

*Human Resources Committee 2/1/88 - No. 2018 (H-471)*

*Reprinted 2/88*

FILED JAN 11 1988

JAN 11 1988

SENATE FILE 2018  
BY HOLDEN

Passed Senate, Date 11/18/87 (p. 103) Passed House, Date 3/31/88 (p. 1262)  
Vote: Ayes 37 Nays 1 Vote: Ayes 96 Nays 0  
Approved April 27, 1988

A BILL FOR

- 1 An Act creating a family support subsidy program.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3

SENATE FILE 2018

H-5883

- 1 Amend Senate File 2018, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by striking the figure
- 4 "255C.35" and inserting the following: "225C.35".
- 5 2. Page 2, lines 1 and 2, by striking the
- 6 following: ", on or before the effective date of this
- 7 Act,".

By COMMITTEE ON HUMAN RESOURCES  
FEY of Scott, Chairperson

H-5883 FILED MARCH 24, 1988

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

3 Sec. 2. NEW SECTION. 255C.35 DEFINITIONS.

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

6 1. "Family" means a family member and the parent or legal  
7 guardian of the family member.

8 2. "Family member" means a person less than eighteen years  
9 of age who requires special education pursuant to section  
10 281.9, subsection 1, paragraph "c" or "d".

11 3. "Legal guardian" means a person appointed by a court to  
12 exercise powers over a family member.

13 4. "Parent" means a biological or adoptive parent.

14 5. "Supplemental security income" means financial  
15 assistance provided to individuals pursuant to Title XVI of  
16 the federal Social Security Act, 42 U.S.C. § 1381 to 1383c.

17 6. "Board" means the county mental health and mental re-  
18 tardation coordinating board established pursuant to section  
19 225C.18.

20 7. "Department" means the department of human services.

21 Sec. 3. NEW SECTION. 225C.36 FAMILY SUPPORT SUBSIDY PRO-  
22 GRAM.

23 A family support subsidy program is created as specified in  
24 this division. The purpose of the family support subsidy pro-  
25 gram is to keep families together and to reduce capacity in  
26 state facilities by defraying some of the special costs of  
27 caring for a family member, thus facilitating the return of  
28 family members from out-of-home placements to their family  
29 homes, and preventing or delaying the out-of-home placement of  
30 family members who reside in their family homes.

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

33 A parent or legal guardian of a family member may apply to  
34 the appropriate county mental health and mental retardation  
35 coordinating board for the family support subsidy program.

1 The application shall include:

2 1. A statement that the family resides in this state and  
3 in a county under the jurisdiction of the coordinating board.

4 2. Verification that the family member meets the  
5 definitional requirements of section 225C.35, subsection 2.

6 3. A statement that the family member resides, or is ex-  
7 pected to reside, with the parent or legal guardian of the  
8 family member or, on a temporary basis, with another relative  
9 of the family member.

10 4. A statement that the family is not receiving any other  
11 medical services subsidy through the department of human  
12 services. However, the family may receive other welfare  
13 assistance for which it is eligible.

14 5. Verification that the net taxable income for the family  
15 for the calendar year immediately preceding the date of  
16 application did not exceed forty thousand dollars unless it  
17 can be verified that the estimated net taxable income for the  
18 family for the year in which the application is made will be  
19 less than forty thousand dollars.

20 The county mental health and mental retardation  
21 coordinating board shall approve or disapprove the application  
22 based on the eligibility criteria required to be included in  
23 the application under subsections 1 through 5 and shall notify  
24 the parent or legal guardian of the decision.

25 Sec. 5. NEW SECTION. 225C.38 EFFECT OF APPROVAL OF  
26 APPLICATION -- CONTRACT -- REPORT.

27 1. If an application for a family support subsidy is  
28 approved by the county mental health and mental retardation  
29 coordinating board:

30 a. A family support subsidy shall be paid to the parent or  
31 legal guardian on behalf of the family member. An approved  
32 subsidy shall be payable as of the first of the next month  
33 after the county mental health and mental retardation  
34 coordinating board approves the written application.

35 b. A family support subsidy shall be used to meet the

1 special needs of the family. Except as otherwise provided in  
2 this division, this subsidy is intended to complement but not  
3 supplant public assistance or social service benefits based on  
4 economic need, available through governmental programs.

5 c. Except as provided in section 225C.41, a family support  
6 subsidy shall be in an amount equivalent to the monthly  
7 maximum supplemental security income payment available in Iowa  
8 for an adult recipient living in the household of another, as  
9 formulated under federal regulations. In addition, the parent  
10 or legal guardian of a family member who is in an out-of-home  
11 placement at the time of application may receive a one-time  
12 lump-sum advance payment of twice the monthly family support  
13 subsidy amount for the purpose of meeting the special needs of  
14 the family in preparing for in-home care. The amount shall be  
15 prorated, if necessary, from funds appropriated.

16 2. The department shall administer the payment of family  
17 support subsidies.

18 3. The parent or legal guardian who receives a family sup-  
19 port subsidy shall report, in writing, the following informa-  
20 tion to the county mental health and mental retardation coor-  
21 dinating board:

22 a. Not less than annually, a statement that the family  
23 support subsidy was used to meet the special needs of the  
24 family.

25 b. The occurrence of any event listed in section 225C.40.

26 c. A request to terminate the family support subsidy.

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

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

34 Sec. 7. NEW SECTION. 225C.40 TERMINATION OR DENIAL OF  
35 SUBSIDY -- HEARING.

1 1. The family support subsidy shall terminate if any of  
2 the following occur:

3 a. The family member dies.

4 b. The family no longer meets the eligibility criteria in  
5 section 225C.37.

6 c. The family member attains the age of eighteen years.

7 d. The family member is no longer eligible for special  
8 education pursuant to section 281.9, subsection 1, paragraph  
9 "c" or "d".

10 2. The family support subsidy may be terminated by a  
11 county mental health and mental retardation coordinating board  
12 if a report required by section 225C.38, subsection 3, is not  
13 timely made or a report required by section 225C.38,  
14 subsection 3, paragraph "a", contains false information.

15 3. If an application for a family support subsidy is  
16 denied or a family support subsidy is terminated by a county  
17 mental health and mental retardation coordinating board, the  
18 parent or legal guardian of the affected family member may  
19 request, in writing, a hearing before the board.

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

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

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

25 The department, in conjunction with the county mental  
26 health and mental retardation boards, shall conduct an annual  
27 evaluation of the family support subsidy program which shall  
28 include, but not be limited to, all of the following:

29 1. The impact of the family support subsidy program upon  
30 children covered by this division in institutions and resi-  
31 dential care programs including, to the extent possible,  
32 sample case reviews of families who choose not to participate.

33 2. Case reviews of families who voluntarily terminate  
34 participation in the family support subsidy program for any  
35 reason, particularly when the family member is placed out of

1 the family home, including the involvement of the department  
2 and county mental health and mental retardation boards in  
3 offering suitable alternatives.

4 3. Sample assessments of families receiving family support  
5 subsidy payments including adequacy of subsidy and need for  
6 services not available.

7 4. The efforts to encourage program participation of  
8 eligible families.

9 5. The geographic distribution of families receiving  
10 subsidy payments and, to the extent possible, family members  
11 presumed to be eligible for family support subsidy payments.

12 6. Programmatic and legislative recommendations to further  
13 assist families in providing care for family members.

14 7. Problems that occur in identifying family members  
15 through diagnostic evaluations.

16 8. The number of beds reduced in state institutions and  
17 foster care facilities serving severely mentally, multiply,  
18 and autistically impaired children when the children return  
19 home to natural families as a result of the subsidy program.

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

22 EXPLANATION

23 This bill creates a family support subsidy program to  
24 provide funds for the cost of care in the home of a family  
25 member under the age of eighteen who receives certain special  
26 education services. The subsidy is limited to families with a  
27 net taxable income of forty thousand dollars or less.

28 Applications are submitted to and approval is received from  
29 the appropriate county mental health and mental retardation  
30 coordinating board. Requirements for the application process,  
31 termination, and denials of the subsidy are specified.

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SENATE FILE 2018

S-5128

1 Amend Senate File 2018 as follows:

2 1. Page 1, by striking lines 17 through 19.

3 2. Page 1, by inserting after line 20 the fol-  
4 lowing:

5 "\_\_\_\_\_. "Medical assistance" means payment of all or  
6 part of the care authorized to be provided pursuant to  
7 chapter 249A."

8 3. Page 1, by inserting after line 30 the fol-  
9 lowing: "The department shall adopt rules to imple-  
10 ment the purposes of sections 225C.36 through  
11 225C.42."

12 4. Page 1, line 33, by inserting after the word  
13 "member" the following: "who is a resident of or  
14 being considered for placement in a state hospital-  
15 school, a community-based intermediate care facility  
16 which is intended to serve mentally retarded  
17 individuals, a child foster care group home, a child  
18 foster care family home, or a state mental health  
19 institute".

20 5. Page 1, by striking lines 34 and 35 and in-  
21 serting the following: "the local office of the  
22 department for the family support subsidy program."

23 6. Page 2, line 2, by striking the words "this  
24 state and" and inserting the following: "a county of  
25 this state."

26 7. Page 2, by striking line 3.

27 8. Page 2, by striking lines 10 through 13 and  
28 inserting the following:

29 "\_\_\_\_\_. A statement that if the child receives  
30 medical assistance, then the family support subsidy  
31 shall only be used for the cost of care which is not  
32 covered by medical assistance. The family may receive  
33 welfare assistance for which the family is eligible."

34 9. Page 2, by striking lines 20 through 22 and  
35 inserting the following:

36 "Within the limits set by the appropriation for  
37 this purpose, the department shall approve or  
38 disapprove the application based on the family support  
39 services plan which identifies the needs of the child  
40 and the family and the eligibility criteria required  
41 to be included in".

42 10. Page 2, by striking lines 28 and 29 and  
43 inserting the following: "approved by the  
44 department:"

45 11. Page 2, by striking lines 33 and 34 and  
46 inserting the following: "after the department  
47 approves the written application."

48 12. Page 3, by striking lines 1 and 2 and  
49 inserting the following: "special needs of the  
50 family. This subsidy is intended to complement but

S-5128 Page 2

1 not".

2 13. Page 3, line 14, by striking the words "The  
3 amount shall be".

4 14. Page 3, by striking line 15.

5 15. Page 3, by striking lines 20 and 21 and  
6 inserting the following: "tion to the department:"

7 16. Page 4, by striking lines 10 and 11 and  
8 inserting the following:

9 "2. The family support subsidy may be terminated  
10 by the department."

11 17. Page 4, by striking lines 16 and 17 and  
12 inserting the following: "denied or a family support  
13 subsidy is terminated by the department, the".

14 18. Page 4, by striking line 19 and inserting the  
15 following: "request, in writing, a hearing before an  
16 impartial hearing officer."

17 19. Page 4, by striking lines 25 through 27 and  
18 inserting the following:

19 "The department shall conduct an annual  
20 evaluation of the family support subsidy program and  
21 shall submit the evaluation report with  
22 recommendations to the governor and general assembly  
23 prior to the end of the fiscal year. The evaluation  
24 shall".

25 20. Page 5, by striking line 2 and inserting the  
26 following: "in".

27 21. By renumbering as necessary.

S-5128  
Filed February 23, 1988

*Deputy Clerk (of 763)*

BY COMMITTEE ON HUMAN RESOURCES  
BEVERLY A. HANNON, Chairperson

SENATE FILE 2018

S-5056

1 Amend Senate File 2018 as follows:  
2 1. Page 1, by inserting after line 20 the  
3 following:  
4 "8. "Medical assistance" means payment of all or  
5 part of the costs of any or all of the care authorized  
6 to be provided pursuant to chapter 249A."  
7 2. Page 1, line 33, by inserting after the word  
8 "member" the following: "who is a resident of a  
9 state-hospital school, a community-based, intermediate  
10 care facility intended to serve mentally retarded  
11 individuals, a child foster care group home, a child  
12 foster care family home, or a state mental health  
13 institute".  
14 3. Page 2, by striking lines 10 through 13 and  
15 inserting the following:  
16 "4. A statement that if the child receives medical  
17 assistance, then the family support subsidy shall only  
18 be used for the cost of care which is not covered by  
19 medical assistance. The family may receive welfare  
20 assistance for which the family is eligible."  
21 4. Page 5, by inserting after line 21 the  
22 following:  
23 "Sec. 10. Sections 2 through 9 of this Act are  
24 repealed December 31, 1989."

S-5056

BY EDGAR H. HOLDEN

Filed February 9, 1988

SENATE FILE 2018

S-5265

1 Amend the amendment, S-5128, to Senate File 2018 as  
2 follows:  
3 1. Page 1, line 13, by inserting after the word  
4 "who" the following: ", on or before the effective  
5 date of this Act,".

S-5265

Filed March 8, 1988

BY EDGAR HOLDEN

*Adopted 3/10 (p. 740)*

SENATE FILE 2018

S-5327

1 Amend the Committee amendment S-5128 to Senate File  
2 2018 as follows:  
3 1. Page 1, line 11, by inserting after the figure  
4 "225C.42" the following: "which assure that families  
5 retain the greatest possible flexibility in  
6 determining appropriate use of the subsidy".  
7 2. Page 1, line 17, by inserting after the word  
8 "individuals" the following: "or persons with  
9 developmental disabilities".  
10 3. Page 1, line 31, by striking the word "care"  
11 and inserting the following: "a service".  
12 4. Page 2, by inserting after line 26 the  
13 following:  
14 " . Page 5, line 13, by inserting after the  
15 word "members" the following: "including eligibility  
16 criteria, availability of family support services and  
17 parent satisfaction with the program".

S-5327

Filed March 11, 1988

ADOPTED

(p 76c)

BY ROBERT M. CARR  
EDGAR H. HOLDEN

FILED MAR 8 1988

Senator Hannon

STATE OF IOWA

FISCAL NOTE

LSB No. 7041S

Staff ID. JMN

REQ. BY SENATOR HANNON

SENATE FILE 2018

In compliance with a written request received January 25, 1988, a fiscal note for SENATE FILE 2018 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2018 creates a family support program to provide funds for the cost of care in the home of a child under 18 who receives certain special education services. The subsidy is limited to families with a net taxable income of \$40,000 or less. Applications are submitted to and approval is received from the appropriate county mental health and mental retardation coordinating board.

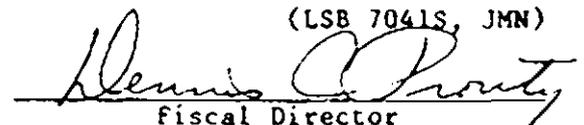
The fiscal effect of this bill depends upon the percentage of eligible families who participate in the program: the Department of Human Services estimates that between 10% and 25% of the eligibles will participate.

The fiscal effect of the bill is also affected by whether the vacancies created by keeping children in their homes will be filled by other children: if new admissions to the State Hospital Schools, the Mental Health Institutions, and family and group foster care placements match the number of children kept in their homes, no net cost savings will be realized.

Assuming that 10% of the eligible families participate, and based upon the \$40,000 net taxable income limit, Senate File 2018 is estimated to decrease total spending by approximately \$4.1 million; of this amount, the state would save approximately \$1.5 million. If participation of 25% of the eligible families is assumed, then total spending will decrease by approximately \$10 million; of this amount, the state would save approximately \$3.7 million.

Source: Department of Human Services

(LSB 7041S, JMN)

  
Fiscal Director

Legislative Fiscal Bureau

Date: 3/7/88

The General Assembly 3/14  
Iowa Code 529.24 En. Pass. 3/11/88 (p. 1064)

SENATE FILE 2018  
BY HOLDEN

(AS AMENDED AND PASSED BY THE SENATE MARCH 11, 1988)

- \_\_\_\_\_ - New Language by the Senate
- \* - Language Stricken by the Senate

Re Passed Senate, Date 4/7/88 (p. 1262) Passed House, Date 3/31/88 (p. 1262)  
 Vote: Ayes 47 Nays 1 Vote: Ayes 96 Nays 6  
 Approved April 27, 1988

A BILL FOR

1 An Act creating a family support subsidy program.  
 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2018

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

3 Sec. 2. NEW SECTION. 255C.35 DEFINITIONS.

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

6 1. "Family" means a family member and the parent or legal  
7 guardian of the family member.

8 2. "Family member" means a person less than eighteen years  
9 of age who requires special education pursuant to section  
10 281.9, subsection 1, paragraph "c" or "d".

11 3. "Legal guardian" means a person appointed by a court to  
12 exercise powers over a family member.

13 4. "Parent" means a biological or adoptive parent.

14 5. "Supplemental security income" means financial  
15 assistance provided to individuals pursuant to Title XVI of  
16 the federal Social Security Act, 42 U.S.C. § 1381 to 1383c.

\* 17 6. "Department" means the department of human services.

18 7. "Medical assistance" means payment of all or part of  
19 the care authorized to be provided pursuant to chapter 249A.

20 Sec. 3. NEW SECTION. 225C.36 FAMILY SUPPORT SUBSIDY PRO-  
21 GRAM.

22 A family support subsidy program is created as specified in  
23 this division. The purpose of the family support subsidy pro-  
24 gram is to keep families together and to reduce capacity in  
25 state facilities by defraying some of the special costs of  
26 caring for a family member, thus facilitating the return of  
27 family members from out-of-home placements to their family  
28 homes, and preventing or delaying the out-of-home placement of  
29 family members who reside in their family homes. The  
30 department shall adopt rules to implement the purposes of  
31 sections 225C.36 through 225C.42 which assure that families  
32 retain the greatest possible flexibility in determining  
33 appropriate use of the subsidy.

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

1 A parent or legal guardian of a family member who, on or  
2 before the effective date of this Act, is a resident of or  
3 being considered for placement in a state hospital-school, a  
4 community-based intermediate care facility which is intended  
5 to serve mentally retarded individuals or persons with  
6 developmental disabilities, a child foster care group home, a  
7 child foster care family home, or a state mental health  
8 institute may apply to the local office of the department for  
9 the family support subsidy program. The application shall  
10 include:

11 1. A statement that the family resides in a county of this  
12 state.

\* 13 2. Verification that the family member meets the  
14 definitional requirements of section 225C.35, subsection 2.

15 3. A statement that the family member resides, or is ex-  
16 pected to reside, with the parent or legal guardian of the  
17 family member or, on a temporary basis, with another relative  
18 of the family member.

19 4. A statement that if the child receives medical  
20 assistance, then the family support subsidy shall only be used  
21 for the cost of a service which is not covered by medical  
22 assistance. The family may receive welfare assistance for  
23 which the family is eligible.

24 5. Verification that the net taxable income for the family  
25 for the calendar year immediately preceding the date of  
26 application did not exceed forty thousand dollars unless it  
27 can be verified that the estimated net taxable income for the  
28 family for the year in which the application is made will be  
29 less than forty thousand dollars.

30 Within the limits set by the appropriation for this  
31 purpose, the department shall approve or disapprove the  
32 application based on the family support services plan which  
33 identifies the needs of the child and the family and the  
34 eligibility criteria required to be included in the  
35 application under subsections 1 through 5 and shall notify the

1 parent or legal guardian of the decision.

2 Sec. 5. NEW SECTION. 225C.38 EFFECT OF APPROVAL OF  
3 APPLICATION -- CONTRACT -- REPORT.

4 1. If an application for a family support subsidy is  
5 approved by the department:

6 a. A family support subsidy shall be paid to the parent or  
7 legal guardian on behalf of the family member. An approved  
8 subsidy shall be payable as of the first of the next month  
9 after the department approves the written application.

10 b. A family support subsidy shall be used to meet the  
11 special needs of the family. This subsidy is intended to  
12 complement but not supplant public assistance or social  
13 service benefits based on economic need, available through  
14 governmental programs.

15 c. Except as provided in section 225C.41, a family support  
16 subsidy shall be in an amount equivalent to the monthly  
17 maximum supplemental security income payment available in Iowa  
18 for an adult recipient living in the household of another, as  
19 formulated under federal regulations. In addition, the parent  
20 or legal guardian of a family member who is in an out-of-home  
21 placement at the time of application may receive a one-time  
22 lump-sum advance payment of twice the monthly family support  
23 subsidy amount for the purpose of meeting the special needs of  
\* 24 the family in preparing for in-home care.

25 2. The department shall administer the payment of family  
26 support subsidies.

27 3. The parent or legal guardian who receives a family sup-  
28 port subsidy shall report, in writing, the following informa-  
29 tion to the department:

30 a. Not less than annually, a statement that the family  
31 support subsidy was used to meet the special needs of the  
32 family.

33 b. The occurrence of any event listed in section 225C.40.

34 c. A request to terminate the family support subsidy.

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

1 ALIENABLE.

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

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

9 1. The family support subsidy shall terminate if any of  
10 the following occur:

11 a. The family member dies.

12 b. The family no longer meets the eligibility criteria in  
13 section 225C.37.

14 c. The family member attains the age of eighteen years.

15 d. The family member is no longer eligible for special  
16 education pursuant to section 281.9, subsection 1, paragraph  
17 "c" or "d".

18 2. The family support subsidy may be terminated by the  
19 department if a report required by section 225C.38, subsection  
20 3, is not timely made or a report required by section 225C.38,  
21 subsection 3, paragraph "a", contains false information.

22 3. If an application for a family support subsidy is  
23 denied or a family support subsidy is terminated by the  
24 department, the parent or legal guardian of the affected  
25 family member may request, in writing, a hearing before an  
26 impartial hearing officer.

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

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

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

32 The department shall conduct an annual evaluation of the  
33 family support subsidy program and shall submit the evaluation  
34 report with recommendations to the governor and general  
35 assembly prior to the end of the fiscal year. The evaluation

1 shall include, but not be limited to, all of the following:

2 1. The impact of the family support subsidy program upon  
3 children covered by this division in institutions and resi-  
4 dential care programs including, to the extent possible,  
5 sample case reviews of families who choose not to participate.

6 2. Case reviews of families who voluntarily terminate  
7 participation in the family support subsidy program for any  
8 reason, particularly when the family member is placed out of  
9 the family home, including the involvement of the department  
10 in offering suitable alternatives.

11 3. Sample assessments of families receiving family support  
12 subsidy payments including adequacy of subsidy and need for  
13 services not available.

14 4. The efforts to encourage program participation of  
15 eligible families.

16 5. The geographic distribution of families receiving  
17 subsidy payments and, to the extent possible, family members  
18 presumed to be eligible for family support subsidy payments.

19 6. Programmatic and legislative recommendations to further  
20 assist families in providing care for family members including  
21 eligibility criteria, availability of family support services  
22 and parent satisfaction with the program.

23 7. Problems that occur in identifying family members  
24 through diagnostic evaluations.

25 8. The number of beds reduced in state institutions and  
26 foster care facilities serving severely mentally, multiply,  
27 and autistically impaired children when the children return  
28 home to natural families as a result of the subsidy program.

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

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HOUSE AMENDMENT TO  
SENATE FILE 2018

S-5766

1 Amend Senate File 2018, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 3, by striking the figure  
4 "255C.35" and inserting the following: "225C.35".  
5 2. Page 2, lines 1 and 2, by striking the  
6 following: ", on or before the effective date of this  
7 Act,".

S-5766

Filed April 5, 1988

*Senate concurred 4/7 (4-25)*

RECEIVED FROM THE HOUSE

SENATE FILE 2018

H-5883

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3 1. Page 1, line 3, by striking the figure  
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5 2. Page 2, lines 1 and 2, by striking the  
6 following: ", on or before the effective date of this  
7 Act,".

By COMMITTEE ON HUMAN RESOURCES  
FEY of Scott, Chairperson

H-5883 FILED MARCH 24, 1988

*(Adopted 3/31 (p. 1242))*

SENATE FILE 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 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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JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2018, Seventy-second General Assembly.

Approved Apr 27, 1988

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JOHN F. DWYER  
Secretary of the Senate

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TERRY E. BRANSTAD  
Governor

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