

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services amends Chapter 204, "Subsidized Guardianship Program," Iowa Administrative Code.

These amendments end the subsidized guardianship program currently administered under a federal waiver demonstration project. Public Law 110-351, the Fostering Connections to Success and Increasing Adoptions Act of 2008, makes federal funding available under Title IV-E of the Social Security Act for an ongoing guardianship subsidy program. The Act also states that guardianship subsidy agreements entered into after September 28, 2008, under a demonstration project are no longer eligible for federal IV-E matching funds.

The Department proposed rule amendments to switch from the demonstration waiver to an ongoing program and notified the federal government that Iowa's demonstration project would end on February 1, 2010. (Notice of Intended Action on those amendments was published in the Iowa Administrative Bulletin on September 23, 2009, as ARC 8183B.) Subsequently, the Department determined that it has insufficient resources to implement a subsidized guardianship program under the federal Act. Rule-making proceedings were terminated in a Notice of Termination published on March 10, 2010, as ARC 8613B.

These amendments end a permanency option available to children in foster care who were randomized into the experimental group under the demonstration project. Guardianship subsidy agreements in place based on a valid application signed before August 31, 2010, will be honored until grounds for termination of the subsidy exist, as specified in Chapter 204.

These amendments do not provide for waivers in specified situations because no federal funding is available to the Department to continue this program. The Department's authorization to implement the program (contained in 2006 Iowa Acts, chapter 1184, section 17, subsection 10) was conditional on the availability of federal funds.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on April 21, 2010, as ARC 8701B. The Department received no comments on the Notice of Intended Action. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on June 9, 2010.

These amendments are intended to implement Iowa Code section 234.6.

These amendments shall become effective on August 4, 2010.

The following amendments are adopted.

ITEM 1. Amend 441—Chapter 204, Preamble, as follows:

PREAMBLE

This chapter ~~implements~~ implemented a five-year demonstration waiver project for a subsidized guardianship program to provide financial assistance to guardians of eligible children who are not able to be adopted and who are not able to return home. ~~The purpose of the project is to test new approaches to service delivery for improving outcomes for children and families and to allow children a more permanent placement than they have in foster care.~~ Notification has been given to the United States Department of Health and Human Services that the demonstration project will end effective September 1, 2010. A subsidized guardianship agreement authorized under this chapter will remain in effect until the agreement is terminated under the terms of this chapter.

~~Eligible children will be randomly assigned to a control group or to an experimental group. Children assigned to the control group will not be eligible to receive subsidized guardianship. Children assigned to the experimental group will be eligible to receive subsidized guardianship if all other conditions are met. This waiver project may be extended or renewed after the five years through reauthorization by the federal government.~~

ITEM 2. Rescind rule 441—204.3(234) and adopt the following **new** rule in lieu thereof:

441—204.3(234) Application. Applications for the subsidized guardianship program shall not be accepted after August 31, 2010.

ITEM 3. Amend rule 441—204.6(234), introductory paragraph, as follows:

441—204.6(234) Termination of subsidy. A guardianship subsidy agreement negotiated based on an application signed on or before August 31, 2010, shall remain in effect until the subsidy is terminated based on one of the grounds listed in this rule. The subsidy shall terminate when any of the following occur, and a notice shall be sent which states the reason for the termination:

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/30/10.