE

These rules prescribe services for children eligible for reimbursement from funds appropriated specifically for juvenile court services directed programs. Juvenile court services has primary responsibility for the graduated sanction and court-ordered care and treatment services for children. The graduated sanction services are also known as “early intervention and follow-up services” or “community-based delinquency programs.”

The juvenile court services directed programs are administered through five programs: court-ordered care and treatment; life skills; school-based supervision; supervised community treatment; and tracking, monitoring, and outreach. The rules establish the allocation formula for the five programs and the procedures for administration, application, eligibility, appeals, service delivery, and billing and payment.

DIVISION I
GENERAL PROVISIONS

PREAMBLE

These rules prescribe the relationship between the state court administrator (judicial branch) and department (executive branch) in the administration of the juvenile court services funds. These rules also prescribe the relationship between juvenile court services (judicial districts) and the department in the planning and implementation of service provision for some children who are under the jurisdiction of juvenile court services. In addition, these rules prescribe the definitions as well as the requirements for the administration and delivery of the juvenile court services programs.

441—151.1(232) Definitions.

“*Case file*” means a file that includes referral information, information generated during assessment, documentation of court proceedings, other eligibility determinations, case plans and case reports, including quarterly progress reports. Case files of providers also include records of provider-child contact documenting provision of services.

“*Case record*” means a minimal record that identifies the child and the service provided and documents the child’s eligibility. A case record is maintained when a case file is not required.

“*Child*” means a person under 18 years of age and also includes the following: A “child” means a person up to 19½ years of age when the child (1) is adjudicated delinquent and is under the jurisdiction of juvenile court services or (2) voluntarily accepts graduated sanction services when being released from the state training school, a highly structured juvenile program, or group care and a chief juvenile court officer or a chief juvenile court officer and a department service area manager extend eligibility for the services.

“*Child welfare and juvenile justice plan*” means the annual plan for using decategorized funds within each department service area.

“*Court-ordered care and treatment*” means the defined or specific care and treatment ordered by the court for which no other payment source is available to cover the cost for the care and treatment.

“*Department*” means the department of human services.

“*Graduated sanctions*” means the services also known as “early intervention and follow-up services” or “community-based delinquency programs,” which are provided in community-based settings to children adjudicated delinquent or children who are evaluated by a juvenile court officer, or designee, to be at risk of such an adjudication.

The graduated sanction services are directed to help children transition into productive adulthood and thereby prevent or reduce charges, initial out-of-home placement, and recidivism. The graduated sanction services are life skills; school-based supervision; supervised community treatment; and tracking, monitoring, and outreach.

“*Judicial district planning committee*” means a district planning group appointed by the chief judge of the judicial district that provides oversight of the court-ordered care and treatment funds.

“*Juvenile court officer*” means a person appointed as a juvenile court officer or a chief juvenile court officer under Iowa Code chapter 602.

441—151.2(232) Agreement. The state court administrator, representing the chief juvenile court officers, and the department shall enter into a 28E agreement or other agreement for the purpose of funding, administering, and providing graduated sanction and court-ordered care and treatment services. The state court administrator shall have primary responsibility for ensuring that juvenile court services comply with the requirements in the agreement and in this chapter.

151.2(1) Court-ordered care and treatment. Court-ordered care and treatment services are funded by an appropriation to the department for allocation to juvenile court services. The state court administrator shall allocate the appropriation, minus the administrative set-aside specified in the appropriation bill, to the eight judicial districts for court-ordered care and treatment services.

151.2(2) Graduated sanction services. The graduated sanction services are funded by an appropriation to the department for allocation to juvenile court services. These funds are dispensed as follows:

a. An amount up to 5 percent, or as needed, of the total allocation of the graduated sanction services shall be set aside for juvenile court services administrative costs for the graduated sanction programs. The administrative costs shall include the costs of an accountant or audit position established in each judicial district. The state court administrator shall establish a written job classification and pay schedule for the accountant or audit position established in each judicial district and shall administer the set-aside for the eight judicial districts.

b. The appropriation for each of the four graduated sanction programs, minus the administrative set-aside, shall be allocated among the eight judicial districts according to a formula based on each district’s respective proportion of the statewide population of children aged 5 to 17 as reported in current census data.

c. Each chief juvenile court officer shall manage the district’s allocations to ensure that services are available throughout the fiscal year.

151.2(3) Transfer of funds to a decategorization subcommittee. Funds allocated to a district for court-ordered care and treatment or the graduated sanction services, less the administrative set-asides, may be transferred to a decategorization governance board for administration.

a. To transfer funds to a governance board, the chief juvenile court officer must submit a written notice of intent to transfer the funds to the board and the chair of the governance board must provide the chief with a written statement of acceptance of the funds. The chief juvenile court officer must submit the documents to the department.

b. The department program manager shall attach a copy of the written request to transfer the funds and the written statement of acceptance to the contract through which decategorized funds are expended before payment through the contract is authorized.

c. The governance board may, but is not required to, authorize the chief juvenile court officer to act on behalf of the governance board in the administration of the funds. The authorization from the governance board granting authority to the chief juvenile court officer to act on behalf of the governance board in the administration of the funds must be in writing and must be attached to any decategorization contract before the decategorization contract is approved.

d. The chief juvenile court officer shall participate in developing an annual child welfare and juvenile justice plan for using decategorized funds within each department service area. The respective chief juvenile court officers and department service area manager shall sign the child welfare and juvenile justice plan.

151.3(4) Availability of services on a statewide basis. The chief juvenile court officers and the department shall monitor the provision of services and availability of funds.

a. The chief juvenile court officers, in consultation with the department, shall reallocate funds as needed to ensure the availability of services on a statewide basis.

b. If district funding is exhausted, services shall be discontinued.

441—151.3(232) Administration and management of juvenile programs.

151.3(1) Authority to purchase services. A chief juvenile court officer shall have the authority to purchase court-ordered care and treatment and graduated sanction services.

a. Each chief juvenile court officer shall establish minimum qualifications for providers of services as well as criteria and procedures for selection and contracting with providers to best meet the service needs of the children in the judicial district.

b. Children and families may apply for services or be directed to apply for services through the juvenile court services office. In addition, children and families, or someone acting on behalf of children and families, may make an application for school-based supervision services by contacting the school-based supervision staff in schools where programs are established.

c. Services shall be reduced or terminated when:

(1) The court orders discontinuation of services.

(2) The juvenile court officer determines that there is no longer a need for service or that maximum benefit of service provision has been achieved.

(3) The funds allocated or appropriated for these services are exhausted.

d. Appeals.

(1) If services are court-ordered, children and their parents or guardians who have been adversely affected by decisions made by juvenile court services may appeal through appeal procedures established pursuant to Iowa Code section 232.133.

(2) When services are not court-ordered and the application for services is denied, services are reduced or terminated, or the children and their parents or guardians have been otherwise adversely affected, the sole remedy for children and their parents or guardians shall be appeal to the chief juvenile court officer of the respective judicial district or the officer's designee. The chief's or designee's decision shall be final.

151.3(2) Record keeping and retention of records. Financial and service records shall be maintained for a period of three years following termination of services when state and nonfederal funds are used to pay for the services. Financial and service records shall be maintained for a period of five years following termination of services when federal funds are used to pay for all or part of the services, including when state funds are used as match to obtain the federal dollars.

a. Each juvenile court officer and provider or school shall maintain a case record or case file that documents the provision of the contracted service for each individual child for whom a claim is made. A case file shall be maintained for each child who receives an ongoing service.

b. Each provider or school shall maintain the corresponding service files and records to document the provision of the contracted service as well as all the financial records used to submit or substantiate claims for reimbursement, including court orders and lists of children.

151.3(3) District audits and reviews. Each chief juvenile court officer shall establish procedures to review and audit the provision of the graduated sanction services to ensure the requirements of this chapter and the contracts are met. The reviews and audits shall be conducted by the accountant or audit positions established in subrule 151.2(2). Each chief juvenile court officer shall report the results to the department on at least an annual basis.

a. The reviews and audits shall include client contact; review of service billings and delivery of service; and site visits in which provider standards, staff qualifications, case files and case records, progress reports, and billing and payment records are reviewed and audited. The reviews and audits shall take place at the sites where the program is operated and where necessary program and fiscal records are maintained.

b. An on-site review and audit are required for each provider new to the district during the first year of the provider's contract with the district when the total annual value of the provider's contracts with the judicial district is \$50,000 or more.

c. Annual on-site reviews and audits are required for any provider having one or more contracts with one or more judicial districts when the total annual value of the contracts is \$100,000 or more.

d. Additional on-site reviews and audits are optional but may be considered appropriate by the chief juvenile court officer for contracts other than those described in paragraphs 151.3(3) "b" and "c," based on factors such as:

- (1) Length of time provider has been in business.
- (2) Amount of time provider has offered the services being purchased.
- (3) Type of service or program being purchased.
- (4) Amount of money involved in the contract.
- (5) Whether other governmental entities contract with this provider.
- (6) Findings from previous audits by the district, the department, or other entities such as the state auditor's office.

e. The department shall notify each chief juvenile court officer of the providers with whom the judicial district contracts for whom a review and audit must be conducted. The department shall identify in the notice all other judicial districts that have a contract with the provider. The chief juvenile court officers may determine whether the judicial districts conduct a joint review and audit.

f. The review and audit of the providers' and schools' service and financial records and the client case records and case files shall ensure that the records and files contain the required documentation of the provision of the contracted service for each individual child for whom a claim is made or substantiated.

Juvenile court services may seek repayment of claims paid for services for which documentation is not established and for noncovered services. Juvenile court services shall notify the provider or school in writing that a repayment is due. The written notice shall identify the claims, the amounts of the claims that are not documented or substantiated, and the amounts requested.

If the provider or school does not make payment within 45 days, the chief juvenile court officer shall submit a copy of the notice to the provider or school to the department for review and further action if necessary.

g. Each chief juvenile court officer shall submit to the department an annual report of the district's review and audit activities for each state fiscal year. The annual report shall be submitted by September 30 following the end of the state fiscal year. This date may be extended to the end of the calendar year following the end of the state fiscal year upon the written request of the chief juvenile court officer to the division of adult, children, and family services. The annual report shall:

- (1) Include a report of the results of the review and audit for each new provider receiving \$50,000 to \$100,000 per year in state funds from all sources.
- (2) Include a report of the results of the review and audit for each provider receiving \$100,000 or more per year in state funds from all sources.
- (3) Include a summary of the findings of the reviews and audits conducted of the other providers receiving state funds in the state fiscal year.

151.3(4) State audits and reviews.

a. Each claimant or provider of court-ordered care and treatment shall maintain and make available upon request to juvenile court services, the department, the department of inspections and appeals or the state auditor the service and financial records, including court orders, used to support or substantiate claims for reimbursement. The records shall be subject to audit by juvenile court services, the department, the department of inspections and appeals or the state auditor.

b. Each provider or school shall maintain and make available upon request to juvenile court services, the department, the department of inspections and appeals, or the state auditor the service and financial records, including court orders and lists of children, used to support or substantiate claims for reimbursement. The records shall be subject to audit by juvenile court services, the department, the department of inspections and appeals or the state auditor.

151.3(5) Repayment.

a. When the provider or school, upon audit, fails to verify or document the provision of covered services in the amount for which a claim was paid or confirms claims paid for noncovered services and a request for repayment is made by juvenile court services, the department, the department of inspections and appeals or the state auditor, the provider or school shall repay the department the difference between the amount received and the amount established through the audit, not to exceed the amount paid by the state.

b. When the provider or school fails to maintain adequate records for auditing purposes, fails to make records available for auditing, or when the records, upon audit, fail to support the claims submitted, the provider or school may be required to repay the department for the amount of any claims not supported by audit.

441—151.4(232) Authority to purchase services.

151.4(1) Court-ordered care and treatment. The chief juvenile court officer shall have the authority to purchase court-ordered care and treatment from agencies, organizations, incorporated individuals or unincorporated individuals based on a copy of a court order. Court-ordered care and treatment may be purchased from unincorporated individuals when the total amount paid to the individual does not exceed \$1,000 plus allowable expenses such as meals, lodging, and mileage per fiscal year.

151.4(2) Graduated sanction services. The chief juvenile court officer shall have the authority to enter into provider agreements with agencies, organizations, or incorporated individuals for the provision of the graduated sanction services. Payment for services under this subrule shall be made only to providers of services that have agreements with juvenile court services and the department for the provision of the services.

441—151.5(232) Contract development. Contracts shall be developed in compliance with the department of revenue and finance accounting policy and procedures manual, with authority vested in the department of revenue and finance by Iowa Code chapter 421.

151.5(1) Contract management. The chief juvenile court officer and department shall develop a contract with each provider or school when the chief juvenile court officer or designee has selected providers or schools. The chief juvenile court officer, the provider or school, and the department shall sign the contract.

a. Contract amendments shall be prepared whenever there is a change in the amount of contracted dollars, contract duration, program description, or any other significant modification to original terms. Any party to the contract may request an amendment to the contract. Providers or schools may request contract amendments through the chief juvenile court officer. The chief juvenile court officer, the provider or school, and the department shall sign a contract amendment.

b. A precontract questionnaire shall be prepared by the department for each new contract or contract amendment.

c. The chief juvenile court officer is responsible for distributing a copy of the signed contract or amendment to the provider or school.

d. The chief juvenile court officer for each judicial district shall develop the process for contracting for life skills; school-based supervision; supervised community treatment; or tracking, monitoring, and outreach. The process shall include the provider selection process, including bid solicitations, vendor evaluation criteria, and a procedure for resolving appeals.

151.5(2) Provider selection process, including bid solicitations. The chief juvenile court officer shall announce the need for contracts to potential providers within the district. The announcement shall include a format and time line for submission of provider proposals. Solicitation through a request for proposals (RFP) process or another authorized competitive process shall be used when the state expenditure for all years of the contract combined exceeds the authorized threshold, unless emergency or sole source conditions exist. The written statement describing the emergency or sole source conditions shall be attached to the contract.

a. Sole source selection is justified when an open, competitive process is not practicable as one of the following conditions exists:

(1) A single source is determined by the chief juvenile court officer to be the only one qualified or eligible, or is obviously the most qualified or eligible to perform the service.

(2) The work is of such a specialized nature or related to a specific geographic location that only a single source, by virtue of experience, expertise, or proximity to the project, could most satisfactorily provide the service or product.

b. Emergency selection is justified when it is determined that normal selection procedures would unduly delay the initiation of a critically needed service or would impose unjustifiable costs on juvenile court services.

c. The chief juvenile court officer may submit a claim for payment of juvenile court services' costs of printing, copying, distributing and advertising for the RFP process. The claim shall be submitted on Form 07-350, Purchase Order/Payment Voucher, and the cost shall be charged to the program funds for which the RFP is requested.

151.5(3) Content of the RFP. The RFP shall provide the bidder with:

a. A clear, unambiguous statement of the terms and conditions of the contract.

b. The rules for submitting bid responses.

c. A detailed statement of the requirements and goals of the project.

d. Instructions on the preparation of the proposal.

e. The method and criteria to be used for proposal evaluation.

151.5(4) Vendor evaluation criteria. The chief juvenile court officer shall develop selection criteria for choosing providers to ensure that resources are targeted effectively within the district. Multiple providers may be selected to address the needs within the districts. The chief juvenile court officer or designee within each judicial district may consult with representatives from the department to select providers to meet the needs of eligible children within the district.

151.5(5) Procedures for resolving appeal. The chief juvenile court officer shall have the authority to resolve provider appeals in accordance with procedures approved by the department.

441—151.6(232) Contract content. Contract content shall include, but not be limited to, the following:

151.6(1) Identification of all contracting parties. The parties to the contract are juvenile court services, the department, and the provider or school.

151.6(2) A fixed or determinable agreement period.

a. A 28E agreement may be written for a period not to exceed five years.

b. A contract, other than a 28E agreement, may be written for a period not to exceed three years. However, a contract written for three years may include a clause that it may be approved for two one-year extensions.

151.6(3) *A minimum service requirement.* The minimum amount of service means the unit of service required to be provided to substantiate a claim that service was provided.

151.6(4) *A maximum dollar amount.* In determining the amount of reimbursement, the department shall reimburse as follows:

a. The department shall reimburse the provider for mileage, meals, and lodging expenses involved in the transportation of the child, but not to exceed a maximum of the rates set by the state executive council or the provider's customary rate, whichever is lower, unless the transportation is provided by a public officer or employee. A public officer or employee, other than a state officer or employee, is entitled to be paid for expenses as specified in the Iowa Code in an amount as determined by the:

(1) Public officer's or employee's local governing board when the court order specifies that the public officer or employee is to provide the transportation. The allowable expenses for which sheriffs can be reimbursed are found at Iowa Code sections 70A.9 and 331.655.

(2) Judicial district planning committee when the court order does not specify that the public officer or employee is to provide the transportation.

b. For Medicaid-covered services, the department shall reimburse at the same rate and duration as Medicaid does under the fee schedule section of 441—subrule 79.1(2).

c. The department shall reimburse providers with purchase of service agreements at the rate of the purchase of service agreement. The department shall reimburse providers who do not have a purchase of service agreement at a rate comparable to the rate reimbursed to providers who have an agreement with the department.

d. The department will supplement private insurance allowances up to the amounts allowed in subrule 151.6(4). Funds for court-ordered care and treatment or graduated sanction services are not to be used in lieu of private insurance.

e. The department shall not reimburse a provider at a rate that is greater than that allowed by administrative rules. Reimbursement paid to a provider shall be considered paid in full unless the county voluntarily agrees to pay the difference between the reimbursement rate and the actual costs of the service. When there are specific program regulations prohibiting supplementation, such as the prohibition of supplementation of Medicaid reimbursement, those regulations shall be applied to providers requesting supplemental payments from a county.

151.6(5) *Schedule of payments for services or products provided.* Contracts with providers or schools shall be based on an agreement to reimburse the provider or school for services delivered to eligible children. The contract shall describe the process the provider or school shall follow to complete and submit claims for payment.

a. Contracts with providers of life skills, supervised community treatment, or tracking, monitoring, and outreach service shall establish and define the billable unit. The contract shall specify the payment rate for the provider's services but shall not ensure a provider reimbursement for a specific rate of utilization. The contract shall also specify any approved charges for curriculum materials or other expenses involved in the delivery of services that are not included in the billable unit.

b. Contracts with providers of life skills, supervised community treatment, or tracking, monitoring, and outreach shall establish a group rate when the service is provided to more than one individual at a time.

c. Contracts for school-based supervision shall specify payment rates for intervals of service delivered to eligible children and shall also specify any approved charges for expenses involved in the delivery of services that are not included in the payment rate.

151.6(6) *Administrative and program requirements.* Contracts shall include all administrative and program requirements of this chapter.

151.6(7) *Indemnification clause.* Contracts shall contain an indemnification clause.

151.6(8) *Termination clause.* The contract shall describe the conditions for termination of the contract.

151.6(9) *Nonavailability of funds clause.* Contracts shall contain a clause that contracts may be amended or terminated due to the unavailability of funds.

151.6(10) *Compliance with other laws.* The contract shall contain clauses denoting compliance with all applicable laws and regulations of the state and federal governments including, but not limited to, Equal Employment Opportunity (EEO) Affirmative Action (AA), Occupational Safety and Health Act (OSHA), records retention, confidentiality, audit requirements, and allowable costs.

151.6(11) *Transfer and assignment clause.* The contract shall contain a clause to ensure that the contract cannot be assigned or transferred by the contractor to any other parties, unless written prior approval is given by all parties to the contract.

441—151.7(232) *Billing and payment requirements.* Billing and payment shall comply with procedures of the accounting policy and procedures manual of the department of revenue and finance. The department shall reimburse providers for provision of service costs when claims are submitted according to the following procedures.

151.7(1) *Forms and instructions used.* The instructions and forms used shall be available at each county's juvenile court services office.

a. Claims for court-ordered care and treatment shall be submitted on Form 07-350, Purchase Order/Payment Voucher, and Form 470-1691, Claim for Court-Ordered Care and Treatment. Each initial claim for court-ordered care and treatment shall include a copy of the applicable court order. Each subsequent claim shall include the case number of the applicable court order or the first page of the applicable court order.

b. Claims for life skills, supervised community treatment, and tracking, monitoring, and outreach shall be submitted on Form 07-350, Purchase Order/Payment Voucher. Either Form 470-1691, Claim for Court-Ordered Care and Treatment, or a copy of the provider's list of the children for whom the claim is made in lieu of Form 470-1691 shall also be submitted. Form 470-1691 or the provider's list shall include the name of the child and the days and units of service provided each month.

c. Claims for school-based supervision shall be submitted on Form 07-350, Purchase Order/Payment Voucher.

151.7(2) *Submittal of claims.* Providers shall submit claims to the chief juvenile court officer in the judicial district in which the service was provided. A claim for the graduated sanction services is made for the period of time, such as a month, specified in the contract.

a. A claim shall be submitted within 90 calendar days of the date of its accrual to ensure payment during the fiscal year. However, a claim shall be submitted within 45 calendar days of the date of its accrual at fiscal year end, June 30, to ensure payment from funds appropriated for the fiscal year. The date of a claim's accrual is the date the claim becomes a state liability such as the date of a court order or a determination by Medicaid or private insurance when Medicaid or private insurance denies partial or full payment for care and treatment for which an application has been made.

b. Claims shall be filed on a voucher only with claims for the same fiscal year.

c. A claim submitted more than 90 calendar days after the date of its accrual shall be processed through the state appeal board's administrative process by the division of fiscal management, bureau of payments and receipts. In addition, a claim submitted more than 45 calendar days after the date of its accrual at fiscal year end, June 30, shall be processed through the state appeal board's administrative process by the division of fiscal management, bureau of payments and receipts.

151.7(3) *Procedures for completing claim.*

a. Any claim for payment shall identify the type of service provided and include the name, mailing address and telephone number of the agency or person providing the services.

b. Each claim shall include the payment voucher, with an original signature of the provider unless an original invoice is submitted, and two copies of each of the signed and completed forms.

(1) When an original invoice is submitted along with the payment voucher, the payment voucher does not need to be signed by the provider.

(2) Payment vouchers for individuals must contain the social security number of the individual.

(3) Payment vouchers for agencies or organizations must contain the firm's tax identification number (this may or may not be the same as the firm's federal identification number).

c. The claim for the first contract payment requires that a copy of the signed contract, including a copy of the Pre-Contract Questionnaire, be attached to the claim. The contract number shall be entered on the face of the payment voucher.

d. Subsequent claims for contract payment shall include the following information on the face of the payment voucher:

(1) The contract number.

(2) The warrant number, paid date (date the claim was processed through the IFAS system) and reference document number of the initial voucher of the series to which the contract is attached. The reference document number and date are stamped on the first warrant the provider receives through the contract. The reference document number is listed under "Departmental Reference Numbers" on the warrant and starts with the number "413-".

(3) The payment number of the total contracted sequence, such as "payment 7 of 12 payments," if known.

151.7(4) Accuracy of claims. The chief juvenile court officer or designee shall verify the accuracy of the provider's billings, approve them, and submit them to Department of Human Services, Division of Fiscal Management, Bureau of Payments and Receipts, 1305 East Walnut, Des Moines, Iowa 50319-0114.

151.7(5) Payments to providers. The department shall process the billings and issue payments to providers.

These rules are intended to implement Iowa Code section 232.141.

441—151.8 to 151.19 Reserved.

DIVISION II
COURT-ORDERED CARE AND TREATMENT

PREAMBLE

These rules prescribe the responsibilities of the state court administrator, the department, the chief juvenile court officer and the judicial district planning committee for the administration of court-ordered services. In addition, these rules prescribe a list of expenses that are eligible for reimbursement and a list of expenses that are ineligible for reimbursement. The lists are intended to be exhaustive.

441—151.20(232) Judicial district planning committee. A judicial district planning committee is appointed in each judicial district by the chief judge of the judicial district pursuant to annual renewal of 1991 Iowa Acts, chapter 267, section 119, subsection 4. The judicial district planning committee, which includes the chief juvenile court officer, shall perform all of the following activities for the court-ordered care and treatment funds:

151.20(1) Service priorities. The committee shall establish service priorities for spending the court-ordered care and treatment funds allocated to the district.

151.20(2) Service quality. The committee shall develop procedures to evaluate and improve the quality and effectiveness of the services being provided.

151.20(3) Recommendations for changes. The committee shall make recommendations concerning changes in the child welfare system that are needed to ensure that children and families receive the services necessary to meet their unique needs. These recommendations may be incorporated into the annual child welfare and juvenile justice plan.

151.20(4) Reasonable costs. The committee shall make efforts to ensure quality services are provided at a reasonable cost and negotiate reimbursement rates with providers for:

- a. The expenses of transporting a child to or from a place designated by the court for the purpose of care or treatment.
- b. Expenses for mental or physical examinations of a child if ordered by the court.
- c. The expenses of care or treatment ordered by the court.

151.20(5) Payment source. The committee shall consider billings submitted for payment under these rules to ensure that no other payment source is available.

441—151.21(232) Department of human services. The department of human services shall develop policies and procedures to ensure that the funds allocated are spent only after all other reasonable actions have been taken to utilize other funding sources and community-based services. The policies and procedures shall be designed to achieve the following objectives relating to services provided under Iowa Code chapter 232:

151.21(1) Medical assistance funds. The department shall maximize the use of funds that may be available from the medical assistance program including usage of the early and periodic screening, diagnosis, and treatment (EPSDT) program.

151.21(2) Third-party payments. The department shall recover payments from any third-party insurance carrier that is liable for coverage of the services, including health insurance coverage.

151.21(3) Out-of-state service providers. The department shall pursue development of agreements with regularly used out-of-state service providers that are intended to reduce per diem costs paid to those providers.

441—151.22(232) Expenses. The following lists of expenses that are either eligible or ineligible for reimbursement are intended to be exhaustive. The judicial district planning committee shall review any expense for a service not listed below to determine if the expense should be paid from the judicial district's court-ordered care and treatment fund. If payment of the expense would not be in conflict with current law or administrative rules and meets the criteria of the judicial district planning committee, this fund shall be used to reimburse the provider. In the event that court-ordered care and treatment funds are exhausted in any judicial district, the chief judge of the district shall be notified by the chief juvenile court officer.

151.22(1) Expenses to be reimbursed. The expenses for which reimbursement shall be made include:

a. Expenses, other than salary, incurred by a person ordered by the court, other than a juvenile court officer, in transporting a child to or from a place designated by the court, including mileage, lodging and meals.

b. The expense of care or treatment ordered by the court whenever the minor is placed by the court with someone other than the parents; or a minor is given a physical or mental examination or treatment under order of the court; or, upon certification by the department, a minor is given physical or mental examinations or treatment with the consent of the parent, guardian or legal custodian relating to a child abuse investigation and no provision is otherwise made by the law for payment for the care, examination, or treatment of the minor. Care and treatment expenses for which no other provision for payment is made by law that shall be reimbursable include court-ordered:

(1) Individual services for the child separate from a family's treatment plan.

(2) Diagnosis and evaluation on an outpatient basis unless the diagnosis and evaluation is provided by a person or agency with a contract with the department for that service for which the child is eligible.

- (3) An evaluation of a child in a residential facility.
 - (4) Inpatient (hospital) evaluation of a child previous to disposition.
 - (5) Medical treatment for a child. This includes medical treatment while in detention in a facility used for detention when the medical treatment is court-ordered.
 - (6) Drug treatment, testing and care for a child.
 - (7) Intensive in-home supervision and monitoring and alternatives to shelter care unless a person or agency that has a contract with the department provides the service for which the child is eligible.
 - (8) Evaluation of parents pursuant to a CINA adjudication unless the diagnosis and evaluation is provided by a person or agency with a contract with the department for that service for which the child is eligible.
 - (9) One-to-one supervision of a child not in a detention facility unless the service is provided by a person or agency with a contract with the department for that service for which the child is eligible.
 - (10) Physical or mental examinations ordered pursuant to Iowa Code section 232.49 or 232.98 except those set forth in paragraph 151.22(2) "c" or those eligible for payment pursuant to Iowa Code chapter 249A.
 - (11) Services ordered under family in need of assistance proceedings unless a person or agency with a contract with the department provides the service for which the child is eligible.
 - (12) Expenses for all educational testing or programming for children, not weighted as special education students, who attend an on-campus school in an out-of-state facility.
- 151.22(2) Expenses not reimbursed.** Expenses that are excluded from reimbursement because another provision exists in the law include:
- a. Foster care (including shelter care). Payment provision is Iowa Code section 234.35.
 - b. All charges for which the county is obligated by statute to pay including:
 - (1) Care and treatment of patients by any state mental health institute. Payment provision is Iowa Code section 230.20(5).
 - (2) Care and treatment of patients by either of the state resource centers or by any other facility established under Iowa Code chapter 222. Payment provision is Iowa Code section 222.60.
 - (3) Care and treatment of patients by the psychiatric hospital at Iowa City. Payment provision is Iowa Code chapter 225.
 - (4) Care and treatment of persons at the alcoholic treatment center at Oakdale or any other facility as provided in Iowa Code chapter 125. Payment provision is Iowa Code section 125.44.
 - (5) Care of children admitted or committed to the Iowa juvenile home at Toledo. Payment provision is Iowa Code section 233B.14.
 - (6) Clothing, transportation, and medical or other service provided to persons attending the Iowa Braille and Sight-Saving School, the Iowa School for the Deaf, or the state hospital-school for severely handicapped children at Iowa City for which the county becomes obligated to pay pursuant to Iowa Code sections 263.12, 269.2, and 270.4 to 270.7.
 - (7) Expenses for detention in a facility used for detention. The payment provision is Iowa Code section 232.142.
 - (8) Care and treatment of persons placed in the county hospital, county care facility, a health care facility as defined in Iowa Code section 135C.1, subsection 6, or any other public or private facility in lieu of admission or commitment to a state mental health institute, resource center, or other facility established pursuant to Iowa Code chapter 222. Payment provisions are Iowa Code sections 222.50, 230.1 and 233B.14.
 - c. Child-abuse photos and X-rays. Payment provision is Iowa Code section 232.77.
 - d. Any expenses set forth in subrule 151.22(1) above, which qualify for payment pursuant to Iowa Code chapter 249A.
 - e. Expense of a child sexual abuse examination. Payment provision is Iowa Code section 915.41.
 - f. Expense of child day care. Payment provision is Iowa Code section 234.6.

- g. Expense of in-home treatment services. Payment provision is 441—Chapters 78, 79, and 83.
- h. Expense of homemaker-home health aide services. Payment provision is department of public health rules 641—Chapter 80.
- i. Expenses for all educational testing or programming, except for juveniles who attend an on-campus school in an out-of-state facility and who are not weighted as special education students. The payment provision is Iowa Code chapter 256.
- j. Expenses for all court-ordered counseling and treatment for adults, including individual, marital, mental health, substance abuse and group therapy. Payment provision is private insurance, Medicare, Medicaid, or other resources consistent with Medicaid and social services eligibility.

These rules are intended to implement Iowa Code section 232.141.

441—151.23 to 151.29 Reserved.

DIVISION III
GRADUATED SANCTION SERVICES

PREAMBLE

The graduated sanction services were initiated in 1994 as early intervention and follow-up services to be provided to children adjudicated delinquent or children who are evaluated by a juvenile court officer or designee to be at risk of such an adjudication. The services are directed to enhance personal or interpersonal adjustment and help the children transition into productive adulthood and thereby prevent or reduce: charges, initial out-of-home placement, and recidivism. The services are provided in the child's home community.

The graduated sanction services are life skills, school-based supervision, supervised community treatment, and tracking and monitoring. Together this mix of services and the flexibility allowed in tailoring the services to meet specific needs offers a choice of treatment to meet the specific needs of the child.

441—151.30(232) Life skills. Life skills means individual or group instruction which includes, but is not limited to, specific training to develop and enhance personal or interpersonal skills, interpersonal relationships, problem solving, accountability and accepting responsibility, victim empathy, activities of daily living, and job skills.

151.30(1) Service eligibility. Children shall be eligible for life skills services without regard to individual or family income when they are adjudicated delinquent or are evaluated by a chief juvenile court officer or designee to be at risk of adjudication and are determined by the chief or designee to be in need of the service provided by a life skills program. Documentation of the adjudication or the at-risk of adjudication and the need for services shall be maintained by juvenile court services or other service agency in the child's case record or case file.

a. Chief juvenile court officers shall establish written procedures for screening and approving referrals for life skills services. The procedures for screening and approving referrals shall be included in the contract.

b. A child who is adjudicated or determined at-risk shall be eligible for life skills training when a juvenile court officer determines the child is in need of individual or group instruction in any of the life skills service components.

c. Juvenile court officers may approve life skills services for up to six consecutive months at a time except that service approval shall not extend beyond the current fiscal year unless a contract is in effect to assume the cost for the services provided in the next fiscal year. The officer shall reevaluate the child's eligibility and need for these services in accordance with procedures established by the respective juvenile court services district.

d. Referrals shall not be made or accepted when funds for the program are not available.

151.30(2) Service components.

- a.* Life skills components include specific training to develop and enhance:
- (1) Personal or interpersonal skills, including anger management, stress reduction, and self-esteem.
 - (2) Interpersonal relationships, including anger management, stress reduction, and self-esteem.
 - (3) Problem solving.
 - (4) Accountability and accepting responsibility.
 - (5) Victim empathy.
 - (6) Activities of daily living.
 - (7) Job skills including job-seeking skills as well as training for specific jobs and on-the-job training experiences.
- b.* The components of life skills to be provided by a specific provider and the expected outcomes shall be specified in the contract.

151.30(3) Service referral and follow-up. The juvenile court officer shall:

- a.* Determine which service provider can best meet the child's needs.
- b.* Refer the child to the provider.
- c.* Assist in the child's transition to receive the service.
- d.* Follow up after the service has been provided.

151.30(4) Monitoring of service delivery. Juvenile court officers shall monitor the delivery of life skills services to children for whom they are responsible.

- a.* Monitoring shall include reviewing provider progress reports and maintaining contact with the child, the child's family, the provider, and other community agencies to adequately assess the child's progress and need for service.
- b.* Juvenile court officers shall report problems in service delivery to the chief juvenile court officer.
- c.* The provider, the child, or the child's representatives may report problems in service delivery to the chief juvenile court officer.

151.30(5) Billable unit and rate setting.

- a.* Life skills service shall be billed on the basis of units of instruction provided to eligible children during specified time frames.
- b.* The life skills instruction may be provided on an individual or group basis. An individual rate or a group rate shall be established for life skills instruction provided to more than one individual at a time.
- c.* Providers may incorporate the expenses for instructional materials into the service cost. However, the provider shall be approved for reimbursement for instructional materials when these expenses are not incorporated into the service cost but are included in the contract.
- d.* The billable unit shall be specified in the contract. Rates for life skills shall be established through agreements between providers, chief juvenile court officers, and the department, based on the provider's proposed budget. Rates may vary between providers for various types of life skills services.

151.30(6) Provider standards. Providers shall have a contract with juvenile court services and the department for life skills services and agree to abide by all required instructional, reporting, rate setting, and billing and payment procedures for life skills services. Providers of life skills services shall meet all of the following conditions. Providers shall:

- a.* Be selected and approved by the chief juvenile court officer or designee within each judicial district to provide life skills services.
- b.* Use staff who, in the opinion of the chief juvenile court officers, have the necessary training and experience to provide quality services on the topic about which they will be delivering instruction. Providers shall ensure that staff involved in service delivery have opportunities for ongoing staff development and in-service training. Chief juvenile court officers shall review provider staff qualifications and training activities.
- c.* Use a curriculum approved by the chief juvenile court officer for life skills.
- d.* Have the educational and instructional ability, as determined by juvenile court officers, to deliver life skills services to eligible children in the settings most suited to each child's needs.

151.30(7) Provider progress reports.

a. Providers of life skills shall submit progress reports on each child receiving services to the assigned juvenile court officer at intervals specified in the contract. The contract shall specify progress reports not more than one month after services are initiated and at the termination of service. Progress reports shall describe the specific instruction provided, the child's attendance, response to instruction, and progress toward achieving desired goals and objectives identified by the provider and referral source.

b. The juvenile court officer shall file the provider progress report in the child's case file.

c. Each provider with a life skills program shall prepare a progress report summarizing information about the program and shall submit the report to the chief juvenile court officer. The format and time for submitting these reports shall be specified in the contract.

441—151.31(232) School-based supervision. School-based supervision means a program that provides staff, known as juvenile court school liaisons, who provide on-site services at middle and high schools to children experiencing truancy or other behavior problems at home, at school, or in the community.

151.31(1) Service eligibility. Children shall be eligible for school-based supervision services without regard to individual or family income when they are adjudicated delinquent, are evaluated by a juvenile court officer or designee to be at risk of being found delinquent, are determined to be a child in need of assistance and are determined by the juvenile court officer or designee to be in need of school-based supervision services. Documentation of the adjudication or the at risk of adjudication and the need for services shall be maintained by juvenile court services or the school district in the child's case record or case file.

a. Chief juvenile court officers shall establish written procedures for screening and approving referrals for school-based supervision services. The chief may designate department or school staff, in addition to juvenile court officers, who may screen and approve referrals. The procedures for screening and approving referrals shall be included in the contract.

b. The child shall be eligible for school-based supervision when the juvenile court officer or designee determines the child is experiencing truancy or any other behavior problems that are causing increased problems at home, at school, or in the community. Children who meet one of these criteria may be served by a school-based supervision program. Additional eligibility criteria and service procedures may be developed for each school-based program to most effectively target resources to the specific needs of the school. These policies shall be contained in the program description and contract executed between juvenile court services, the department, and the school or provider.

c. Referrals shall not be made or accepted when funds for the program are not available.

151.31(2) Service components. School-based supervision provides staff, known as juvenile court school liaisons, who provide on-site services at middle and high schools to children experiencing truancy or other behavior problems at home, at school, or in the community.

a. Juvenile court school liaisons assist with behavior and classroom management, conflict resolution, school attendance, and violence prevention. Services provided may include, but are not limited to, dealing with misbehavior and truancy on an immediate basis, providing family support services such as outreach and education, performing juvenile court intake functions under the supervision of the chief juvenile court officer, and promoting resource development to meet most effectively the needs of at-risk youth.

b. Each school-based supervision program shall have established procedures for communication and for maintaining records on individual children receiving assistance. The procedure shall include methods for the timely communication of critical information between juvenile court school liaisons and juvenile court services, the department, and school officials; assurances that child abuse allegations shall be reported promptly in accordance with applicable Iowa statutes; and systems to safeguard the confidentiality of the child's records.

151.31(3) *Service referral and follow-up.* The juvenile court officer, department staff, or school personnel shall:

- a. Determine when a service referral should be made to best meet the child's needs.
- b. Refer the child to the provider.
- c. Assist in the child's transition to receive the service.
- d. Follow up after the service has been provided.

151.31(4) *Monitoring of service delivery.*

a. Juvenile court officers, department staff, and school personnel shall monitor the delivery of school-based supervision services to children for whom they are responsible.

b. Juvenile court officers, department staff, and school personnel shall report problems in service delivery to the chief juvenile court officer.

c. The juvenile court school liaison, the child, or the child's representatives may report problems in service delivery to the chief juvenile court officer.

151.31(5) *Billable unit and rate setting.* The school-based supervision program is used to hire staff, through a contract, to provide school-based supervision. The cost of the service is the cost of the salary and related administrative expenses for which the department is billed, generally monthly or quarterly.

a. The contract shall define the rate and time frame to be used for submitting a claim.

b. School-based supervision is generally not an ongoing service provided to children. To substantiate claims for reimbursement, the juvenile court school liaison shall maintain a list (roster) by month of the individual children referred for service and for whom the claim is made. For a claim to be valid, the school-based supervision staff shall have face-to-face or verbal contact with each child whose name appears on the roster. The list shall include the name of the child and the referral source. The school or juvenile court services shall maintain a copy of the list and the claim. The list and the claim are subject to audit.

The juvenile court school liaison is not required to list the names of children receiving group services. Juvenile court school liaisons and schools are not required to maintain or submit lists of children served for those months covered by a school employee contract for which the salary is prorated when school is not in session and no service is provided. The prorated salary arrangement shall be described in the contract.

c. School-based supervision rates are based on budget and rate setting with each school district. Funds allocated to the department and administered by juvenile court services equal a maximum of 75 percent of the program costs. These funds shall be matched with a minimum of 25 percent of funds committed from the local school district where the program is established. The method used by the local school district in paying the local school district's share shall be specified in the contract.

(1) The amount of dollars each chief juvenile court officer may use for school-based supervision is equal to the district's current school-based supervision allocation plus an amount from the court-ordered care and treatment allocation equal to 50 percent of the school-based supervision allocation available to the district for state fiscal year 1998.

(2) The chief juvenile court officer shall transfer an amount, as necessary, to the school-based supervision allocation from the court-ordered care and treatment allocation so that the school-based supervision share of the program cost of each contract equals up to 75 percent of the total program cost of each contract.

(3) The contract shall specify that up to 75 percent of the program cost shall be paid from the school-based supervision funds and that a minimum of 25 percent of the program cost shall be paid by the school district.

(4) A chief juvenile court officer may use funds from an alternative source to replace all or some of the percent due from the school-based supervision funds or the school district, but at no time shall the state's school-based supervision share exceed 75 percent of the program cost.

151.31(6) Provider standards. The chief juvenile court officer of each judicial district shall be responsible for selecting school-based programs for funding and managing the district's school-based supervision allocation to ensure that resources are targeted effectively among schools within the district. All applications for funding and subsequent contracts shall contain funding commitments from the local school district for the local school district's share of program costs.

a. The contract shall specify the respective responsibilities of the three program funders: the department, juvenile court services, and the school district, as well as responsibilities and duties of the program provider.

b. School districts shall make arrangements for the timely payment of program matching funds either to the department or directly to the provider through appropriate school procedures. These arrangements shall be defined in the contract.

c. Each contract shall contain:

(1) A description of the school district and specific schools in which the supervision program shall be implemented, including a description of why these schools were targeted as needing the program.

(2) A description of the proposed school-based supervision program to be implemented, including the referral process for the child, eligibility determination, service denial, reduction, or termination, and appeal procedures. This description may be included in the contract or may be included as an attachment.

(3) A description of the number of staff to be employed in the program, including the job description, staff qualifications, procedures for training and supervising staff, and methods for monitoring the program. A minimum of a bachelor of arts or a bachelor of science degree in the behavioral sciences or related field is required unless the chief juvenile court officer and the school agree that an associate degree is acceptable.

(4) A description of the record-keeping and statistical reporting procedures to be used by the program.

151.31(7) Provider progress reports.

a. School-based supervision programs shall maintain information and statistics that shall include, at a minimum, the service and financial records used to support or substantiate claims for reimbursement and, for the individual children referred for service, the total number of children served as well as educational and behavioral outcomes including attendance, grades, and student conduct.

b. Each school with a school-based supervision program shall prepare a progress report summarizing information about the program and shall submit the report to the chief juvenile court officer. The format and time for submitting these reports shall be specified in the contract.

441—151.32(232) Supervised community treatment. Supervised community treatment means a program that provides supervised educational support and treatment during the day to children who are experiencing social, behavioral, or emotional problems that place them at risk of group care or state institutional placement.

151.32(1) Service eligibility. Children shall be eligible for supervised community treatment services without regard to individual or family income when they are adjudicated delinquent or are evaluated by a chief juvenile court officer or designee to be at risk of adjudication and the chief or designee determines that the child is experiencing social, behavioral, or emotional problems that put the child at risk of group care or state institutional placement. Documentation of the adjudication or at risk of adjudication and need for services shall be maintained by juvenile court services or other service agency in the child's case record or case file.

a. The chief juvenile court officer shall establish written procedures for screening and approving referrals for supervised community treatment services. The procedures for screening and approving referrals shall be included in the contract.

b. The child shall be determined as having a need for supervised community treatment when the juvenile court officer determines the child is experiencing social, behavioral, or emotional problems that put the child at risk of group care or state institutional placement.

c. The child shall not require more extensive treatment than is provided in the supervised community treatment program.

d. Juvenile court officers may approve supervised community treatment services for up to six consecutive months at a time except that service approval shall not extend beyond the current fiscal year unless a contract is in effect to assume the cost for the services provided in the next fiscal year. The officer shall reevaluate the child's eligibility and need for these services in accordance with the procedures established by the chief juvenile court officer.

e. Referrals shall not be made or accepted when funds for the program are not available.

151.32(2) Service components. Supervised community treatment programs provide treatment to children as well as providing children an opportunity to participate in educational programming. Supportive therapy or counseling and skill development services may be provided through this program to the child's family.

Supervised community treatment programs may be co-located with school programs. Although the costs of educational programming shall not be funded through the supervised community treatment appropriation, programs shall be developed so that there is close coordination between educational and treatment components. Supervised community treatment programs shall be developed in accordance with the following characteristics and treatment components:

a. Children shall attend the noneducational portion of the program at least three hours per day for at least three days per week.

b. Children shall receive skill-building services focusing on social skills, recreational activities, employment readiness, independent living, and other areas related to their treatment needs each day they attend the program.

c. Children shall receive individual, group, and family therapy and counseling as determined appropriate by the program director and referral source.

d. Snacks and meals shall be provided as necessary throughout the noneducational portion of the program day.

e. Supervision and support services such as transportation to the noneducational program, family outreach, telephone contact, and electronic monitoring of children shall be provided when necessary.

f. Aftercare service planning shall begin upon admission so that timely aftercare services are available upon discharge, if needed.

151.32(3) Service referral and follow-up. The juvenile court officer shall:

a. Determine which service provider can best meet the child's needs.

b. Refer the child to the provider.

c. Assist in the child's transition to receive the service.

d. Follow up after the service has been provided.

151.32(4) Monitoring of service delivery.

a. Juvenile court officers shall monitor the delivery of supervised community treatment services to children for whom they are responsible. Monitoring shall include reviewing provider progress reports and maintaining contact with the child, the child's family, the provider, and other community agencies to adequately assess the child's progress and need for service.

b. Juvenile court officers shall report problems in service delivery to the chief juvenile court officer.

c. The provider, the child, or the child's representatives may report problems in service delivery to the chief juvenile court officer.

151.32(5) Billable unit and rate setting.

a. Supervised community treatment shall be billed on the basis of units of service provided to eligible children during specified time frames.

b. The supervised community treatment service may be provided on an individual or group basis.

c. Rates shall be established and reimbursed based on delivery of one-half hour, one hour, or per diem of specified supervised community treatment service.

d. The rate for any supervised community treatment service delivered in the same room by staff with the same qualifications as any other comparable treatment or supportive service program shall be the applicable rate established for the other comparable treatment or supportive services program.

e. Different rates may be established for the different components of the supervised community treatment program. Provision may be made in the contract for the billing and payment of telephone or transportation costs.

(1) Transportation costs may be included in the unit cost or may be reimbursed separately.

(2) Telephone calls may be reimbursed per receipts or at a set rate per call.

151.32(6) *Provider standards.* Providers of supervised community treatment shall meet all of the following conditions. Agencies or organizations shall:

a. Have a current purchase of services or rehabilitative treatment and supportive services contract with the department.

b. Be selected by the chief juvenile court officer of the judicial district within the geographic area where the program is located to provide supervised community treatment services within all or a portion of the judicial district.

c. Agree to provide services in compliance with the programmatic standards established by the rules of this division.

d. Enter into a contract with juvenile court services and the department that establishes expectations, rates, and billing and payment procedures for the supervised community treatment program.

e. Agree to report supervised community treatment program costs separately on all cost reports.

f. Agree to comply with higher staff qualifications for specific components of these programs when the chief juvenile court officer outlines the expected qualifications in the request for proposal and program contract. In addition:

(1) The minimum standard for staff qualifications for staff employed to deliver services in a supervised community treatment program shall be graduation from high school or possession of a GED certificate and the equivalent of one year of full-time experience in the delivery of human services in a public or private agency.

(2) Providers shall ensure that staff has experience in working with the target population of children and shall provide planned opportunities for ongoing staff development and in-service training.

(3) Staff qualifications shall be monitored by juvenile court services as part of monitoring the contract.

151.32(7) *Provider progress reports.* Providers of supervised community treatment services shall prepare an initial treatment plan in consultation with the referral source within 30 days of the child's admission and shall prepare a minimum of quarterly progress reports on each child receiving services.

a. Additional reports may be prepared when requested by the juvenile judge or the child's juvenile court officer.

b. All reports shall be submitted to the juvenile court officer responsible for monitoring the child's progress. All reports shall, at a minimum, describe the child's attendance, adjustment, and progress in achieving the desired goals and objectives established in the treatment plan.

c. Each provider with a supervised community treatment program shall prepare a progress report summarizing information about the program and shall submit the report to the chief juvenile court officer. The format and time for submitting these reports shall be specified in the contract.

441—151.33(232) Tracking, monitoring, and outreach. Tracking, monitoring, and outreach means those activities of tracking, guidance, monitoring, advocacy, and outreach undertaken to provide individualized and intensive one-to-one intervention to a child to help the child establish positive behavior patterns and to help the child maintain accountability in a community-based setting.

151.33(1) Service eligibility. Children shall be eligible for tracking, monitoring, and outreach services without regard to individual or family income when they are adjudicated delinquent or are evaluated by a chief juvenile court officer or designee to be at risk of adjudication and are determined to need assistance in maintaining accountability in a community-based setting. Documentation of the adjudication or at risk of adjudication and need for services shall be maintained by juvenile court services or other service agency in the child's case record or case file.

a. Chief juvenile court officers shall establish written procedures for screening and approving referrals for tracking, monitoring, and outreach services. The procedures for screening and approving referrals shall be included in the contract.

b. The juvenile court officer determines the child is in need of services as evidenced by one of the following situations:

(1) Schools, parents or community organizations, due to concerns or reports of delinquent activities, have completed reports that indicate the need for monitoring and guidance of a child.

(2) A petition has been filed alleging delinquent behavior.

(3) Juvenile court services action has been taken including, but not limited to, informal adjustment agreements, adjudication and disposition proceedings.

c. Juvenile court officers may approve tracking, monitoring, and outreach services for up to six consecutive months at a time except that service approval shall not extend beyond the current fiscal year unless a contract is in effect to assume the cost for the services provided in the next fiscal year. The officer shall reevaluate the child's eligibility and need for these services in accordance with procedures established by the respective juvenile court services district.

d. Referrals shall not be made or accepted when funds for the program are not available.

151.33(2) Service components. Tracking, monitoring, and outreach service may be provided seven days a week, up to 24 hours a day, and may include multiple daily contacts with the child. The daily contacts with the child may include electronic monitoring and guidance, advocacy, or outreach. The service may include individualized interventions with the child's family.

The service shall include two primary service components, and, in addition, may include one to three secondary service components.

a. Primary service components include:

(1) Tracking, guidance and monitoring, which may include electronic monitoring. These activities are directed toward the child maintaining accountability and may include multiple daily contacts with the child through direct personal contact, telephone, or electronic monitoring devices.

(2) Advocacy and outreach activities that are designed to provide advocacy for the child and may include assistance in accessing the following types of resources: referral to community organizations, health services (physical and mental), education, employment, legal, case conferences and services planning, diagnostic assessment services, and family competency-building services.

b. Secondary service components shall be provided only in combination with a primary service component, and include guidance, recreation, and transportation.

151.33(3) Service referral and follow-up. The juvenile court officer shall:

a. Determine which service provider can best meet the child's needs.

b. Refer the child to the provider.

c. Assist in the child's transition to receive the service.

d. Follow up after the service has been provided.

151.33(4) Monitoring of service delivery.

a. Juvenile court officers shall monitor the delivery of tracking, monitoring, and outreach services to children for whom they are responsible. Monitoring shall include reviewing provider progress reports and maintaining contact with the child, the child's family, the provider, and other community agencies to adequately assess the child's progress and need for service.

b. Juvenile court officers shall report problems in service delivery to the chief juvenile court officer.

c. The provider, the child, or the child's representatives may report problems in service delivery to the chief juvenile court officer.

151.33(5) Billable unit and rate setting. The unit of service shall be defined in increments or a whole of a quarter-hour, half-hour, hour, or day of service to the child. The reimbursement rate shall represent actual costs. For telephone contact monitoring, juvenile court services may choose to reimburse providers at an established flat rate per telephone contact.

151.33(6) Provider standards. Providers of tracking, monitoring, and outreach shall meet all of the following conditions. Providers shall:

a. Have a current contract with juvenile court services and the department in which they agree to accept the unit rate and agree to provide services in compliance with the programmatic requirements for tracking, monitoring, and outreach services.

b. Be selected by the chief juvenile court officer of the judicial district within the geographic area where the program is located to provide tracking, monitoring, and outreach services within all or a portion of the judicial district.

c. Enter into a contract with juvenile court services and the department that establishes expectations, rates, and billing and payment procedures for the tracking, monitoring, and outreach services.

d. Agree to report tracking, monitoring, and outreach costs separately on all cost reports.

151.33(7) Provider progress reports.

a. Providers of tracking, monitoring, and outreach services shall prepare monthly progress reports at least monthly on each child receiving only monitoring services.

b. Providers of tracking, monitoring, and outreach services shall prepare an initial treatment plan in consultation with the referral source within 30 days of the child's admission for each child who receives ongoing service activities and shall prepare progress reports at least quarterly.

c. Additional reports shall be prepared when requested by the juvenile judge or the child's juvenile court officer. All reports shall be submitted to the juvenile court officer responsible for monitoring the child's progress.

d. All reports for children who receive ongoing service activities shall, at a minimum, describe the child's compliance, adjustment, and progress in achieving the desired goals and objectives established in the treatment plan.

e. Each provider with a tracking, monitoring, and outreach program shall prepare a progress report summarizing information about the program and shall submit the report to the chief juvenile court officer. The format and time for submitting these reports shall be specified in the contract.

These rules are intended to implement Iowa Code section 232.141.

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