

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to family-centered services and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 80, “Procedure and Method of Payment,” Chapter 133, “IV-A Emergency Assistance Program,” Chapter 172, “Family-Centered Child Welfare Services,” and Chapter 175, “Abuse of Children,” and rescind Chapter 186, “Community Care,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 234.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 234.

Purpose and Summary

The proposed amendments implement the federal Family First Prevention Services Act. The Family First Prevention Services Act reforms the federal child welfare financing streams. Title IV-E and Title IV-B of the Social Security Act provide for services to families that are at risk of entering the child welfare system. A core expectation under the Family First Prevention Services Act is that states must employ evidence-based interventions demonstrated to effectively strengthen and preserve connections between children and their families. The primary focus of these services is to prevent removal of children and placement into foster care.

These proposed changes will positively affect the child welfare contractors that successfully bid on contracts as the evidence-based interventions provide clear expectations of fidelity to models used in service provisions.

Fiscal Impact

There will be a cost associated with the implementation of the provisions of the Family First Prevention Services Act. Costs include Department and provider implementation activities, accreditation and licensing of providers, and increased costs for services above what the Department is currently paying. The cost of these items is uncertain given that implementation is still in process and the new services have not yet started. In addition, the Family First Prevention Services Act provides for a 50 percent federal IV-E match for eligible services, but federal guidance has not been given on which services meet the claiming criteria. As a result, the amount of the federal match and resulting state cost are also not known. In addition, access to high-quality prevention services should ultimately reduce the need for foster care services, but the timing and degree of those services are not yet known.

Jobs Impact

The current procurement process for family-centered services allows for more flexibility in staff qualifications based upon selected evidence-based interventions rather than specific education and experience requirements. The flexibility in staff qualifications for the identified evidence-based interventions will most likely increase the pool of candidates for employment statewide as qualifications will be based upon skill set, rather than a set standard of education and experience. The services will now be provided statewide, with a maximum of two contracts per each of the five agency service areas.

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 September 1, 2020. Comments should be directed to:

Nancy Freudenberg
Iowa Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

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

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 actions are proposed:

ITEM 1. Amend paragraph **80.2(2)“g”** as follows:

g. Case management providers ~~shall submit claims on Form 470-2486, Claim for Targeted Medical Care, for services~~ billing services provided pursuant to 441—Chapter 90 ~~and on FACS-generated claims for services provided pursuant to 441—Chapter 186 to fee-for-service members shall submit claims using a HIPAA-compliant electronic claim. Paper claims are no longer accepted effective August 1, 2019.~~

ITEM 2. Amend rule **441—133.1(235)**, definition of “Emergency assistance,” as follows:

“*Emergency assistance*” means any one or more of the following services provided in response to a IV-A emergency assistance application:

1. Family-centered ~~child welfare~~ services as set forth in 441—Chapter 172.
2. to 4. No change.

ITEM 3. Amend paragraph **133.3(4)“a”** as follows:

a. Family-centered ~~child welfare~~ services as established at ~~rule 441—172.12(234) or 441—172.22(234) in 441—Chapter 172.~~

ITEM 4. Amend **441—Chapter 172**, title, as follows:

FAMILY-CENTERED ~~CHILD WELFARE~~ SERVICES

ITEM 5. Amend **441—Chapter 172**, chapter preamble, as follows:

PREAMBLE

These rules define and describe procedures for delivery of family-centered child welfare services. The rules describe the service definitions, and eligibility criteria, ~~contractor selection and contracting processes, performance measures, billing and payment methods, and~~ procedures for client appeals, and service review and audit procedures.

ITEM 6. Rescind **441—Chapter 172, Division I**, heading.

ITEM 7. Amend rule 441—172.1(234) as follows:

441—172.1(234) Definitions.

“Agency” means the Iowa department of human services.

“Agency child welfare service case” means at least one child in a household is involved in agency services with an agency-assigned social work case manager.

“Agency worker” means the agency child welfare worker who has been assigned responsibility for a child and family’s case, either to perform a child abuse assessment, family assessment, or child in need of assistance (CINA) assessment or assume case management responsibility for ongoing agency child welfare service cases.

“Candidate for foster care” means a child who is identified in a prevention plan as being at imminent risk of entering foster care but who can remain safely in the child’s home or in a kinship placement as long as services or programs that are necessary to prevent the entry of the child into foster care are provided. “Candidate for foster care” includes a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement.

“Child,” “children,” or “youth” means a person or persons who meets meet the definition of a child in Iowa Code section 234.1(2).

“Child abuse” means one or more of the categories of child abuse defined in Iowa Code section 232.68.

“Child abuse assessment” means an assessment process by which the agency responds to all accepted reports of child abuse that allege child abuse as defined in Iowa Code section 232.68(2) “a”(1) through (3) and (5) through (11); or that allege child abuse as defined in Iowa Code section 232.68(2) “a”(4) that also allege imminent danger, death, or injury to a child. A child abuse assessment results in a disposition and a determination of whether a case meets the definition of child abuse and a determination of whether criteria for placement on the registry are met.

“Child in need of assistance” or “CINA” means a child adjudicated by juvenile court to be a child in need of assistance pursuant to Iowa Code section 232.2.

“Child vulnerability” means the degree that a child cannot on the child’s own avoid, negate, or minimize the impact of present or impending danger.

~~“Conditionally safe” means that one or more signs of present or impending danger to a child that are identified on the safety assessment form are not offset by the child’s degree of vulnerability or the caretaker’s protective capacity. A safety plan is required.~~

“Contractor” means a private organization authorized to do business in Iowa that has entered into a contract with the agency to provide one or more of the services defined in this chapter. “Contractor” refers to the organization that is named as the responsible party in the contract and whose authorized representative has signed the contract.

“Family assessment” means an assessment process by which the agency responds to all accepted reports of child abuse that allege child abuse as defined in Iowa Code section 232.68(2) “a”(4), but do not allege imminent danger, death, or injury to a child. A family assessment does not include a determination of whether a case meets the definition of child abuse and does not include a determination of whether criteria for placement on the registry are met.

“Family-centered services” means the services provided by contract pursuant to this chapter.

“Family preservation services” or “FPS” means short-term, intensive, home-based crisis interventions targeted to families that have children at imminent risk of removal and placement in foster care. Family preservation services combine skill-based interventions and flexibility so that services are available to families according to their individual needs.

“Family safety, risk, and permanency service” means a service that uses strategies and interventions designed to achieve safety and permanency for a child with an open agency child welfare case, regardless of the setting in which the child resides.

“Fictive kin” means a person who is unrelated to a child by blood, adoption, or marriage, but who has an emotionally significant relationship with the child or the child’s family.

“Household” means the place where a child resides.

“Kinship caregiver” means a relative or fictive kin providing care for a child.

“Non-agency-involved case” means a case in which no one in the household is involved with an agency-assigned social work case manager.

“Permanency” means a child has a safe, stable, custodial environment in which to grow up and a lifelong relationship with a nurturing caregiver.

“Protective capacities” means the family strengths or resources that reduce, control, or prevent risks from arising or from having an unsafe impact on a child.

“Risk” means the probability or likelihood that a child will experience maltreatment.

“Safe” means that no signs of present or impending danger to a child are identified or that one or more signs of present or impending danger are identified but the child’s degree of vulnerability or the caregiver’s protective capacities offset the current threat. The child is not likely to be in imminent danger of maltreatment.

“SafeCare®” means an evidence-based training curriculum for parents who are at risk or have been reported for child abuse. Through SafeCare®, parents receive weekly home visits to improve skills in several areas, including home safety, health care, and parent-child interaction.

“Safety plan service” means a service that is designed to monitor the safety of a child during the agency’s child protective assessment or child in need of assistance assessment process.

“Service area manager” means the agency official responsible for managing the agency’s programs, operations, and budget within one of the agency service areas.

“Solution Based Casework®” or “SBC” means an evidence-based, family-centered model of child welfare assessment, case planning, and ongoing casework. The goal of SBC is to work in partnership with the family to help identify the family’s strengths, to focus on everyday life events, and to help the family build the skills necessary to manage difficult situations.

ITEM 8. Amend rule 441—172.2(234) as follows:

441—172.2(234) Purpose and scope. Family-centered child welfare services are designed to achieve for the child, parent, or kinship caregiver of the child when the needs of the child, parent, or kinship caregiver for the services are directly related to the safety, permanency, and or well-being for children of the child, or to preventing the child from entering foster care. The outcome of the services may be to maintain the child with a parent or in the home of the kinship caregiver, to reunify the child safely with a parent or kinship caregiver, or to achieve permanent family connections for the child.

172.2(1) Family-centered child welfare services provide interventions and supports for based on identified needs of children who and families that have come to the agency’s attention because of:

a. Allegations of child abuse Evaluation of the findings of a child abuse assessment report and the family’s risk assessment score; or

b. Juvenile court action to adjudicate the child as a child in need of assistance. The child’s adjudication as a child in need of assistance pursuant to Iowa Code section 232.2; or

c. The child’s placement out of home under the agency’s care and supervision.

172.2(2) Family-centered child welfare services shall be designed to:

a. Identify and build on the family’s strengths and enhance the family’s protective capacities;

b. Address the risk factors that affect the child’s safety, permanency, and well-being; and

c. Help the Strengthen family become connected with connections to community resources and informal support systems in order to promote greater self-reliance; and

d. Remain culturally competent and respectful of the family’s cultural, ethnic, and racial identity and values.

172.2(3) Family-centered ~~child welfare~~ services shall utilize evidence-based interventions to the greatest possible extent.

172.2(4) Family-centered services shall include the following persons:

- a. A child eligible for services under this rule, as defined by the agency;
- b. Any sibling of that child who resides in the same household at the time of service referral or moves into the household during the service delivery period; and
- c. A parent, stepparent, or kinship caregiver of the child.

172.2(5) Family-centered services shall include SBC for agency child welfare service cases and non-agency-involved cases when criteria in subrule 172.2(1) are met.

172.2(6) Based on child and family needs, a child and family with an open agency child welfare service case that are receiving SBC may also be approved to receive the following additional services, which are referred separately:

- a. SafeCare®.
- b. Family preservation services.
- c. Family team decision-making (FTDM) and youth transition decision-making (YTDM) meeting facilitation.

172.2(7) Case management. During the time that a child and the child's family are approved to receive family-centered services on an open agency child welfare service case, the agency worker shall be responsible for maintaining contact with the child and family to ensure that:

- a. The factors that present risks of harm to the safety and well-being of all children in the family are being adequately addressed; and
- b. Services and supports are in place to achieve the child's permanency goal.

ITEM 9. Amend rule 441—172.3(234) as follows:

441—172.3(234) Authorization. When the agency has approved provision of family-centered ~~child welfare~~ services for a child and family, the agency worker shall notify the contractor by issuing the referral and authorization for child welfare services form. This ~~referral~~ authorization form shall indicate:

- 1. The specific service category authorized (~~safety plan; family safety, risk, and permanency~~); and
- 2. The duration of the authorization.

ITEM 10. Rescind and reserve rule **441—172.4(234)**.

ITEM 11. Rescind and reserve rule **441—172.6(234)**.

ITEM 12. Rescind **441—Chapter 172, Division II**, heading.

ITEM 13. Rescind **441—Chapter 172, Division II**, chapter preamble.

ITEM 14. Rescind rules **441—172.10(234)** to **441—172.15(234)**.

ITEM 15. Rescind **441—Chapter 172, Division III**, heading.

ITEM 16. Rescind **441—Chapter 172, Division III**, chapter preamble.

ITEM 17. Rescind rules **441—172.20(234)** to **441—172.25(234)**.

ITEM 18. Rescind **441—Chapter 172, Division IV**, heading.

ITEM 19. Rescind **441—Chapter 172, Division IV**, chapter preamble.

ITEM 20. Rescind rules **441—172.30(234)** to **441—172.34(234)**.

ITEM 21. Rescind the definition of "Community care" in rule **441—175.21(232,235A)**.

ITEM 22. Rescind and reserve **441—Chapter 186**.