

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to extended services
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 187, “Aftercare Services Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 234.46.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 234.46.

Purpose and Summary

The Aftercare Services Program, including the Preparation for Adult Living (PAL) financial component, helps youth who were formerly in foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center enter adulthood with ongoing services and supports. Contracted support provides case management, life skills training, and financial supports for housing, transportation, clothing, food and other costs related to the participants’ self-sufficiency plan. This program serves youth up to the age of 23.

Under 2020 Iowa Acts, House File 2220, youth who age out of relative foster care may receive the same financial support under the PAL program as youth who leave from State-paid care. This proposed rule making implements this change. This change is consistent with the spirit of the federal Family First Prevention Services Act and the Department’s efforts to help families take care of their own families.

Additionally, to align the term “postservices” with current practice, this proposed rule making changes the term to “extended services.”

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

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 December 8, 2020. Comments should be directed to:

Nancy Freudenberg
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 **187.2(3)“c”** as follows:

c. Postservices Extended services. The youth must meet eligibility requirements for ~~postservices~~ extended services as described below:

- (1) The youth resides in Iowa; and
- (2) The youth is 21 or 22 years of age; and
- ~~(2)~~ (3) The youth was served by the aftercare services program prior to the age of 21; and
- ~~(3)~~ (4) The youth has access to funding for ~~postservices~~ extended services provided in contract that has not been fully expended for the contract year.

ITEM 2. Amend subrule 187.3(3) as follows:

187.3(3) *Postservices Extended services.* ~~Posttransition service~~ Extended services may be provided to youth, as described in paragraph 187.2(3)“c,” and may include, but is are not limited to, life skills training, periodic check-in, referrals to needed services, and limited payments to youth. Funds, limited to an annual per-participant amount identified in the contract, may be provided to a former aftercare services participant. Prior to receiving available funds, the youth is required to meet with the advocate and discuss the reason the youth is accessing funds and prior efforts to meet the need. The youth may also be asked to provide documentation of income.

ITEM 3. Amend paragraph **187.3(5)“a”** as follows:

a. To receive a vendor payment, the youth must demonstrate that there are no other means to meet the needs that would be covered by the vendor payment. The youth shall contribute toward the cost of meeting the identified need, to the extent the youth is able. A youth receiving a preparation for adult living (PAL) stipend, preservices or ~~postservices~~ extended services is not eligible for a vendor payment.

ITEM 4. Amend paragraph **187.3(6)“a”** as follows:

- a.* To be eligible for the PAL stipend, the youth must:
- (1) Meet eligibility requirements in Iowa Code section 234.46 and rule 441—187.2(234); and
 - (2) Have been placed out of home in ~~paid~~ foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center as identified by Iowa Code chapter 232 on the youth’s eighteenth birthday and have exited after having been in any combination of the same services in at least 6 of the 12 months before leaving placement; and
 - (3) Be ineligible for voluntary foster care placement, due to one of the following:

1. The youth has a high school diploma or equivalent, or
2. The youth has reached 20 years of age, or
3. The youth became eligible for aftercare services due to exiting the Iowa state training school or an Iowa detention center, or
4. The youth became eligible for aftercare services due to exiting court-ordered care in accordance with Iowa Code chapter 232 by a relative or another person with a significant relationship with the youth.

ITEM 5. Amend subrule 187.3(7) as follows:

187.3(7) ~~Postservices~~ Extended services allowance. Youth 21 or 22 years of age who previously received aftercare services may receive ~~postservices~~ extended services funds if they meet all of the following criteria:

- a. The youth is participating in ~~postservices~~ extended services as described in subrule 187.3(3).
- b. A budget discussion has been completed timely by the youth with a self-sufficiency advocate.
- c. The need has been identified in the individual self-sufficiency plan.
- d. The ~~postservices~~ extended services funds approved for the youth have not exceeded \$300 for a three-month period calculated from the date of initiation of ~~postservices~~ extended services.