

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to promoting opportunities for parents program
and providing an opportunity for public comment**

The Department of Human Services hereby proposes to rescind Chapter 100, “Child Support Parental Obligation Pilot Projects,” and to adopt new Chapter 100, “Child Support Promoting Opportunities for Parents Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 252B.3(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 252B.3(5).

Purpose and Summary

This rule making proposes to replace the current Child Support Parental Obligation Pilot Projects rules by renaming the program and clarifying incentives.

The new chapter describes the Promoting Opportunities for Parents Program (POPP) developed by the Department of Human Services Child Support Recovery Unit (CSRU). The purpose of this program is to assist parents in overcoming the barriers which interfere with fulfilling their obligations to their children.

CSRU wants to partner with community providers and resources to assist parents in overcoming barriers. Research shows that child support-led programs are more likely to yield results for noncustodial parents and their children. Thus, the child support program sets the expectations and manages the program by partnering with employment and fatherhood/parenting programs to provide those services.

Fiscal Impact

This is an existing program, and the rule making will not change the level of funding needed.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 20, 2018. Comments should be directed to:

Harry Rossander
Bureau of Policy Coordination
Department of Human Services
Hoover Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319
Fax: 515.281.4980
Email: policyanalysis@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. An oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, an agency, or an association of 25 or more persons as provided in Iowa Code section 17A.4(1)“b.”

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Rescind 441—Chapter 100 and adopt the following **new** chapter in lieu thereof:

CHAPTER 100
CHILD SUPPORT PROMOTING OPPORTUNITIES FOR PARENTS PROGRAM

PREAMBLE

This chapter describes the promoting opportunities for parents program developed by the department of human services child support recovery unit (CSRU). The purpose of this program is to assist parents in overcoming the barriers which interfere with fulfilling their obligations to their children. For the purpose of these rules, promoting opportunities includes emotional and personal involvement of the parents, parenting or fatherhood classes and employment resources beyond simply meeting the parents’ financial obligations. In order to encourage participation by parents, CSRU may partner with community providers and resources and may offer various incentives for participation. These incentives may be offered through projects whose plans have been approved by the bureau chief or through projects in which CSRU participates and for which the bureau chief approves of CSRU’s offering any or all of the incentives.

441—100.1(252B) Definitions.

“Assigned support arrearages” means support arrearages for which all rights have been and shall remain assigned to the state of Iowa.

“Bureau chief” means the chief of the bureau of collections of the department of human services or the bureau chief’s designee.

“Child support recovery unit (CSRU)” means any person, unit, or other agency which is charged with responsibility for providing or assisting in the provision of child support enforcement services pursuant to Title IV-D of the Social Security Act.

“*Designated provider*” means any project approved in whole or in part by CSRU and approved by the bureau chief to assist parents in overcoming the barriers which interfere with their fulfilling obligations to their children. Each project shall have a project plan approved by the bureau chief.

“*Incentives*” means, but is not limited to, satisfaction of support obligations and bypass of select enforcement tools such as license sanction, administrative levy, and contempt.

“*Participant*” means a person who receives services or incentives through a project.

“*Periodic support payment*” means the total support payment due in each time period in accordance with the established support obligation. If no current support is due, the periodic support payment is equivalent to the last current support amount as would be ordered under 441—Chapter 98, Division II.

“*Project plan*” means the written policies, procedures, eligibility criteria and other components, as described at subrule 100.3(2).

441—100.2(252B) Incentives. CSRU may offer incentives to participants through designated providers to encourage participants’ completion of the project. The available incentives include, but are not limited to, the following:

100.2(1) Satisfaction of the assigned support arrearages.

a. A participant shall be granted a partial satisfaction of the assigned support arrearages which are and which will remain owed by that participant to the state after that participant’s successful completion of the project and payment of that participant’s periodic support payments. Satisfactions granted under this subrule shall apply only to those cases for which periodic support payment is credited.

b. Each satisfaction shall be an amount equal to a percentage of that participant’s support arrearages, which are and which will remain owed to the state, according to the following schedule:

(1) A one-time satisfaction after 6 consecutive months from the participant’s completion of the project. The amount of satisfaction shall be a percentage based on the amount of periodic support paid on all qualifying cases as follows:

1. When 100 percent of the periodic support is paid, the satisfaction amount will equal 50 percent of the amount owed to the state.

2. When 99 to 80 percent of the periodic support is paid, the satisfaction amount will equal 40 percent of the amount owed to the state.

3. When 79 to 60 percent of the periodic support is paid, the satisfaction amount will equal 30 percent of the amount owed to the state.

4. When 59 to 40 percent of the periodic support is paid, the satisfaction amount will equal 20 percent of the amount owed to the state.

5. When 39 to 20 percent of the periodic support is paid, the satisfaction amount will equal 10 percent of the amount owed to the state.

6. When 19 to 0 percent of the periodic support is paid, the satisfaction amount will equal 0 percent of the amount owed to the state.

(2) A one-time satisfaction after 12 consecutive months from the participant’s completion of the project. The amount of satisfaction shall be a percentage based on the amount of periodic support paid on all qualifying cases as follows:

1. When 100 percent of the periodic support is paid, the satisfaction amount will equal 100 percent of the amount owed to the state.

2. When 99 to 80 percent of the periodic support is paid, the satisfaction amount will equal 80 percent of the amount owed to the state.

3. When 79 to 60 percent of the periodic support is paid, the satisfaction amount will equal 60 percent of the amount owed to the state.

4. When 59 to 40 percent of the periodic support is paid, the satisfaction amount will equal 40 percent of the amount owed to the state.

5. When 39 to 20 percent of the periodic support is paid, the satisfaction amount will equal 20 percent of the amount owed to the state.

6. When 19 to 0 percent of the periodic support is paid, the satisfaction amount will equal 0 percent of the amount owed to the state.

c. A participant subject to an income withholding order shall be eligible for the satisfaction in this subrule if the sole reason for ineligibility is a disparity between the schedules of the participant's pay date and the scheduled date the payment is due.

d. A participant shall be eligible for a satisfaction under this subrule if the participant is no longer a participant but has continued to pay the participant's periodic support payment without interruption.

100.2(2) Enforcement processes. CSRU may bypass select enforcement tools, including but not limited to license sanction, administrative levy, and contempt, if the participant is actively in the project.

441—100.3(252B) Establishment of designated providers. CSRU may initiate a request for project plans to become designated providers.

100.3(1) Contents of a request for project plans. The request for project plans shall contain the requirements for contents of the project plan and any other parameter for the specific project being advertised. The request shall also contain a deadline by which project plans must be submitted to the bureau chief.

100.3(2) Contents of project plans. Each project shall have and maintain a project plan. At a minimum, the project plan shall contain or address the following:

a. Applicant's experience and success at integrating collaborations and services essential to the project.

b. The geographic area to be served and community need for projected services.

c. The projected number of participants to be served and the criteria to be used for the selection and termination of participants.

d. The specific parenting curriculum to be used. The curriculum must be well-established, have a track record of use and be field-tested.

e. A description of the components of the curriculum. The components of the curriculum should include personal development, responsible parenting, parenting skills, financial responsibilities, communication skills, and domestic violence prevention.

f. The schedule, location, hours of instruction and format for administering the curriculum.

g. A description of the organization and identification of staff responsible for delivering the curriculum. The staff should have experience in group facilitation and be certified trainers in the curriculum.

h. A clear explanation of how the curriculum and services will be monitored and evaluated, including how the participants will be tracked and what data will be collected.

i. Project duration.

100.3(3) Amendments to project plan. Projects may submit proposed amendments to their project plan in writing to the bureau chief. The bureau chief shall have the option, after review, of approving or disapproving all proposed amendments to the project plan.

441—100.4(252B) Selection of designated providers. The bureau chief shall have sole authority to select designated providers. The bureau chief shall select which of the project plans received on or before the deadline date shall be granted the status of designated providers. The selection of designated providers shall be based upon the content of the project plan including, but not limited to, the following criteria:

1. Applicant's experience.

2. Geographic area selected and community need for the project.

3. Participants to be served and criteria to be used to select participants and terminate their participation.

4. The parenting curriculum to be used.

5. A description of the components of the curriculum.

6. The schedule, location, hours of instruction and format for administering the curriculum.

7. A description of the organization and identification of staff.

8. An explanation of monitoring and evaluation.

9. Project duration.

441—100.5(252B) Termination of designated providers. The bureau chief may immediately terminate CSRU's participation with a designated provider if the designated provider is not fulfilling the terms of its project plan or the designated provider is not fulfilling the terms for CSRU's participation in the project plan.

441—100.6(252B) Reports and records.

100.6(1) Reports. Designated providers established under these rules shall report to CSRU at least monthly, unless otherwise required by the project plan. These reports shall include, but not be limited to, the following:

- a.* Attendance documentation with the names of participants served.
- b.* Signed voluntary consent of participants seeking incentives.
- c.* Certification of participants completing the curriculum.
- d.* Other information as specified in the project plan.

100.6(2) Records retention. Designated providers shall retain all records as necessary to meet the requirements of these rules.

441—100.7(252B) Receipt of incentives. Participants receiving incentives under these rules may continue to receive the incentives after the termination of these rules or after they are no longer participants only under subrule 100.2(1). Subrule 100.2(1) shall apply to a participant or former participant for the full time period allowed in that subrule.

These rules are intended to implement Iowa Code section 252B.3(5).