

Human Resources to Bill 217 (p. 12)  
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FILED FEB 1 1990

SENATE FILE 2201  
BY DELUHERY

Passed Senate, Date 2/19/90 (p. 575) Passed House, Date 3/19/90 (p. 1174)  
Vote: Ayes 46 Nays 1 Vote: Ayes 89 Nays 3  
Approved March 30, 1990

A BILL FOR

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

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SENATE FILE 2201  
FISCAL NOTE

A fiscal note for Senate File 2201 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2201 changes the eligibility criteria for the Family Support Subsidy program to include children with certain disabilities who have not been weighted by a school district as long as they meet the definition of developmental disabilities under the federal Developmental Disabilities Act. The bill also states that the sole purpose of the program is to keep families together by defraying some of the special costs of caring for a family member at home. The bill also alters Section 225C.37 concerning program application eligibility.

Of an estimated 3,000 eligible clients, 142 are currently receiving family subsidy payments under the FY 1990 appropriation of \$400,000.

It is projected the bill would increase the number of eligible clients who would request family subsidy to 4,751 at a cost of \$3,150 per family for a total annual cost of \$14,965,650, but participation is limited by appropriations (\$592,295 for FY 1991).

Senate File 2201 increases the families eligible for assistance in a program that already has more potential eligible participants than appropriated.

Source: Department of Human Services                      (LSB 8107e, PAS)

FILED FEBRUARY 15, 1990                      BY DENNIS PROUTY, FISCAL DIRECTOR

SF 2201

1 Section 1. Section 225C.35, subsection 2, Code 1989, is  
2 amended to read as follows:

3 2. "Family member" means a person less than eighteen years  
4 of age who ~~requires special education pursuant to section~~  
5 ~~281-97-subsection 17-paragraph "c" or "d"~~ by educational  
6 determination has a moderate, severe, or profound educational  
7 handicap or special health care needs or who otherwise meets  
8 the definition of developmental disability in the federal  
9 Developmental Disabilities Act, section 102(5), as codified in  
10 42 U.S.C. § 6001(5). The department shall adopt rules  
11 establishing procedures for determining whether a child has a  
12 developmental disability.

13 Sec. 2. Section 225C.36, Code 1989, is amended to read as  
14 follows:

15 225C.36 FAMILY SUPPORT SUBSIDY PROGRAM.

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

28 Sec. 3. Section 225C.37, unnumbered paragraph 1, Code  
29 1989, is amended to read as follows:

30 A parent or legal guardian of a family member who ~~is a~~  
31 ~~resident of or being considered for placement in a state~~  
32 ~~hospital school, a community-based intermediate care facility~~  
33 ~~which is intended to serve mentally retarded individuals or~~  
34 ~~persons with developmental disabilities, a child foster care~~  
35 ~~group home, a child foster care family home, or a state mental~~

1 health-institute may apply to the local office of the  
2 department for the family support subsidy program. The  
3 application shall include:

4 EXPLANATION

5 The bill changes the eligibility criteria for the family  
6 support subsidy program, to include children with certain  
7 disabilities who have not been weighted by a school district,  
8 or who otherwise meet the definition of developmental  
9 disability under the federal Developmental Disabilities Act,  
10 as amended. Under current law, only children who have been  
11 weighted within each school district as requiring full-time,  
12 self-contained special education placement with little  
13 integration into a regular classroom, and children requiring  
14 special education who are severely handicapped or have  
15 multiple handicaps, are eligible family members. The bill  
16 provides that children with certain disabilities who have not  
17 been weighted within a public school district are still  
18 eligible for the family support subsidy program, as long as an  
19 educational determination has been made that the child has an  
20 educational handicap or special health care needs, or  
21 otherwise meets the federal definition of developmental  
22 disability.

23 The bill also states that the sole purpose of the program  
24 is to keep families together by defraying some of the special  
25 costs of caring for a family member at home. Under current  
26 law, additional purposes of the program include reducing the  
27 capacity of state facilities, facilitating the return of  
28 family members to their homes from out-of-home placements, and  
29 preventing or delaying out-of-home placements.

30 In addition, the bill alters section 225C.37 concerning  
31 program specifications rules. Under current law, the parent  
32 or legal guardian of a family member who is a resident of or  
33 being considered for placement in a state hospital-school  
34 serving mentally retarded individuals or persons with  
35 developmental disabilities, a child foster care group or

1 family home, or a state mental health institute may apply for  
2 the program. Under the bill, the parent or legal guardian of  
3 a family member with a developmental disability, or a family  
4 member who by educational determination has a moderate,  
5 severe, or profound educational handicap or special health  
6 care needs, may apply for the program.

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SENATE FILE 2201

AN ACT

RELATING TO THE FAMILY SUPPORT SUBSIDY PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 225C.35, subsection 2, Code 1989, is amended to read as follows:

2. "Family member" means a person less than eighteen years of age who ~~requires special education pursuant to section 281.97, subsection 17, paragraph "c" or "d"~~ by educational determination has a moderate, severe, or profound educational handicap or special health care needs or who otherwise meets the definition of developmental disability in the federal Developmental Disabilities Act, section 102(5), as codified in 42 U.S.C. § 6001(5). The department shall adopt rules establishing procedures for determining whether a child has a developmental disability.

Sec. 2. Section 225C.36, Code 1989, is amended to read as follows:

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 at home.~~ 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. 3. Section 225C.37, unnumbered paragraph 1, Code 1989, is amended to read as follows:

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:

\_\_\_\_\_  
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 2201, Seventy-third General Assembly.

Approved March 30, 1990

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JOHN F. DWYER  
Secretary of the Senate

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TERRY E. BRANSTAD  
Governor