

CHAPTER 1229**HUMAN SERVICES PROGRAMS AFFECTING CHILDREN AND MEDICAL ASSISTANCE***H.F. 2480*

AN ACT relating to department of human services' programs involving child and family services, juvenile justice, foster care, and medical assistance and providing applicability provisions and an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 217.12, subsection 4, Code 1991, is amended to read as follows:

4. In cooperation with the legislative fiscal bureau, develop measures to independently evaluate the effectiveness of any demonstration program funded, that include measurement of the program's effectiveness in meeting its goals in a quantitative sense through reduction in length of stay on welfare programs or a reduced need for other state child and family welfare services. Families referred to the demonstration programs shall be randomly selected from those meeting the criteria established in the demonstration programs as being at risk, ~~and all families meeting the criteria shall be monitored to determine the effect of the demonstration programs in changing the status of the families selected compared with those not selected.~~

Sec. 2. Section 222.31, unnumbered paragraph 1, Code 1991, is amended to read as follows:

If in the opinion of the court, or of a commission as authorized in section 222.28, the person is mentally retarded within the meaning of this chapter and the court determines that it will be conducive to the welfare of that person and of the community to commit the person to a proper institution for treatment, training, instruction, care, habilitation, and support, and that services or support provided to the family of such a person who is a child will not enable the family to continue to care for the child in the child's home, the court shall by proper order:

Sec. 3. Section 232.52, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Notwithstanding subsection 2, the court shall not order group foster care placement of the child which is a charge upon the state if that placement is not in accordance with the regional plan for group foster care established pursuant to section 232.143 for the departmental region in which the court is located.

Sec. 4. Section 232.71, subsections 10 and 13, Code 1991, are amended to read as follows:

10. Based on the investigation conducted pursuant to this section, the department shall offer to the family of any child believed to be the victim of abuse such services as are available and appear appropriate for either the child, the family, or both, if it is explained that the department has no legal authority to compel ~~such~~ the family to receive such accept the services.

13. The department of human services shall provide for or arrange for and monitor rehabilitative services for abused children and their families on a voluntary basis or under a final or intermediate order of the juvenile court. The department shall adopt rules defining services which the local planning groups authorized to develop plans may recommend.

Sec. 5. Section 232.102, Code Supplement 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. The court shall not order group foster care placement of the child which is a charge upon the state if that placement is not in accordance with the regional plan for group foster care established pursuant to section 232.143 for the departmental region in which the court is located.

NEW SUBSECTION. 9. a. As used in this section, "reasonable efforts" means the efforts made to prevent or eliminate the need for removal of a child from the child's home. Reasonable efforts may include intensive family preservation services or family-centered services, if the child's safety in the home can be maintained during the time the services are provided. In determining whether reasonable efforts have been made, the court shall consider both of the following:

(1) The type, duration, and intensity of services or support offered or provided to the child and the child's family.

(2) The relative risk to the child of remaining in the child's home versus removal of the child.

b. As used in this section:

(1) "Intensive family preservation services" means services provided to a family with a child who is at imminent risk of out-of-home placement. The services are designed to address any problem creating the need for out-of-home placement and have the following characteristics: are persistently offered but provided at the family's option; are provided in the family's home; are available twenty-four hours per day; provide a response within twenty-four hours of the initial contact for assistance; have worker caseloads of not more than two through four families per worker at any one time; are provided for a period of four to six weeks; and provide funding in order to meet the special needs of a family.

(2) "Family-centered services" means services which utilize a comprehensive approach to addressing the problems of individual family members, whether or not the problems are integrally related to the family, within the context of the family. Family-centered services are adapted to the individual needs of a family in the intensity and duration of service delivery and are intended to improve overall family functioning.

Sec. 6. Section 232.117, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 3A. The court shall not order group foster care placement of the child which is a charge upon the state if that placement is not in accordance with the regional plan for group foster care established pursuant to section 232.143 for the departmental region in which the court is located.

Sec. 7. Section 232.127, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 7A. The court shall not order group foster care placement of the child which is a charge upon the state if that placement is not in accordance with the regional plan for group foster care established pursuant to section 232.143 for the departmental region in which the court is located.

Sec. 8. Section 232.141, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 8. If the department's reimbursement for the allowable costs of a child's shelter care placement exceeds the amount the department is authorized to pay in accordance with law and administrative rule, the unpaid costs may be recovered from the child's county of legal settlement. The unpaid costs are payable pursuant to filing of verified claims against the county of legal settlement. A detailed statement of the facts upon which a claim* is based shall accompany the claim. Any dispute between counties arising from filings of claims pursuant to this subsection shall be settled in the manner provided to determine legal settlement in section 230.12.

Sec. 9. Section 232.142, subsection 3, Code Supplement 1991, is amended to read as follows:
3. A county or multicounty juvenile detention home approved pursuant to this section shall receive financial aid from the state in a manner approved by the director. Aid paid by the state shall be at least ten percent and not more than fifty percent of the total cost of the establishment, improvements, operation, and maintenance of the home.

Sec. 10. NEW SECTION. 232.143 REGIONAL GROUP FOSTER CARE TARGET.

1. A statewide target for the average number of children in group foster care placements on any day of a fiscal year, which placements are a charge upon or are paid for by the state, shall be established annually by the general assembly. The department and the judicial department shall jointly develop a formula for allocating a portion of the statewide target established by the general assembly to each of the department's regions. The formula shall be based upon the region's proportion of the state population of children and of the statewide number of children placed in group foster care in the previous five completed fiscal years. The number determined in accordance with the formula shall be the group foster care placement target for that region.

*According to enrolled Act

2. For each of the department's regions, representatives appointed by the department and the juvenile court shall establish a plan for containing the number of children placed in group foster care ordered by the court within the target allocated to that region pursuant to subsection 1. The plan shall include monthly targets and strategies for developing alternatives to group foster care placements in order to contain expenditures for services provided to children within the amount appropriated by the general assembly for that purpose. Each regional plan shall be established in advance of the fiscal year to which the regional plan applies. To the extent possible, the department and the juvenile court shall coordinate the planning required under this subsection with planning for services paid under section 232.141, subsection 4. The department's regional administrator shall communicate regularly, as specified in the regional plan, with the juvenile courts within that region concerning the current status of the regional plan's implementation.

3. State payment for group foster care placements shall be limited to those placements which are in accordance with the regional plans developed pursuant to subsection 2.

Sec. 11. Section 232.175, Code 1991, is amended to read as follows:

232.175 PURPOSE AND POLICY PLACEMENT OVERSIGHT.

It is the purpose and policy of this division to provide court Placement oversight for placements that involve a handicapped child placed voluntarily in foster care by the child's parent or guardian, shall be provided pursuant to this division when the parent, guardian, or custodian of a child with mental retardation or other developmental disability requests placement of the child for a period of more than thirty days. The oversight shall be provided through review of the voluntary placements placement every six months by the department's foster care review committees or by a local foster care review board. Court oversight shall be provided prior to the initial placement and at periodic intervals which shall not exceed eighteen months. It is the purpose and policy of this division to assure the additional safeguard of court oversight existence of oversight safeguards as required by the federal Child Welfare Act of 1980, Pub. L. No. 96-272, as codified in 42 U.S.C. § 671(a)(16), 627(a)(2)(B), and 675(1),(5), while maintaining parental decision-making authority.

Sec. 12. Section 232.178, subsections 1, 3, and 4, Code 1991, are amended to read as follows:

1. The For a placement initiated on or after July 1, 1992, the department shall file a petition to initiate a voluntary placement proceeding prior to the child's placement in accordance with criteria established pursuant to the federal Child Welfare Act of 1980, Pub. L. No. 96-272, as codified in 42 U.S.C. § 627(a). For a placement initiated before July 1, 1992, the department shall file a petition to approve placement on or before September 1, 1992.

3. The petition shall state the names and residence of the child and the child's living parents, guardian, custodian, and guardian ad litem, if any, and the age of the child; and the length of time the child has been in foster care.

4. The petition shall allege that the child is placed in foster care on the basis of a signed voluntary placement agreement between the department and the child's parent or guardian; that the child has an describe the child's emotional, physical, or intellectual handicap disability which requires care and treatment; that the child's parent or guardian has demonstrated a willingness to fulfill the reasonable efforts to maintain the child in the child's home; the department's request to the family of a child with mental retardation, other developmental disability, or organic mental illness to determine if any services or support provided to the family will enable the family to continue to care for the child in the child's home; and the reason the child's parent, guardian, or custodian has requested a foster care placement. The petition shall also describe the commitment of the parent, guardian, or custodian in fulfilling the responsibilities to the child as defined in the case permanency plan; and that how the voluntary placement is in will serve the child's best interests.

Sec. 13. Section 232.181, Code 1991, is amended to read as follows:

232.181 SOCIAL HISTORY REPORT.

Upon the filing of a petition, the department shall submit a social history report regarding the child and the child's family. The report shall include a description of the child's handicap

disability and resultant functional limitations, the case permanency plan, a description of the proposed foster care placement, and a description of parental family participation in developing the child's case permanency plan and the parent's compliance with commitment of the parent, guardian, or custodian in fulfilling the responsibilities to the child as defined in the plan.

Sec. 14. Section 232.182, subsections 5 and 6, Code 1991, are amended to read as follows:

5. After the hearing is concluded, the court shall make and file written findings as to whether reasonable efforts, as defined in section 232.102, subsection 9, have been made and whether the voluntary foster care placement is in the child's best interests. The court shall determine that voluntary order foster care placement is in the child's best interests if the court finds that both all of the following conditions exist:

a. The child has an emotional, physical, or intellectual handicap disability which requires care and treatment.

b. The child's parent, or guardian, or custodian has demonstrated a willingness or ability to fulfill the responsibilities to the child as defined in the case permanency plan.

c. Reasonable efforts have been made and the placement is in the child's best interests.

d. A determination that services or support provided to the family of a child with mental retardation, other developmental disability, or organic mental illness will not enable the family to continue to care for the child in the child's home.

If the court finds that reasonable efforts have not been made and that services or support are available to prevent the placement, the court may order the services or support to be provided to the child and the child's family. If the court finds that the foster care placement is necessary and the child's parent, guardian, or custodian has not demonstrated a commitment to fulfill the responsibilities defined in the child's case permanency plan, the court shall cause a child in need of assistance petition to be filed.

6. The hearing may be waived and the court may issue the findings and order required under subsection 5 on the basis of the department's written report if all parties agree to the hearing's waiver and the department's written report.

Sec. 15. Section 232.182, Code 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. If the court orders placement of the child into foster care, the court shall establish a support obligation for the costs of the placement pursuant to section 234.39.

NEW SUBSECTION. 7. The court shall not order group foster care placement of the child which is a charge upon the state if that placement is not in accordance with the regional plan for group foster care established pursuant to section 232.143 for the departmental region in which the court is located.

Sec. 16. Section 232.183, subsections 2 and 5, Code 1991, are amended to read as follows:

2. The dispositional hearing shall be held within eighteen months of the date the child was placed in foster care. The dispositional hearing may be held in conjunction with the initial determination hearing.

5. Following the hearing, the court shall issue a dispositional order. The dispositional orders which the court may enter, subject to its continuing jurisdiction, are as follows:

a. An order that the child's voluntary placement shall be terminated and the child returned to the child's home and provided with available services and support needed for the child to remain in the home.

b. An order that the child's voluntary placement may continue if the department and the child's parent or guardian continue to agree to the voluntary placement.

c. ~~A~~ If the court finds that the child's parent, guardian, or custodian has failed to fulfill responsibilities outlined in the case permanency plan, an order that the child remain in foster care and that the county attorney or department file, within three days, a petition alleging the child to be a child in need of assistance.

Sec. 17. NEW SECTION. 232.187 REGIONAL OUT-OF-STATE PLACEMENT COMMITTEES.

1. DUTIES. The department of human services and the judicial department shall jointly establish one or more out-of-state placement committees in each departmental region to review the cases of children who are placed outside the children's homes, in an out-of-state group foster care placement which is more than one hundred twenty-five miles from a child's home. It is the intent of the general assembly that by June 30, 1994, the review committees will reduce the number of children placed in out-of-state group foster care placements by twenty-five percent from the number of those placements in the fiscal year beginning July 1, 1991. A review committee shall perform all of the following activities:

- a. Consult with the local experts in reforming youth services.
- b. Seek to develop services and use of wrap-around services as alternatives to out-of-state placements. For the purposes of this paragraph, "wrap-around services" means coordinated, highly individualized and community-based services directed to the basic human needs of a child and the child's family which are developed and approved by an interdisciplinary team and focused upon the strengths of the child and the child's family.
- c. Meet as necessary to review cases of children who are being referred to an out-of-state placement.
- d. Require the presence or testimony of the persons associated with the referral of the child to an out-of-state placement as appropriate for the committee to make findings and recommendations.
- e. Make findings and recommendations to the court within ten working days of referral of a child to an out-of-state placement. The department or the juvenile court officer associated with the referral of a child to an out-of-state placement shall report to the court the findings and recommendations of the committee prior to the court making a disposition. A committee shall not recommend out-of-state placement of a child unless committee members representing both the department and the court are present at the meeting in which the recommendation is considered and a majority of the members present approve of the recommendation.
- f. The department shall not pay the cost of an out-of-state group foster care placement which is more than one hundred twenty-five miles from a child's home without a review committee recommending the out-of-state group foster care placement.
- g. Report annually to the child welfare task force created in Senate File 2355,* if enacted by the Seventy-fourth General Assembly, 1992 Session, concerning the committee's progress in reducing out-of-state placements.

2. MEMBERSHIP. The membership of a review committee shall consist of representatives of the department appointed by the department's regional administrator and representatives of the juvenile court appointed by the chief juvenile court officer of each judicial district within the departmental region. The department and the judicial department shall appoint additional members to ensure at least one representative for each of the following areas of expertise: child welfare, education, juvenile justice, and mental health, mental retardation or other developmental disabilities.

Sec. 18. NEW SECTION. 232.188 DECATEGORYIZATION OF CHILD WELFARE FUNDING.

1. Decategorization of child welfare funding is intended to establish a system of delivering human services based upon client needs to replace a system based upon a multitude of categorical programs and funding sources, each with different service definitions and eligibility requirements. The purposes of decategorization include but are not limited to redirecting child welfare funding to services which are more preventive, family-centered, and community-based in order to reduce use of restrictive approaches which rely upon institutional, out-of-home, and out-of-community services.

2. In partnership with an interested county or group of counties which has demonstrated the commitment and involvement of the affected county department of human services, juvenile court system, and board of supervisors, the department shall develop agreements providing

*Chapter 1241 herein

for the decategorization of specific state and state-federal funding categories into a child welfare funding pool for that county or group of counties. A decategorization agreement shall require the decategorization program to be implemented by a decategorization governance board. The decategorization governance board shall develop specific, quantifiable short-term and long-term plans for enhancing the county's or group of counties' family-centered and community-based services and reducing reliance upon out-of-community care. The affected service systems shall include child welfare and juvenile justice systems. A decategorization agreement may vary depending upon the approaches selected by the county or group of counties which shall be detailed in an annual child welfare services plan developed by the decategorization governance board. A decategorization governance board shall involve community representatives and county organizations in the development of the plan.

3. The child welfare funding pool shall be used by the county or group of counties to provide more flexible, individualized, family-centered, preventive, community-based, comprehensive, and coordinated service systems for children and families served in that area. The decategorization of the funding shall not limit the legal rights of those children and families to services, but shall provide more flexibility to the partnership county or counties in responding to individual and family needs.

4. In a decategorization agreement, the department and the county's or group of counties' decategorization governance board shall agree on all of the following items: the governance relationship between the department and the decategorization governance board; the respective areas of autonomy of the department and the board; the budgeting structure for the decategorization; and a method for resolving disputes between the department and the board. The decategorization agreement shall require the department and the decategorization governance board to agree upon a budget on or before June 15 of the fiscal year preceding the fiscal year to which the budget applies. The budget may later be modified to reflect new or changed circumstances.

5. The state shall provide incentives for a county or counties to participate in a decategorization agreement while maintaining an expectation that the service outcomes for children and families can be improved by the funding flexibility, and the redeployment of funding currently available for services within the system. Moneys in the child welfare funding pool established for a county or group of counties participating in a decategorization agreement which remain unobligated or unexpended at the end of a fiscal year shall remain available to the county or group of counties during the succeeding fiscal year to finance other child welfare service enhancements.

6. Initially the department shall work with the five counties previously authorized under law to enter into decategorization agreements with the state. At a minimum, any of those counties may elect to use funding for foster care, family-centered services, subsidized adoption, child day care, local purchase of service, state juvenile institution care, juvenile detention, department direct services, and court-ordered services for juveniles in the child welfare fund established for that county.

7. The annual child welfare services plan developed by a decategorization governance board pursuant to subsection 2 shall be submitted to the department and the statewide decategorization and family preservation committee. In addition, the board shall submit an annual progress report to the department and the committee which summarizes the progress made toward attaining the objectives contained in the plan. The progress report shall serve as an opportunity for information sharing and feedback.

Sec. 19. NEW SECTION. 232.189 REASONABLE EFFORTS ADMINISTRATIVE REQUIREMENTS.

Based upon a model reasonable efforts family court initiative, the director of human services and the chief justice of the supreme court or their designees shall jointly establish and implement a statewide protocol for reasonable efforts to prevent or eliminate the need for placement of a child outside the child's home. In addition, the director and the chief justice shall design and implement a system for judicial and departmental reasonable efforts education for deployment throughout the state.

Sec. 20. Section 234.1, subsection 4, unnumbered paragraph 1, Code 1991, is amended to read as follows:

"Child" means either a person less than eighteen years of age or a person eighteen, or nineteen ~~or twenty~~ years of age who meets any of the following conditions:

Sec. 21. Section 234.6, subsection 6, paragraphs c and f, Code 1991, are amended by striking the paragraphs and inserting in lieu thereof the following:

c. Intensive family preservation services and family-centered services, as defined in section 232.102, subsection 9, paragraph "b".

f. Services or support provided to a child with mental retardation or other developmental disability or to the child's family, either voluntarily by the department of human services or in accordance with a court order entered under section 222.31 or 232.182, subsection 5.

Sec. 22. Section 234.6, subsection 6, paragraph g, Code 1991, is amended by striking the paragraph.

Sec. 23. Section 234.6, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 10. In determining the reimbursement rate for services purchased by the department of human services from a person or agency, the department shall not include private moneys contributed to the person or agency unless the moneys are contributed for services provided to a specific individual.

Sec. 24. NEW SECTION. 234.8 FEES FOR CHILD WELFARE SERVICES.

The department of human services may charge a fee for child welfare services to a person liable for the cost of the services. The fee shall not exceed the reasonable cost of the services. The fee shall be based upon the person's ability to pay and consideration of the fee's impact upon the liable person's family and the goals identified in the case permanency plan. The department may assess the liable person for the fee and the means of recovery shall include a setoff against an amount owed by a state agency to the person assessed pursuant to section 421.17, subsection 29. In addition the department may establish an administrative process to recover the assessment through automatic income withholding. The department shall adopt rules pursuant to chapter 17A to implement the provisions of this section. This section does not apply to court-ordered services provided to juveniles which are a charge upon the state pursuant to section 232.141 and services for which the department has established a support obligation pursuant to section 234.39.

Sec. 25. Section 234.35, Code 1991, is amended to read as follows:

234.35 WHEN STATE TO PAY FOSTER CARE COSTS.

1. The department of human services ~~shall be~~ is responsible for paying the cost of foster care for a child, according to rates established pursuant to section 234.38, under any of the following circumstances:

1 a. When a court has committed the child to the director of human services or the director's designee.

2 b. When a court has transferred legal custody of the child to the department of human services.

3 c. When the department has agreed to provide foster care services for the child for a period of not more than thirty days on the basis of a signed placement agreement between the department and the child's parent or guardian initiated on or after July 1, 1992.

4 d. When the child has been placed in emergency care for a period of not more than thirty days upon approval of the director or the director's designee.

5 e. When a court has entered an order transferring the legal custody of the child to a foster care placement pursuant to section 232.52, subsection 2, paragraph "d", or section 232.102, subsection 1. However, payment for a group foster care placement shall be limited to those placements which conform to a regional group foster plan established pursuant to section 232.143.

f. When the department has agreed to provide foster care services for a child who is eighteen years of age or older on the basis of a signed placement agreement between the department and the child or the person acting on behalf of the child.

g. When the department has agreed to provide foster care services for the child on the basis of a signed placement agreement initiated before July 1, 1992, between the department and the child's parent or guardian.

h. When the child is placed in shelter care pursuant to section 232.20, subsection 1, or section 232.21.

i. When the court has entered an order in a voluntary foster care placement proceeding pursuant to section 232.182, subsection 5, placing the child into foster care.

2. Except as provided under section 234.38 for direct payment of foster parents, payment for foster care costs shall be limited to foster care providers with whom the department has a contract in force.

3. The department shall not pay for an out-of-state foster care placement of a child which is more than one hundred twenty-five miles from the child's home unless the placement is approved by an out-of-state placement committee established pursuant to section 232.187.

4. Payment for foster care services provided to a child who is eighteen years of age or older shall be limited to the following:

a. For a child who is eighteen years of age, family foster care or independent living arrangements.

b. For a child who is nineteen years of age, independent living arrangements.

c. For a child who is at imminent risk of becoming homeless or failing to graduate from high school or to obtain a graduate equivalency diploma, if the services are in the child's best interests, funding is available for the services, and an appropriate alternative service is unavailable.

Sec. 26. Section 234.38, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

234.38 FOSTER CARE REIMBURSEMENT RATES.

1. The department of human services shall make reimbursement payments directly to foster parents for services provided to children pursuant to section 234.6, subsection 6, paragraph "b", or section 234.35. For each of the following fiscal years, the reimbursement rate shall be based upon the indicated percentage of the United States department of agriculture estimate of the cost to raise a child in the calendar year immediately preceding the indicated fiscal year: 1992-1993, sixty-five percent; 1993-1994, seventy-five percent; and 1994-1995 and subsequent fiscal years, eighty percent. The department may pay an additional stipend for a child with special needs.

2. For fiscal years beginning on or after July 1, 1993, the department shall reimburse foster group care facilities, as defined under section 237.3, subsection 2, paragraph "a", subparagraphs (1) through (4) and (6), and shelter care facilities approved under section 232.142 at one hundred percent of the cost of maintenance as specified in Pub. L. No. 96-272, as codified in 42 U.S.C. § 475(4), not to exceed the maximum allowable reimbursement rate authorized for foster group care. The service portion of the reimbursement rate shall be negotiated between the department and the facility and specified in a purchase of service agreement. Reimbursement payments made under this subsection shall use rates which are based upon reasonable and necessary costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal requirements, and quality and safety standards, and to ensure that individuals eligible for the services have reasonable access to services of adequate quality.

Sec. 27. Section 234.39, subsections 1 and 2, Code 1991, are amended to read as follows:

1. For an individual to whom section 234.35, subsection 2, ~~4, or 5~~ 1, is applicable, a dispositional order of the juvenile court requiring the provision of foster care shall establish, after notice and a reasonable opportunity to be heard is provided to a parent or guardian, the amount of the parent's or guardian's support obligation for the cost of foster care provided by the department, if a support obligation has not previously been established under an order of the district court or court of comparable jurisdiction in another state. The court shall establish the amount of the parent's or guardian's support obligation and the amount of support debt accrued and

accruing in accordance with the child support guidelines prescribed under section 598.21, subsection 4. However, the court may adjust the prescribed obligation after considering a recommendation by the department for expenses related to goals and objectives of a case permanency plan as defined under section 237.15. The order shall direct the payment of the support obligation to the collection services center for the use of the department's foster care recovery unit. The order shall be filed with the clerk of the district court in which the responsible parent or guardian resides and has the same force and effect as a judgment when entered in the judgment docket and lien index. The collection services center shall disburse the payments pursuant to the order and enter the disbursements in a record book. If payments are not made as ordered, the child support recovery unit shall certify a default to the court and the court may, on its own motion, proceed under section 598.22 or 598.23. An order entered under this subsection may be modified only in accordance with the guidelines prescribed under section 598.21, subsection 8.

2. For an individual who is served by the department of human services under section 234.35, subsection 3, and is not subject to a dispositional order of the juvenile court requiring the provision of foster care, the department shall determine the obligation of the individual's parent or guardian in accordance with the child support guidelines prescribed under section 598.21, subsection 4. However, the department may adjust the prescribed obligation for expenses related to goals and objectives of a case permanency plan as defined under section 237.15. An obligation determined under this subsection may be modified only in accordance with conditions under section 598.21, subsection 8.

Sec. 28. Section 235.1, unnumbered paragraph 2, Code 1991, is amended to read as follows: "Child welfare services" means social welfare services for the protection and care of children who are homeless, dependent or neglected, or in danger of becoming delinquent, or who have a mental illness or mental retardation or other developmental disability, including, when necessary, care and maintenance in a foster care facility. Child welfare services are designed to serve a child in the child's home whenever possible. If not possible, and the child is placed outside the child's home, the placement should be in the least restrictive setting available and in close proximity to the child's home.

Sec. 29. Section 249A.4, unnumbered paragraph 1, and subsections 1, 2, and 9, Code Supplement 1991, are amended to read as follows:

The director shall be responsible for the effective and impartial administration of this chapter and shall, in accordance with the standards and priorities established by this chapter, by applicable federal law, by the regulations and directives issued pursuant to federal law, by applicable court orders, and by the state plan approved in accordance with federal law, make rules, establish policies, and prescribe procedures to implement this chapter. Without limiting the generality of the foregoing delegation of authority, the director is hereby specifically empowered and directed to:

1. Determine the greatest amount, duration, and scope of assistance which may be provided, and the broadest range of eligible individuals to whom assistance may effectively be provided, under this chapter within the limitations of available funds. In so doing, the director shall at least every six months evaluate the scope of the program currently being provided under this chapter, project the probable cost of continuing a like program, and compare such the probable cost with the remaining balance of the state appropriation made for payment of assistance under this chapter during the current appropriation period; and expand or curtail the program accordingly; provided that reimbursement for medical and health services shall be made in accordance with subsection 9. After each evaluation of the scope of the program, the director shall report to the general assembly through the legislative council or in another manner as the general assembly may by resolution direct.

2. Have authority to determine, when available funds permit expansion of the program provided under this chapter beyond the minimum scope required by subsection 1 of this section, whether priority shall be given to providing additional medical assistance to the individuals

and families described in section 249A.3, subsection 1, or to providing medical assistance to some or all of the individuals and families described in section 249A.3, subsection 2, unless the general assembly has by law made such determination.

9. Determine Adopt rules pursuant to chapter 17A in determining the method and level of reimbursement for all medical and health services referred to in section 249A.2, subsection 1 or 7, after considering all of the following:

- a. The promotion of efficient and cost-effective delivery of medical and health services.
- b. Compliance with federal law and regulations.
- c. The level of state and federal appropriations for medical assistance.
- d. Reimbursement at a level as near as possible to actual costs and charges after priority is given to the considerations in paragraphs "a", "b", and "c".

Sec. 30. Section 249A.4, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 14. A medical assistance copayment shall only be applied to those services and products specified in administrative rules of the department in effect on February 1, 1991, which under federal medical assistance requirements, are provided at the option of the state.

Sec. 31. CHILD WELFARE PLANNING REQUIREMENTS.

1. The division of adult, children, and family services of the department of human services shall hold public hearings across the state to obtain comments, recommendations, and suggestions concerning all of the following child welfare public policy proposals:

- a. The effects of removing foster care placement options currently available for persons who are 18 years of age or older and are eligible for children's services.
- b. The effects of requiring court approval for voluntary foster care placements prior to the child's removal from the child's home.
- c. Identification of the child and family services which are and are not appropriate for state funding.
- d. Identification of the appropriate eligibility requirements for children's services under authority of the division.

2. The division shall also develop a proposed state plan for child welfare services in conjunction with the child welfare task force created in Senate File 2355,* if enacted by the Seventy-fourth General Assembly, 1992 Session. The proposed plan shall address all of the following elements:

- a. Definitions of child welfare services, standards, and eligibility criteria, including priorities for providing services if funding is insufficient to serve all who are eligible.
- b. Identifying core child welfare services, available statewide in making reasonable efforts, as defined in section 232.102, to prevent or end the placement of a child outside the child's home.
- c. Providing authority for regional or local service delivery units to provide certain additional services, as specified by the department, based upon service plans developed by those units.
- d. Identifying unmet service needs based upon information submitted by regional service delivery units.

The division shall submit a report concerning the public hearings and providing the proposed state plan, to the governor and the general assembly on or before January 4, 1993.

Sec. 32. IMPLEMENTATION OF REGIONAL TARGETS. In implementing the provisions of section 10 of this Act for the 1992-1993 fiscal year, the department of human services, the judicial department, and the juvenile court shall take every action necessary to establish, on or before August 15, 1992, the initial regional plans required by that section.

Sec. 33. EMERGENCY RULES. The department of human services may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement sections 10, 12, 17, 20, and 25 of this Act and the rules shall become effective

*Chapter 1241 herein

immediately upon filing, unless a later date is specified in the rules. Any rules adopted in accordance with the provisions of this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 34. **APPLICABILITY.** The amendment to section 217.12, subsection 4, in section 1 of this Act applies to demonstration program grants awarded on or after July 1, 1992. In addition, the requirements of section 217.12, subsection 4, Code 1991, which are stricken in this Act, shall no longer be applied to demonstration program grants on or after July 1, 1992.

Sec. 35. **EFFECTIVE DATE.** Section 30 of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 3, 1992

CHAPTER 1230

STATE AID TO SCHOOL CORPORATIONS

S.F. 2320

AN ACT relating to state aid to school corporations and providing effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 257.6, subsection 1, unnumbered paragraph 3, Code 1991, is amended to read as follows:

A school district shall certify its actual enrollment to the department of education by October 1 of each year, and the department shall promptly forward the information to the department of management. The department of management shall determine whether a district is entitled to an advance for increasing enrollment on the basis of its actual enrollment.

Sec. 2. Section 257.6, subsection 4, Code 1991, is amended by striking the subsection and inserting in lieu thereof the following:

4. **BUDGET ENROLLMENT.** Budget enrollment for the budget year is the basic enrollment for the budget year.

*Sec. 3. Section 257.8, subsection 1, unnumbered paragraph 2, Code 1991, is amended to read as follows:

*On or before each ~~September~~ December 15 thereafter, the department of management shall compute a state percent of growth for the budget year next following the budget year. The state percents of growth shall be forwarded to the director of the department of education.**

*Sec. 4. Section 257.9, subsections 3 and 4, Code 1991, are amended to read as follows:

3. **SPECIAL EDUCATION SUPPORT SERVICES STATE COST PER PUPIL FOR 1991-1992 1992-1993.** For the budget year beginning July 1, ~~1991~~ 1992, for the special education support services state cost per pupil, the department of management shall divide the total of the approved budgets of the area education agencies for special education support services for that year as approved by the state board of education within the time frames specified under section 273.3, subsection 12, by the total of the weighted enrollment for special education support services in the state for the budget year. The special education support services state cost per pupil for the budget year is the amount calculated by the department of management under this subsection.

*Item veto; see message at end of the Act