

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.46, the Department of Human Services proposes to amend Chapter 187, “Aftercare Services and Supports,” Iowa Administrative Code.

This proposed amendment of Chapter 187 will allow access to aftercare services and the preparation for adult living (PAL) stipend to youth aging out of the Iowa state training school and court-ordered Iowa juvenile detention centers.

Youth between 17½ and 18 years of age who are exiting from the Iowa state training school or from a court-ordered Iowa juvenile detention center are eligible (effective July 1, 2014) for the Iowa Aftercare Services Program, which will provide services and supports to these youth between the ages of 18 and 21, just as youth who exited foster care at those same ages have been eligible for the past 12 years. Additionally, youth who exit the Iowa state training school or a court-ordered Iowa juvenile detention center, who were in either placement when they reached the age of 18 and who have not reached the age of 21 are eligible for the PAL Program component. The PAL component includes a monthly stipend, based upon need, in addition to aftercare case management supports. The PAL component for youth who exit the state training school or a detention center is modeled after PAL for youth formerly in state-paid foster care, who have been eligible for the past eight years.

Any interested person may make written comments on the proposed amendment on or before January 27, 2015. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

This amendment does not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 234.46.

The following amendment is proposed.

Amend **441—Chapter 187** as follows:

CHAPTER 187

AFTERCARE SERVICES AND SUPPORTS PROGRAM

PREAMBLE

These rules define and structure the aftercare services program, which assists youth leaving foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center in their successful transition to adulthood. The aftercare services program, including the preparation for adult living (PAL) program component, helps ~~former foster care~~ youth formerly in foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center to continue preparing for the challenges and opportunities presented by adulthood while receiving services and supports. The program also offers financial benefits to eligible youth up to the age of 21. All services and supports are voluntary.

DIVISION I
AFTERCARE SERVICES

441—187.1(234) Purpose. The purpose of the aftercare services program is to provide services and supports to youth aged 18, 19 or 20 who were formerly in foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center. The primary goal of the program is for participants to achieve self-sufficiency and to recognize and accept their personal responsibility for the transition from adolescence to adulthood.

441—187.2(234) Eligibility Aftercare services program eligibility requirements. To be eligible for aftercare services, a youth must meet the following requirements:

187.2(1) Residence. The youth must ~~reside in~~ be a resident of Iowa.

187.2(2) Age. The youth must be at least 18 years of age but less than 21 years of age.

187.2(3) ~~Foster care~~ Out-of-home placement experience.

a. The youth must ~~leave foster care~~:

(1) Leave foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center:

~~(1)~~ 1. On or after the youth's eighteenth birthday; or

~~(2)~~ 2. Between the ages of 17½ and 18 after being in ~~foster care continuously for at least six months~~ any combination of foster care, the Iowa state training school, or a court-ordered detention center in at least 6 of the last 12 months before the youth left placement; or

~~(3)~~ For placement in a subsidized guardianship arrangement on or after October 7, 2008, and on or after the youth's sixteenth birthday; or

~~(4)~~ (2) Due to adoption on or after October 7, 2008, and on or after the youth's sixteenth birthday. Have been adopted from foster care on or after the youth's sixteenth birthday; or

~~(3)~~ Have entered a subsidized guardianship arrangement from foster care on or after the youth's sixteenth birthday.

b. For purposes of this division, "foster care" is defined as 24-hour substitute care for a child who is placed away from the child's parents or guardians and for whom the department or juvenile court services has placement and care responsibility through either court order or voluntary agreement.

c. A placement may meet the definition of foster care regardless of whether:

(1) The placement is licensed and the state or a local agency makes payments for the child's care;

(2) Adoption subsidy payments are being made before the finalization of adoption; or

(3) There is federal matching of any payments made.

d. Foster care may include, but is not limited to, placement in:

(1) A foster family home; or

~~(2)~~ A foster home of relatives;

~~(3)~~ (2) A foster care group home; or

~~(4)~~ (3) An emergency shelter; or

~~(5)~~ (4) A preadoptive home; or

~~(6)~~ A residential facility; or

~~(7)~~ (5) The home of an unlicensed a relative or suitable person; or

~~(8)~~ (6) A psychiatric medical institution for children (PMIC).

e. ~~Foster care does not include placement in:~~

~~(1)~~ A detention facility;

~~(2)~~ A forestry camp;

~~(3)~~ A training school; or

~~(4)~~ Any other facility operated primarily for the detention of children who are determined to be delinquent.

187.2(4) Responsibility. The youth must:

a. Actively take part in developing and participating in a self-sufficiency plan; and

b. Indicate recognition and acceptance of personal responsibility in the transition toward self-sufficiency.

441—187.3(234) Services and supports provided. The aftercare services program shall provide the following services and supports to eligible youth:

187.3(1) Individual self-sufficiency plan. Each youth shall have an individual self-sufficiency plan based on an assessment of the youth's strengths and needs. The plan shall identify:

- a. The youth's goals for achieving self-sufficiency;
- b. The target date for reaching the goals; and
- c. The tasks, responsible parties, time frames, and desired outcomes needed to reach the goals.

187.3(2) Life skills services Case management. ~~The program shall provide life skills services to enable youth to maintain a safe, healthy, and stable home.~~ Case management activities shall include, but not be limited to, all of the following:

a. Connection to community involvement services to enable the youth to access community resources.

b. Assistance in development and maintenance of healthy support systems, including services to assist the youth in establishing or reestablishing relationships with significant adults.

c. Services, supports, and life skills training, which shall be provided as defined in the youth's self-sufficiency plan and according to the youth's needs. Services shall be offered at a location convenient for the youth. Life skills training shall include but not be limited to the youth's establishing and maintaining safe and stable housing; education goals; employment goals; health and health care coverage; and healthy relationships.

d. Additional case management activities necessary for youth participating in the preparation for adult living (PAL) program component as outlined in rules 441—187.10(234) through 441—187.15(234) below.

e. Follow-up. The case manager shall maintain individual face-to-face contact with the youth at the frequency defined in the youth's self-sufficiency plan and according to the youth's changing needs. If a youth is a resident of Iowa but attending a postsecondary education program in another state, the program administrator or designee shall approve an alternative method for maintaining contact with the youth if and when it is a hardship for the youth to physically be in Iowa.

f. Ongoing assessment. Ongoing assessment activities shall be directed toward the coordination and evaluation of the services, supports, and life skills training being provided to assist the youth in reaching self-sufficiency goals and to determine if and what progress is being made. The case manager shall amend any goals, outcomes, tasks, responsible parties, and time frames in the plan along with services, supports, and life skills training provided as necessary to assist the youth in achieving self-sufficiency.

187.3(3) Vendor payments. The program shall make vendor payments to meet direct expenses of the participant that are necessary in order to meet goals of the participant's self-sufficiency plan.

a. *Need.* To receive a vendor payment, the youth must demonstrate that there are no other means to meet these needs. Youth receiving a PAL stipend are not eligible for a vendor payment.

b. *Scope.* Vendor payments may include but are not limited to:

- (1) ~~Life skills training~~ Health care-related expenses;
- (2) Transportation assistance;
- (3) ~~Employment~~ Costs related to employment and education assistance;
- (4) Clothing; and
- (5) Room and board.

c. *Maximum payment.* The amount available for a 12-month period of service shall not exceed \$1200 per youth.

187.3(4) Follow-up. ~~The program shall maintain individual face-to-face contact with the youth at a frequency as defined in the youth's self-sufficiency plan to ensure that the youth is meeting the goals of the plan.~~

187.3(5) Ongoing assessment. ~~Ongoing assessment activities shall be directed toward:~~

- ~~a. Monitoring the progress being made in the youth's ability to achieve self-sufficiency; and~~
- ~~b. Coordination and evaluation of the services and supports being provided to reach the self-sufficiency goal.~~

~~187.3(6) Case management. Case management activities shall include, but not be limited to:~~

- ~~a. Community involvement services to enable the youth to access community resources; and~~
- ~~b. Development of support systems, including services to assist the youth in establishing or reestablishing relationships with significant adults.~~

441—187.4(234) Termination. Aftercare services and supports shall be terminated when any of the following conditions apply:

187.4(1) The youth fails to follow self-sufficiency plan components and expectations as determined by the program administrator.

187.4(2) The youth voluntarily withdraws from the aftercare services program.

187.4(3) The youth is no longer ~~residing in~~ a resident of Iowa.

187.4(4) The youth reaches 21 years of age.

187.4(5) There are insufficient funds to continue the services.

441—187.5(234) Waiting list. The program administrator or designee shall create a waiting list when all funds for the aftercare services program are committed for the fiscal year. Names shall be entered on the waiting list on a first-come, first-served basis once the youth is determined eligible.

441—187.6(234) Administration. The department may contract with another state agency or a private organization to perform the administrative and case management functions necessary to administer ~~this~~ the aftercare services program.

~~187.6(1) The contractor and any subcontractors shall meet the standards in 441—subrule 150.5(3) and paragraph 150.3(3) “i.”~~

187.6(2) Agencies and organizations providing services or supports shall meet the standards in rules 441—108.2(238) through 441—108.6(238).

441—187.7 to 187.9 Reserved.

These rules are intended to implement Iowa Code section ~~234.6~~ 234.46 and Public Law 106-169, the Foster Care Independence Act of 1999.

DIVISION II
PREPARATION FOR ADULT LIVING (PAL) PROGRAM COMPONENT

441—187.10(234) Purpose. The purpose of the PAL program component is to provide financial support to eligible youth who are receiving eligible for the aftercare services program. Youth receiving a PAL stipend are not eligible to receive aftercare services program vendor payments as specified in subrule 187.3(3).

441—187.11(234) Eligibility PAL program component eligibility requirements. A monthly stipend may be provided to a youth receiving who meets the aftercare services who left foster care after May 1, 2006, and who meets all of the following criteria: program eligibility requirements in Division I of this chapter and the criteria in subrule 187.11(1) or 187.11(2).

~~187.11(1) Ineligibility for foster care. The youth must be ineligible for voluntary foster care placement under 441—Chapter 202.~~

187.11(2) 187.11(1) Foster care experience. The youth ~~must~~:

~~a. Leave~~ Was in foster care paid for by the state under Iowa Code section 234.35 on ~~or after~~ the youth's eighteenth birthday; and

~~b. Have been in foster care paid for by the state under Iowa Code section 234.35~~ Exited foster care after having been in any combination of foster care, the Iowa state training school, or a court-ordered

Iowa juvenile detention center in at least 6 of the last 12 months before the youth left foster care placement; and

c. Is ineligible for voluntary foster care placement under 441—Chapter 202.

187.11(2) Iowa state training school or Iowa court-ordered juvenile detention center experience: The youth:

a. Was in the Iowa state training school or a court-ordered Iowa juvenile detention center on the youth's eighteenth birthday; and

b. Exited the Iowa state training school or a court-ordered Iowa juvenile detention center after May 1, 2014; and

c. Exited the state training school or a court-ordered Iowa juvenile detention center after having been in any combination of foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center in at least 6 of the last 12 months before the youth left placement.

187.11(3) *Living arrangement.* The youth must have a living arrangement other than a parent's home, which may include a former foster family, an apartment, a college dormitory, or another approved arrangement. The program administrator or designee is responsible for approving the living arrangement.

187.11(4) *Activity.* The youth must meet one or more of the following criteria:

a. Be enrolled in or actively pursuing enrollment in a postsecondary education or training program or work training;

b. Be employed for 80 hours per month or be actively seeking that level of employment; or

c. Be attending an accredited school full-time pursuing a course of study leading to a high school diploma; or

d. Be attending an instructional program leading to a high school equivalency diploma.

187.11(5) *Financial need.* Initial and ongoing eligibility shall be based on the youth's income and need as determined according to rule 441—187.12(234).

441—187.12(234) Payment. The program administrator or designee shall issue payment to each participant according to the following guidelines:

187.12(1) *Need.* The amount of the PAL stipend shall be based on the needs of the youth as documented in the youth's self-sufficiency plan. Eligibility and the stipend amount shall be based on the best estimate of the youth's income, as determined at least quarterly.

a. All earned and unearned income received by the youth during the 30 days before the determination shall be used to project future income.

(1) If the 30-day period is not indicative of future income, income from a longer period or verification of anticipated income from the income source may be used to project future income.

(2) Nonrecurring lump-sum payments are excluded as income. Nonrecurring lump-sum payments include but are not limited to one-time payments received for such things as income tax refunds, rebates, credits, refunds of security deposits on rental property or utilities, and retroactive payments for past months' benefits such as ~~SSI~~ social security, unemployment insurance, or public assistance.

b. The youth shall timely report the beginning or ending of earned or unearned income. A report shall be considered timely when made within ten days from the receipt of income or the date income ended.

c. When the youth timely reports a change in income, prospective eligibility and stipend amount for the following month shall be determined based on the change.

d. Recoupment shall be made for any overpayment due to failure to timely report a change in income or for benefits paid during an administrative appeal if the department's action is ultimately upheld. Recoupment shall be done through a reasonable reduction of any future stipends.

e. Recoupment shall not be made when a youth timely reports a change in income and the change is timely acted upon, but the timely notice policy in rule 441—7.7(17A) requires that the action be delayed until the second calendar month following the month of change.

187.12(2) *Amount of monthly stipend.* The maximum monthly stipend shall be \$602.70.

a. The stipend shall be prorated based on the date of entry.

b. Effect of income.

(1) When the monthly unearned income of the youth exceeds the maximum monthly stipend, the youth is not eligible for a stipend.

(2) When the net earnings of the youth exceed the maximum monthly stipend, the stipend shall be reduced the following month by 50 cents for every dollar earned over the maximum monthly stipend.

~~(3) A youth receiving Supplemental Security Income payments is not eligible for a stipend.~~

187.12(3) Payee. The PAL stipend may be paid to the youth, the foster family, or another payee other than a department employee. The payee shall be agreed upon by the parties involved and specified in the self-sufficiency plan under 187.3(1).

187.12(4) Start-up allowance. When a youth is approved for the PAL program component, the program administrator or designee may authorize a ~~one-time~~ start-up allowance in addition to the monthly stipend. The start-up allowance:

a. Is intended to assist in covering the initial costs of establishing the youth's living arrangement, such as rental and utility deposits, purchase of food, and purchase of necessary household items.

b. Shall be based on the youth's income and need as determined according to subrule 187.12(1).

c. Shall not exceed the maximum monthly stipend amount.

441—187.13(234) Termination of stipend. The PAL stipend shall be terminated according to rule 441—187.4(234) in addition to when any of the following conditions apply:

187.13(1) ~~The youth reaches the age of 21 fails to meet work or education eligibility requirements for 30 consecutive days without good cause as determined by the program administrator or designee.~~

187.13(2) ~~The youth fails to meet work or education eligibility requirements for 30 consecutive days without good cause as determined by the program administrator or designee~~ maintain satisfactory progress as defined by the education or training program in which the youth is enrolled. A youth who is not making satisfactory progress may stay in the PAL program component by choosing the work option.

187.13(3) ~~The youth fails to follow self-sufficiency plan components and expectations as determined by the program administrator or designee~~ chooses to live in a nonapproved living arrangement.

187.13(4) ~~The youth fails to maintain satisfactory progress as defined by the education or training program in which the youth is enrolled. A youth who is not making satisfactory progress may stay in the PAL program by choosing the work option~~ youth's budget demonstrates lack of need for the PAL stipend.

187.13(5) ~~The youth chooses to live in a nonapproved setting~~ voluntarily withdraws from the PAL program component.

187.13(6) ~~The youth no longer resides in Iowa~~ misrepresents income. A PAL stipend shall not be reinstated for at least 30 days if the stipend was terminated due to the youth's misrepresentation of income.

187.13(7) ~~The youth lives with a parent~~ There are insufficient funds to continue the stipend.

187.13(8) ~~There are insufficient funds to continue the stipend.~~

441—187.14(234) Waiting list. The program administrator or designee shall create a waiting list when all funds for the PAL program component are committed for the fiscal year. Names shall be entered on the waiting list on a first-come, first-served basis once the youth is determined eligible.

441—187.15(234) Administration. The department may contract with another state agency or a private organization to perform the administrative and case management functions necessary to administer the PAL program component.

187.15(1) ~~The contractor and any subcontractors shall meet the standards in 441—subrule 150.5(3) and paragraph 150.3(3)“i.”~~

187.15(2) Agencies providing support or services shall meet the standards in rules 441—108.2(238) through 441—108.6(238).

These rules are intended to implement Iowa Code section 234.46.