

CHAPTER 172
FAMILY-CENTERED CHILD WELFARE SERVICES

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, procedures for client appeals, and service review and audit procedures.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

DIVISION I
GENERAL PROVISIONS

441—172.1(234) Definitions.

“Agency” means the Iowa department of human services.

“Child” means a person who meets the definition of a child in Iowa Code section 234.1(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 are identified on Form 470-4132 or 470-4132(S), Safety Assessment, which 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 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.

“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.

“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.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.2(234) Purpose and scope. Family-centered child welfare services are designed to achieve safety, permanency, and well-being for children.

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

- a. Allegations of child abuse; or
- b. Juvenile court action to adjudicate the child as a child in need of assistance.

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 family become connected with community support systems in order to promote greater self-reliance.

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

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

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 Form 470-3055, Referral and Authorization for Child Welfare Services. The referral form shall indicate:

1. The specific service category authorized (safety plan; family safety, risk, and permanency; drug testing; family team meeting facilitation; or legal services for permanency); and

2. The duration of the authorization.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.4(234) Reimbursement. Billed services that meet the requirements of this chapter and the contract between the agency and the contractor shall become a liability of the state. The format and process for submitting billings to the agency and for receiving agency payments shall be specified in all contracts. The agency shall process claims for payment promptly upon submission by the contractor.

172.4(1) The contractor shall bear ultimate responsibility for the completeness and accuracy of all billings submitted.

172.4(2) The contractor shall maintain all financial and service records that are necessary to substantiate the contractor's claims submitted for reimbursement for services provided to agency clients as specified in the contract.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.5(234) Client appeals. Clients may appeal the agency's decision pursuant to 441—Chapter 7 when:

1. The client's application for services as described in this chapter is denied, or

2. The services are terminated.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.6(234) Reviews and audits. Contractors for the services described in this chapter shall be subject to review and audit procedures established by the agency. Information on these procedures shall be included in the request for proposals and in contracts resulting from the procurement process.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.7 to 172.9 Reserved.

DIVISION II SAFETY PLAN SERVICES

PREAMBLE

Family-centered safety plan services are designed to maintain children safely in their own families whenever possible. These services use strategies and interventions to monitor and evaluate the safety of children who, during a child protective assessment or during the agency's child in need of assistance assessment, are assessed to be conditionally safe.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.10(234) Service requirements. A contractor providing a safety plan service shall meet the following requirements:

172.10(1) The service shall meet the minimum expectations defined in the contract.

172.10(2) The contractor shall provide interventions and supports based on the particular service needs identified for each child and family.

172.10(3) The contractor shall design interventions that:

- a. Promote identification and enhancement of family strengths and protective capacities;
- b. Address the factors that have placed the child in “conditionally safe” status;
- c. Strengthen family connections to community resources and informal supports; and
- d. Are culturally competent and respectful of the family’s cultural, ethnic, and racial identity and values.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.11(234) Contractor selection. Family-centered safety plan services shall be available on a statewide basis and shall be purchased through a formal competitive selection process according to the requirements of 11—Chapters 106 and 107.

172.11(1) The agency shall issue a request for proposals at the state level to seek applications from organizations interested in providing family-centered safety plan services within specific geographic areas.

172.11(2) The request for proposals shall specify:

- a. The minimum qualifications and requirements for consideration as a contractor;
- b. The scope of services to be purchased; and
- c. The duration of contracts to be awarded.

172.11(3) The agency shall select one or more contractors within each agency service area based on service needs and the number and quality of contractor proposals.

172.11(4) When multiple contractors are selected to serve the same geographic area, the agency shall implement a fair and equitable case referral process.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.12(234) Service eligibility.

172.12(1) The agency may refer a family for family-centered safety plan services when:

- a. A child in the family is alleged to be a victim of abuse (an “alleged child victim”) on a child protective assessment or is the subject of a child in need of assistance assessment (a “child subject”); and
- b. During the child protective assessment or child in need of assistance assessment, the agency determines that the alleged child victim or child subject is conditionally safe.

172.12(2) When the agency approves a case for safety plan services, the following persons may be included in service provision:

- a. The alleged child victim or child subject;
- b. Any whole, half, or step siblings of the alleged child victim or child subject who reside in the same household; and
- c. The parents, stepparents, adoptive parents, or caretakers of the alleged child victim or child subject.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.13(234) Service components.

172.13(1) *Strategies and interventions.* Safety plan services shall provide a flexible array of strategies and interventions to:

- a. Monitor, evaluate, and intervene to ensure the child’s safety; and
- b. Evaluate and supplement the protective capacities of the child’s caregivers.

172.13(2) *Service activities.* The activities to be provided by safety plan services shall be as described in the scope of services section of the request for proposals and in the contract. At a minimum, a contractor for safety plan services shall do all of the following:

- a. Be available 24 hours a day, seven days per week.
- b. Respond to the agency worker within one hour after the contractor receives a referral call.
- c. Initiate face-to-face contact with the alleged child victim or child subject and the child’s parents within 24 hours of the referral call from the agency worker.
- d. Make daily face-to-face contact with the alleged child victim or child subject and the child’s parents as identified in Form 470-4661 or 470-4661(S), Safety Plan, and Form 470-5011, Safety Plan

Services Referral Face Sheet. The frequency of contact with siblings and others involved in the case shall be as identified on Form 470-5011.

e. Provide an electronic communication to update the agency worker by the end of the next calendar day after each contact with a person included in service provision.

f. Attend all family team meetings held on behalf of the family during the service delivery period.

g. Respond within two hours to any family crisis during the service delivery period.

(1) The response may be made either face to face or by telephone, depending on the situation.

(2) Immediately following the response, the contractor shall report the crisis and the response to the agency worker or the worker's supervisor via telephone or electronic communication.

h. Attend court hearings about the child upon request of the court or the agency worker.

172.13(3) Additional services available. Based on child and family needs and subject to approval by the agency worker, a child and family who are receiving safety plan services may also receive the following services, which shall be purchased and funded separately, in addition to the activities listed in subrule 172.13(2):

a. Drug testing as provided in subrule 172.30(1).

b. Family team meeting facilitation as provided in subrule 172.30(2).

c. Legal services for permanency as provided in subrule 172.30(3).

d. Payment of foster family care maintenance costs under rule 441—156.6(234) if the child is placed in foster family care.

e. Shelter care payment as provided in 441—subrule 156.11(3) if the child is placed in shelter care.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.14(234) Monitoring of service delivery.

172.14(1) Case management. During the time a child and the child's family are approved to receive safety plan services, the agency worker shall be responsible for providing case management. The agency worker shall maintain contact with the family and the family's contractor to ensure that factors that present risks to the safety and well-being of children in the family are being adequately addressed.

172.14(2) Contractor progress reports. A contractor for safety plan services shall submit client reports in accordance with the requirements concerning format, content, and frequency that are specified in the contract.

172.14(3) Outcome measures. The agency shall establish outcome-based performance measures for safety plan services. These performance measures shall:

a. Be specified in each contract; and

b. Be aligned with the measures defined by the federal government as part of the child and family services review process.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.15(234) Billing and payment.

172.15(1) Unit of service. Safety plan services shall be delivered based on a 15-calendar-day unit of service with an established per-unit payment rate that shall be specified in each contract. The agency worker may purchase up to two units of service for a case.

172.15(2) Performance-based payments. Contracts for safety plan services may contain provisions under which a portion of the payment to the contractor is connected to the contractor's level of achievement on specified outcome-based performance measures. Any provisions for performance-based payments shall be described in the agency's request for proposals and in the contract.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.16 to 172.19 Reserved.

DIVISION III
FAMILY SAFETY, RISK, AND PERMANENCY SERVICES

PREAMBLE

Family safety, risk, and permanency services provide family-focused interventions and supports to improve parents' capacity to keep their children safe. The purpose of these services is to achieve safety and permanency for children, regardless of the setting in which the children reside. The outcome may be to maintain children safely within their own families or with relatives, to reunite children safely with their parents or other relatives, or to achieve alternative permanent family connections for the child.

441—172.20(234) Service requirements. Family safety, risk, and permanency services shall meet the following requirements:

172.20(1) The service shall meet the minimum expectations defined in the contract.

172.20(2) The contractor shall have flexibility to select interventions and supports based on the particular service needs identified for each child and family.

172.20(3) The contractor shall:

- a.* Identify family strengths and protective capacities;
- b.* Build on these strengths in the contractor's interventions with children and families;
- c.* Participate in family team meetings and court hearings;
- d.* Be culturally competent and respectful of the family's cultural, ethnic, and racial identity and values;
- e.* Work to connect children and families with community resources and informal support systems to promote family self-reliance;
- f.* Use evidence-based models of intervention to the greatest extent possible;
- g.* Address risk factors and needs that are barriers to the child's safety, permanency, and well-being.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.21(234) Contractor selection. Family safety, risk, and permanency services shall be available on a statewide basis and shall be purchased through a formal competitive selection process according to the requirements of 11—Chapters 106 and 107.

172.21(1) The agency shall issue a request for proposals at the state level to seek applications from organizations interested in providing family safety, risk, and permanency services within specific geographic areas.

172.21(2) The request for proposals shall specify:

- a.* The minimum qualifications and requirements for consideration as a contractor;
- b.* The scope of services to be purchased; and
- c.* The duration of contracts to be awarded.

172.21(3) The agency shall select one or more contractors within each agency service area based on service needs and the number and quality of contractor proposals.

172.21(4) When multiple contractors are selected to serve the same geographic area, the agency shall implement a fair and equitable case referral process.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.22(234) Service eligibility. Family safety, risk, and permanency services may be provided when the child meets the criteria in subrules 172.22(1) and 172.22(2).

172.22(1) The child is eligible for child welfare services based on:

- a.* The child's adjudication as a child in need of assistance; or
- b.* The child's placement out of home under the care and supervision of the agency; or
- c.* Evaluation of the child's age, the findings of a child abuse assessment report, and the family's risk assessment score.

172.22(2) The child is in need of services:

- a. To maintain the child's placement safely within the child's own family or in the home of a relative or other suitable person; or
- b. To reunify the child safely with the child's birth family or with another relative following placement with a relative or in a foster family, shelter care facility, group care facility, or other placement setting; or
- c. To move the child toward an alternative permanent family connection.

172.22(3) When the agency approves a case for family safety, risk, and permanency services, the following persons may be included in service provision:

- a. A child or children who are determined eligible for service under this rule;
- b. Any whole, half, or step siblings of that child or children who:
 - (1) Reside in the same household at the time of service referral,
 - (2) Move into the household during the service delivery period, or
 - (3) Are in placement under the care and supervision of the agency; and
- c. The parents, stepparents, adoptive parents, or caretakers of that child or children and any adult who has a significant relationship with that child or children.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.23(234) Service components.

172.23(1) *Strategies and interventions.* Family safety, risk, and permanency services shall be designed to deliver a flexible array of strategies and interventions to promote achievement of the goals of child and family safety, risk reduction, and permanency for children. It is expected that:

- a. The specific interventions and supports delivered and service intensity will vary depending on child and family needs identified during the course of the family's child welfare involvement with the agency; and
- b. The contractor will use evidence-based models of intervention when possible as well as develop creative and innovative service models.

172.23(2) *Service activities.* Specific minimum service standards and expectations for family safety, risk, and permanency services shall be as described in the request for proposals issued by the agency. The contractor shall be responsible for meeting identified needs of referred children and families through interventions that may include, but are not limited to, the following:

- a. Assistance and instruction for parents in life skills and household management.
- b. Family functioning assessment.
- c. Crisis intervention response.
- d. Support for a plan of family visits when children are placed out of home, and supervision of visits, if necessary.
- e. Safety checks and supervision to ensure that children are safe within their environments.
- f. Transportation assistance for children and families to access needed services and supports.
- g. Interventions to enhance family functioning skills, which may include interventions and instruction in one or more of the following areas:
 - (1) Communication and social interaction skills.
 - (2) Family relationship enhancement.
 - (3) Parenting education and behavior management of children.
 - (4) Consumer education instruction.
 - (5) Advocacy skill enhancement.
 - (6) Transitional life skills for adolescents.
- h. Activities to help connect the child and family with mental health and substance abuse services and with community resources and informal supports to promote self-reliance.
- i. Activities to support the families' participation in services related to mental health, domestic violence, and substance abuse.
- j. Family reunification interventions.
- k. Permanency planning activities, including help in identifying and achieving alternative permanent family connections for the child.

l. Provision of tangible supports for children and families.

172.23(3) Additional services available. Based on child and family needs and subject to approval by the agency worker, a child and family who are receiving family safety, risk, and permanency interventions may also be approved to receive the following services, which shall be purchased and funded separately:

- a.* Drug testing as provided in subrule 172.30(1).
- b.* Family team meeting facilitation as provided in subrule 172.30(2).
- c.* Legal services for permanency as provided in subrule 172.30(3).
- d.* Foster care maintenance payments under rule 441—156.6(234) if the child is placed in foster family care.
- e.* Shelter care payment as provided in 441—subrule 156.11(3) if the child is placed in shelter care.
- f.* Group care maintenance and group care child welfare services under rule 441—156.9(234) if the child is placed in group care.
- g.* Supervised apartment living maintenance and services under rule 441—156.12(234) if the child is placed in supervised apartment living placement.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.24(234) Monitoring of service delivery.

172.24(1) Case management. During the time that a child and the child's family are approved to receive family safety, risk, and permanency services, 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.

172.24(2) Contractor progress reports. A contractor for family safety, risk, and permanency services shall submit service progress reports in accordance with the format, content, and frequency requirements as specified in the agency's request for proposals and in the contract.

172.24(3) Outcome measures. The agency shall establish outcome-based performance measures for family safety, risk, and permanency services. These performance measures shall:

- a.* Be specified in each contract; and
- b.* Be aligned with the measures defined by the federal government as part of the child and family services review process.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.25(234) Billing and payment.

172.25(1) Unit of service. Family safety, risk, and permanency services shall be purchased based on a calendar month as one unit of service.

- a.* A monthly payment rate shall be established for each contract.
- b.* When services are opened or closed with agency worker approval during a calendar month, payment shall be prorated based on the number of days the case was approved for services during the month, including both the beginning and ending dates of service. The amount paid for each day of service shall be the contractor's monthly rate divided by 30.

172.25(2) Performance-based payments. Contracts for family safety, risk, and permanency services may contain provisions under which a portion of the contractor's payment is connected to the contractor's level of outcome-based performance achievement. Any performance-based payment provisions and procedures shall be described in the agency's request for proposals and in each contract.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.26 to 172.29 Reserved.

DIVISION IV
FAMILY-CENTERED SUPPORTIVE SERVICES

PREAMBLE

Family-centered supportive child welfare services are specific services that agency workers may approve and deliver at various points during the course of a child's and family's involvement with the agency's child welfare system to address the children's safety, permanency, and well-being.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.30(234) Service components. Family-centered supportive services include the following components:

172.30(1) Drug testing. At a minimum, drug testing contractors shall be responsible for the costs associated with all of the following activities:

- a. Collection of samples from adults or children or installation of sweat patches or other drug-testing devices;
- b. Purchasing of collection supplies and devices;
- c. Preservation and documentation of the chain of evidence for collected samples;
- d. Laboratory testing and analysis fees;
- e. Reporting of test results to the referring worker; and
- f. Provision of court testimony, if requested, concerning testing results.

172.30(2) Family team meeting facilitation. Meeting facilitation shall:

- a. Be provided in accordance with the agency's family team meeting model of practice and family team meeting standards; and
- b. Include activities involved in:
 - (1) Planning, preparing for, arranging, facilitating, and reporting on a family team meeting for a child welfare case; and
 - (2) Coaching and mentoring new facilitators.

172.30(3) Legal services for permanency. Payment for legal services shall include:

- a. Providing funding to an attorney for legal services associated with achieving greater permanency for children through either:
 - (1) Modification of a child custody order; or
 - (2) Creation of a guardianship or adoptive relationship for a child who is residing with a relative or another suitable caretaker; and
- b. Payment of related legal fees, such as filing costs and reporting fees.

172.30(4) Service-area-specific services. A service area manager shall have the authority to use a portion of the child welfare funds allocated to that service area to fund family-centered services specific to that agency service area. Service-area-specific services shall be designed to:

- a. Address unique child welfare needs within the service area;
- b. Allow flexibility and innovation in intervention approach; and
- c. Promote safety, permanency, and well-being for children.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.31(234) Contractor selection. With the exception of legal services for permanency, family-centered supportive services shall be purchased through a formal competitive selection process according to the requirements of 11—Chapters 106 and 107. With the exception of service-area-specific services, family-centered supportive services shall be available on a statewide basis.

172.31(1) The agency shall procure family-centered supportive services within specific geographic areas.

172.31(2) The request for proposals shall specify:

- a. The minimum qualifications and requirements for consideration as a contractor;
- b. The scope of services to be purchased;
- c. The specific geographic areas to be covered; and

d. The duration of contracts to be awarded.

172.31(3) The agency shall select one or more contractors within each geographic area based on service needs and the number and quality of contractor proposals.

172.31(4) When multiple contractors are selected to serve the same geographic area, the agency shall implement a fair and equitable case referral process.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.32(234) Service eligibility. Supportive child welfare services are designed to provide services for children when:

1. The agency has initiated a child protective assessment in response to receipt of child abuse allegations concerning the child or another child within the same family; or
2. The agency has assumed care and supervision of a child placed in out-of-home care; or
3. The agency has opened a child welfare service case on the child or family following a child abuse assessment or juvenile court action; or
4. A child in need of assistance petition has been filed on behalf of the child and the court has set a date for the prehearing conference or adjudication hearing.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.33(234) Monitoring of service delivery.

172.33(1) Case management. When the agency approves a child and family to receive one or more family-centered supportive service components, the child's agency worker shall be responsible for providing case management. Case management shall include maintaining contact with the child, the family, and the contractor to ensure that approved services:

- a.* Are delivered in a manner that will be most effective; and
- b.* Are helping to achieve identified goals and objectives.

172.33(2) Contractor progress reports. The agency shall establish and define mandated contractor reporting requirements for each family-centered supportive service component and include these requirements in the agency's request for proposals and contracts developed as a result of the procurement process.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

441—172.34(234) Billing and payment. The units of service for family-centered supportive service components shall be as follows:

172.34(1) Drug testing. The unit of service for drug testing shall be completion of one drug testing procedure, as defined in the agency's request for proposals.

172.34(2) Family team meeting facilitation.

- a.* Family team meeting facilitation shall be purchased based on either:
 - (1) A payment rate for each facilitated family team meeting; or
 - (2) A monthly payment to a contractor to facilitate family team meetings.
- b.* Regardless of the purchasing method, facilitation services shall include:
 - (1) Completion of necessary premeeting planning activities;
 - (2) Facilitation of the meeting; and
 - (3) Completion of a written report of meeting results.

172.34(3) Legal services for permanency. The unit of service for legal services shall be a variable amount per client, based on the actual costs of legal services and related court costs necessary to achieve the desired legal result, up to the limits applicable to nonrecurring expenses for adoption subsidy as described in 441—subparagraph 201.6(1) "a"(7).

172.34(4) Service-area-specific services. The unit of services and unit cost for service-area-specific services shall be defined in the request for proposals and contracts resulting from the procurement process.

[ARC 9491B, IAB 5/4/11, effective 7/1/11]

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