

APR 20 1992

APPROPRIATIONS CALENDAR

HOUSE FILE 2480

BY COMMITTEE ON APPROPRIATIONS

*Failed*  
 Passed House Date 4/23/92 (p. 1761) Passed Senate, Date 4/30/92 (p. 1731)  
 Vote: Ayes 39 Nays 60 Vote: Ayes 27 Nays 18  
 Approved May 11, 1992

*Motion to reconsider 4/24 (p. 1764)*  
 " " " prevailed 4/24

Passed House 4/27/92 (p. 1810) A BILL FOR  
 Ayes 59, Nays 36

- 1 An Act relating to department of human services' programs
- 2 involving child and family services, juvenile justice, foster
- 3 care, and medical assistance and providing applicability
- 4 provisions and an effective date.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2480

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

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

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

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

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

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

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

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

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

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

18    NEW SUBSECTION. 1A. The court shall not order group  
19 foster care placement of the child which is a charge upon the  
20 state if that placement is not in accordance with the regional  
21 plan for group foster care established pursuant to section  
22 232.143 for the departmental region in which the court is  
23 located.

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

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

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

3 b. As used in this section:

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

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

25 Sec. 6. Section 232.117, Code 1991, is amended by adding  
26 the following new subsection:

27 NEW SUBSECTION. 3A. The court shall not order group  
28 foster care placement of the child which is a charge upon the  
29 state if that placement is not in accordance with the regional  
30 plan for group foster care established pursuant to section  
31 232.143 for the departmental region in which the court is  
32 located.

33 Sec. 7. Section 232.127, Code 1991, is amended by adding  
34 the following new subsection:

35 NEW SUBSECTION. 7A. The court shall not order group

1 foster care placement of the child which is a charge upon the  
2 state if that placement is not in accordance with the regional  
3 plan for group foster care established pursuant to section  
4 232.143 for the departmental region in which the court is  
5 located.

6 Sec. 8. Section 232.141, Code 1991, is amended by adding  
7 the following new subsection:

8 NEW SUBSECTION. 8. If the department's reimbursement for  
9 the allowable costs of a child's shelter care placement  
10 exceeds the amount the department is authorized to pay in  
11 accordance with law and administrative rule, the unpaid costs  
12 may be recovered from the child's county of legal settlement.  
13 The unpaid costs are payable pursuant to filing of verified  
14 claims against the county of legal settlement. A detailed  
15 statement of the facts upon which a claims is based shall  
16 accompany the claim. Any dispute between counties arising  
17 from filings of claims pursuant to this subsection shall be  
18 settled in the manner provided to determine legal settlement  
19 in section 230.12.

20 Sec. 9. Section 232.142, subsection 3, Code Supplement  
21 1991, is amended to read as follows:

22 3. A county or multicounty juvenile detention home  
23 approved pursuant to this section shall receive financial aid  
24 from the state in a manner approved by the director. Aid paid  
25 by the state shall be at least ten percent and not more than  
26 fifty percent of the total cost of the establishment,  
27 improvements, operation, and maintenance of the home.

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

30 1. A statewide target for the average number of children  
31 in group foster care placements on any day of a fiscal year,  
32 which placements are a charge upon or are paid for by the  
33 state, shall be established annually by the general assembly.  
34 The department and the judicial department shall jointly  
35 develop a formula for allocating a portion of the statewide

1 target established by the general assembly to each of the  
2 department's regions. The formula shall be based upon the  
3 region's proportion of the state population of children and of  
4 the statewide number of children placed in group foster care  
5 in the previous five completed fiscal years. The number  
6 determined in accordance with the formula shall be the group  
7 foster care placement target for that region.

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

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

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

31 232.175 PURPOSE-AND-POLICY PLACEMENT OVERSIGHT.  
32 ~~It is the purpose and policy of this division to provide~~  
33 ~~court Placement oversight for placements that involve a~~  
34 ~~handicapped child placed voluntarily in foster care by the~~  
35 ~~child's parent or guardian, shall be provided pursuant to this~~

1 division when the parent, guardian, or custodian of a child  
2 with mental retardation or other developmental disability  
3 requests placement of the child for a period of more than  
4 thirty days. The oversight shall be provided through review  
5 of the ~~voluntary-placements~~ placement every six months by the  
6 department's foster care review committees or by a local  
7 foster care review board. Court oversight shall be provided  
8 prior to the initial placement and at periodic intervals which  
9 shall not exceed eighteen months. It is the purpose and  
10 policy of this division to assure the ~~additional-safeguard-of~~  
11 ~~court-oversight~~ existence of oversight safeguards as required  
12 by the federal Child Welfare Act of 1980, Pub. L. No. 96-272,  
13 as codified in 42 U.S.C. § 671(a)(16), 627(a)(2)(B), and  
14 675(1),(5), while maintaining parental decision-making  
15 authority.

16 Sec. 12. Section 232.178, subsections 1, 3, and 4, Code  
17 1991, are amended to read as follows:

18 1. The For a placement initiated on or after July 1, 1992,  
19 the department shall file a petition to initiate a voluntary  
20 placement proceeding prior to the child's placement in  
21 accordance with criteria established pursuant to the federal  
22 Child Welfare Act of 1980, Pub. L. No. 96-272, as codified in  
23 42 U.S.C. § 627(a). For a placement initiated before July 1,  
24 1992, the department shall file a petition to approve  
25 placement on or before September 1, 1992.

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

30 4. The petition shall ~~allege-that-the-child-is-placed-in~~  
31 ~~foster-care-on-the-basis-of-a-signed-voluntary-placement~~  
32 ~~agreement-between-the-department-and-the-child's-parent-or~~  
33 ~~guardian,~~ that-the-child-has-an describe the child's  
34 emotional, physical, or intellectual handicap disability which  
35 requires care and treatment; ~~that-the-child's-parent-or~~

1 ~~guardian-has-demonstrated-a-willingness-to-fulfill~~ the  
2 reasonable efforts to maintain the child in the child's home;  
3 the department's request to the family of a child with mental  
4 retardation, other developmental disability, or organic mental  
5 illness to determine if any services or support provided to  
6 the family will enable the family to continue to care for the  
7 child in the child's home; and the reason the child's parent,  
8 guardian, or custodian has requested a foster care placement.  
9 The petition shall also describe the commitment of the parent,  
10 guardian, or custodian in fulfilling the responsibilities to  
11 ~~the-child-as~~ defined in the case permanency plan; and that how  
12 ~~the voluntary placement is-in~~ will serve the child's best  
13 interests.

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

16 232.181 SOCIAL HISTORY REPORT.

17 Upon the filing of a petition, the department shall submit  
18 a social history report regarding the child and the child's  
19 family. The report shall include a description of the child's  
20 handicap disability and resultant functional limitations, the  
21 case permanency plan, a description of the proposed foster  
22 care placement, and a description of parental family  
23 participation in developing the child's case permanency plan  
24 and the ~~parent's-compliance-with~~ commitment of the parent,  
25 guardian, or custodian in fulfilling the responsibilities to  
26 ~~the-child-as~~ defined in the plan.

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

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



1 exist:

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

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

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

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

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

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

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

30 NEW SUBSECTION. 5A. If the court orders placement of the  
31 child into foster care, the court shall establish a support  
32 obligation for the costs of the placement pursuant to section  
33 234.39.

34 NEW SUBSECTION. 7. The court shall not order group foster  
35 care placement of the child which is a charge upon the state

1 if that placement is not in accordance with the regional plan  
2 for group foster care established pursuant to section 232.143  
3 for the departmental region in which the court is located.

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

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

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

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

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

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

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

29 1. DUTIES. The department of human services and the  
30 judicial department shall jointly establish one or more out-  
31 of-state placement committees in each departmental region to  
32 review the cases of children who are placed outside the  
33 children's homes, in an out-of-state group foster care  
34 placement which is more than one hundred twenty-five miles  
35 from a child's home. It is the intent of the general assembly

1 that by June 30, 1994, the review committees will reduce the  
2 number of children placed in out-of-state group foster care  
3 placements by twenty-five percent from the number of those  
4 placements in the fiscal year beginning July 1, 1991. A  
5 review committee shall perform all of the following  
6 activities:

7 a. Consult with the local experts in reforming youth  
8 services.

9 b. Seek to develop services and use of wrap-around  
10 services as alternatives to out-of-state placements. For the  
11 purposes of this paragraph, "wrap-around services" means  
12 coordinated, highly individualized and community-based  
13 services directed to the basic human needs of a child and the  
14 child's family which are developed and approved by an  
15 interdisciplinary team and focused upon the strengths of the  
16 child and the child's family.

17 c. Meet as necessary to review cases of children who are  
18 being referred to an out-of-state placement.

19 d. Require the presence or testimony of the persons  
20 associated with the referral of the child to an out-of-state  
21 placement as appropriate for the committee to make findings  
22 and recommendations.

23 e. Make findings and recommendations to the court within  
24 ten working days of referral of a child to an out-of-state  
25 placement. The department or the juvenile court officer  
26 associated with the referral of a child to an out-of-state  
27 placement shall report to the court the findings and  
28 recommendations of the committee prior to the court making a  
29 disposition. A committee shall not recommend out-of-state  
30 placement of a child unless committee members representing  
31 both the department and the court are present at the meeting  
32 in which the recommendation is considered and a majority of  
33 the members present approve of the recommendation.

34 f. The department shall not pay the cost of an out-of-  
35 state group foster care placement which is more than one

1 hundred twenty-five miles from a child's home without a review  
2 committee recommending the out-of-state group foster care  
3 placement.

4 g. Report annually to the child welfare task force created  
5 in Senate File 2355, if enacted by the Seventy-fourth General  
6 Assembly, 1992 Session, concerning the committee's progress in  
7 reducing out-of-state placements.

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

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

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

30 2. In partnership with an interested county or group of  
31 counties which has demonstrated the commitment and involvement  
32 of the affected county department of human services, juvenile  
33 court system, and board of supervisors, the department shall  
34 develop agreements providing for the decategorization of  
35 specific state and state-federal funding categories into a

1 child welfare funding pool for that county or group of  
2 counties. A decategorization agreement shall require the  
3 decategorization program to be implemented by a  
4 decategorization governance board. The decategorization  
5 governance board shall develop specific, quantifiable short-  
6 term and long-term plans for enhancing the county's or group  
7 of counties' family-centered and community-based services and  
8 reducing reliance upon out-of-community care. The affected  
9 service systems shall include child welfare and juvenile  
10 justice systems. A decategorization agreement may vary  
11 depending upon the approaches selected by the county or group  
12 of counties which shall be detailed in an annual child welfare  
13 services plan developed by the decategorization governance  
14 board. A decategorization governance board shall involve  
15 community representatives and county organizations in the  
16 development of the plan.

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

26 4. In a decategorization agreement, the department and the  
27 county's or group of counties' decategorization governance  
28 board shall agree on all of the following items: the  
29 governance relationship between the department and the  
30 decategorization governance board; the respective areas of  
31 autonomy of the department and the board; the budgeting  
32 structure for the decategorization; and a method for resolving  
33 disputes between the department and the board. The  
34 decategorization agreement shall require the department and  
35 the decategorization governance board to agree upon a budget

1 on or before June 15 of the fiscal year preceding the fiscal  
2 year to which the budget applies. The budget may later be  
3 modified to reflect new or changed circumstances.

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

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

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

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

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

10 Sec. 20. Section 234.1, subsection 4, unnumbered paragraph  
11 1, Code 1991, is amended to read as follows:

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

15 Sec. 21. Section 234.6, Code 1991, is amended by adding  
16 the following new subsection:

17 NEW SUBSECTION. 10. In determining the reimbursement rate  
18 for services purchased by the department of human services  
19 from a person or agency, the department shall not include  
20 private moneys contributed to the person or agency unless the  
21 moneys are contributed for services provided to a specific  
22 individual.

23 Sec. 22. NEW SECTION. 234.8 FEES FOR CHILD WELFARE  
24 SERVICES.

25 The department of human services may charge a fee for child  
26 welfare services to a person liable for the cost of the  
27 services. The fee shall not exceed the reasonable cost of the  
28 services. The fee shall be based upon the person's ability to  
29 pay and consideration of the fee's impact upon the liable  
30 person's family and the goals identified in the case  
31 permanency plan. The department may assess the liable person  
32 for the fee and the means of recovery shall include a setoff  
33 against an amount owed by a state agency to the person  
34 assessed pursuant to section 421.17, subsection 29. In  
35 addition the department may establish an administrative

1 process to recover the assessment through automatic income  
2 withholding. The department shall adopt rules pursuant to  
3 chapter 17A to implement the provisions of this section. This  
4 section does not apply to court-ordered services provided to  
5 juveniles which are a charge upon the state pursuant to  
6 section 232.141 and services for which the department has  
7 established a support obligation pursuant to section 234.39.

8 Sec. 23. Section 234.35, Code 1991, is amended to read as  
9 follows:

10 234.35 WHEN STATE TO PAY FOSTER CARE COSTS.

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

15 1 a. When a court has committed the child to the director  
16 of human services or the director's designee.

17 2 b. When a court has transferred legal custody of the  
18 child to the department of human services.

19 3 c. When the department has agreed to provide foster care  
20 services for the child for a period of not more than thirty  
21 days on the basis of a signed placement agreement between the  
22 department and the child's parent or guardian initiated on or  
23 after July 1, 1992.

24 4 d. When the child has been placed in emergency care for  
25 a period of not more than thirty days upon approval of the  
26 director or the director's designee.

27 5 e. When a court has entered an order transferring the  
28 legal custody of the child to a foster care placement pursuant  
29 to section 232.52, subsection 2, paragraph "d", or section  
30 232.102, subsection 1. However, payment for a group foster  
31 care placement shall be limited to those placements which  
32 conform to a regional group foster plan established pursuant  
33 to section 232.143.

34 f. When the department has agreed to provide foster care  
35 services for a child who is eighteen years of age or older on



1 the basis of a signed placement agreement between the  
2 department and the child or the person acting on behalf of the  
3 child.

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

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

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

13 j. When the court, in lieu of entering an order in a  
14 mental retardation commitment proceeding pursuant to section  
15 222.31 placing a child in a facility, or in a voluntary foster  
16 care placement proceeding pursuant to section 232.182,  
17 subsection 5, placing a child with mental retardation, other  
18 developmental disability, or organic mental illness in foster  
19 care, has ordered that services or support be provided to the  
20 family of the child to enable the family to continue to care  
21 for the child in the child's home.

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

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

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

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

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

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

8 Sec. 24. Section 234.38, Code 1991, is amended by striking  
9 the section and inserting in lieu thereof the following:

10 234.38 FOSTER CARE REIMBURSEMENT RATES.

11 1. The department of human services shall make  
12 reimbursement payments directly to foster parents for services  
13 provided to children pursuant to section 234.6, subsection 6,  
14 paragraph "b", or section 234.35. For each of the following  
15 fiscal years, the reimbursement rate shall be based upon the  
16 indicated percentage of the United States department of  
17 agriculture estimate of the cost to raise a child in the  
18 calendar year immediately preceding the indicated fiscal year:  
19 1992-1993, sixty-five percent; 1993-1994, seventy-five  
20 percent; and 1994-1995 and subsequent fiscal years, eighty  
21 percent. The department may pay an additional stipend for a  
22 child with special needs.

23 2. For fiscal years beginning on or after July 1, 1993,  
24 the department shall reimburse foster group care facilities,  
25 as defined under section 237.3, subsection 2, paragraph "a",  
26 subparagraphs (1) through (4) and (6), and shelter care  
27 facilities approved under section 232.142 at one hundred  
28 percent of the cost of maintenance as specified in Pub. L. No.  
29 96-272, as codified in 42 U.S.C. § 475(4). The service  
30 portion of the reimbursement rate shall be negotiated between  
31 the department and the facility and specified in a purchase of  
32 service agreement. Reimbursement payments made under this  
33 subsection shall use rates which are based upon reasonable and  
34 necessary costs which must be incurred by efficiently and  
35 economically operated facilities in order to provide care and

1 services in conformity with applicable state and federal  
2 requirements, and quality and safety standards, and to ensure  
3 that individuals eligible for the services have reasonable  
4 access to services of adequate quality.

5 Sec. 25. Section 234.39, subsections 1 and 2, Code 1991,  
6 are amended to read as follows:

7 1. For an individual to whom section 234.35, subsection 27  
8 ~~4~~, or 5, is applicable, a dispositional order of the  
9 juvenile court requiring the provision of foster care shall  
10 establish, after notice and a reasonable opportunity to be  
11 heard is provided to a parent or guardian, the amount of the  
12 parent's or guardian's support obligation for the cost of  
13 foster care provided by the department, if a support  
14 obligation has not previously been established under an order  
15 of the district court or court of comparable jurisdiction in  
16 another state. The court shall establish the amount of the  
17 parent's or guardian's support obligation and the amount of  
18 support debt accrued and accruing in accordance with the child  
19 support guidelines prescribed under section 598.21, subsection  
20 4. However, the court may adjust the prescribed obligation  
21 after considering a recommendation by the department for  
22 expenses related to goals and objectives of a case permanency  
23 plan as defined under section 237.15. The order shall direct  
24 the payment of the support obligation to the collection  
25 services center for the use of the department's foster care  
26 recovery unit. The order shall be filed with the clerk of the  
27 district court in which the responsible parent or guardian  
28 resides and has the same force and effect as a judgment when  
29 entered in the judgment docket and lien index. The collection  
30 services center shall disburse the payments pursuant to the  
31 order and enter the disbursements in a record book. If  
32 payments are not made as ordered, the child support recovery  
33 unit shall certify a default to the court and the court may,  
34 on its own motion, proceed under section 598.22 or 598.23. An  
35 order entered under this subsection may be modified only in

1 accordance with the guidelines prescribed under section  
2 598.21, subsection 8.

3 2. For an individual who is served by the department of  
4 human services under section 234.35, subsection-37 and is not  
5 subject to a dispositional order of the juvenile court  
6 requiring the provision of foster care, the department shall  
7 determine the obligation of the individual's parent or  
8 guardian in accordance with the child support guidelines  
9 prescribed under section 598.21, subsection 4. However, the  
10 department may adjust the prescribed obligation for expenses  
11 related to goals and objectives of a case permanency plan as  
12 defined under section 237.15. An obligation determined under  
13 this subsection may be modified only in accordance with  
14 conditions under section 598.21, subsection 8.

15 Sec. 26. Section 235.1, unnumbered paragraph 2, Code 1991,  
16 is amended to read as follows:

17 "Child welfare services" means social welfare services for  
18 the protection and care of children who are homeless,  
19 dependent or neglected, or in danger of becoming delinquent,  
20 or who have a mental illness or mental retardation or other  
21 developmental disability, including, when necessary, care and  
22 maintenance in a foster care facility. Child welfare services  
23 are designed to serve a child in the child's home whenever  
24 possible. If not possible, and the child is placed outside  
25 the child's home, the placement should be in the least  
26 restrictive setting available and in close proximity to the  
27 child's home.

28 Sec. 27. Section 249A.4, unnumbered paragraph 1, and  
29 subsections 1, 2, and 9, Code Supplement 1991, are amended to  
30 read as follows:

31 The director shall be responsible for the effective and  
32 impartial administration of this chapter and shall, in  
33 accordance with the standards and priorities established by  
34 this chapter, by applicable federal law, by the regulations  
35 and directives issued pursuant to federal law, by applicable

1 court orders, and by the state plan approved in accordance  
2 with federal law, make rules, establish policies, and  
3 prescribe procedures to implement this chapter. Without  
4 limiting the generality of the foregoing delegation of  
5 authority, the director is hereby specifically empowered and  
6 directed to:

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

24 ~~2. Have authority to determine, when available funds~~  
25 ~~permit expansion of the program provided under this chapter~~  
26 ~~beyond the minimum scope required by subsection 1 of this~~  
27 ~~section, whether priority shall be given to providing~~  
28 ~~additional medical assistance to the individuals and families~~  
29 ~~described in section 249A.3, subsection 1, or to providing~~  
30 ~~medical assistance to some or all of the individuals and~~  
31 ~~families described in section 249A.3, subsection 2, unless the~~  
32 ~~general assembly has by law made such determination.~~

33 9. Determine Adopt rules pursuant to chapter 17A in  
34 determining the method and level of reimbursement for all  
35 medical and health services referred to in section 249A.2,

1 subsection 1 or 7, after considering all of the following:

2 a. The promotion of efficient and cost-effective delivery  
3 of medical and health services.

4 b. Compliance with federal law and regulations.

5 c. The level of state and federal appropriations for  
6 medical assistance.

7 d. Reimbursement at a level as near as possible to actual  
8 costs and charges after priority is given to the  
9 considerations in paragraphs "a", "b", and "c".

10 Sec. 28. Section 249A.4, Code Supplement 1991, is amended  
11 by adding the following new subsection:

12 NEW SUBSECTION. 14. A medical assistance copayment shall  
13 only be applied to those services and products specified in  
14 administrative rules of the department in effect on February  
15 1, 1991, which under federal medical assistance requirements,  
16 are provided at the option of the state.

17 Sec. 29. CHILD WELFARE PLANNING REQUIREMENTS.

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

23 a. The effects of removing foster care placement options  
24 currently available for persons who are 18 years of age or  
25 older and are eligible for children's services.

26 b. The effects of requiring court approval for voluntary  
27 foster care placements prior to the child's removal from the  
28 child's home.

29 c. Identification of the child and family services which  
30 are and are not appropriate for state funding.

31 d. Identification of the appropriate eligibility  
32 requirements for children's services under authority of the  
33 division.

34 2. The division shall also develop a proposed state plan  
35 for child welfare services in conjunction with the child

1 welfare task force created in Senate File 2355, if enacted by  
2 the Seventy-fourth General Assembly, 1992 Session. The  
3 proposed plan shall address all of the following elements:

4 a. Definitions of child welfare services, standards, and  
5 eligibility criteria, including priorities for providing  
6 services if funding is insufficient to serve all who are  
7 eligible.

8 b. Identifying core child welfare services, available  
9 statewide in making reasonable efforts, as defined in section  
10 232.102, to prevent or end the placement of a child outside  
11 the child's home.

12 c. Providing authority for regional or local service  
13 delivery units to provide certain additional services, as  
14 specified by the department, based upon service plans  
15 developed by those units.

16 d. Identifying unmet service needs based upon information  
17 submitted by regional service delivery units.

18 The division shall submit a report concerning the public  
19 hearings and providing the proposed state plan, to the  
20 governor and the general assembly on or before January 4,  
21 1993.

22 Sec. 30. IMPLEMENTATION OF REGIONAL TARGETS. In  
23 implementing the provisions of section 10 of this Act for the  
24 1992-1993 fiscal year, the department of human services, the  
25 judicial department, and the juvenile court shall take every  
26 action necessary to establish, on or before August 15, 1992,  
27 the initial regional plans required by that section.

28 Sec. 31. EMERGENCY RULES. The department of human  
29 services may adopt administrative rules under section 17A.4,  
30 subsection 2, and section 17A.5, subsection 2, paragraph "b",  
31 to implement sections 10, 12, 17, 20, and 23 of this Act and  
32 the rules shall become effective immediately upon filing,  
33 unless a later date is specified in the rules. Any rules  
34 adopted in accordance with the provisions of this section  
35 shall also be published as a notice of intended action as

1 provided in section 17A.4.

2 Sec. 32. APPLICABILITY. The amendment to section 217.12,  
3 subsection 4, in section 1 of this Act applies to  
4 demonstration program grants awarded on or after July 1, 1992.  
5 In addition, the requirements of section 217.12, subsection 4,  
6 Code 1991, which are stricken in this Act, shall no longer be  
7 applied to demonstration program grants on or after July 1,  
8 1992.

9 Sec. 33. EFFECTIVE DATE. Section 28 of this Act, being  
10 deemed of immediate importance, takes effect upon enactment.

11 EXPLANATION

12 This bill relates to department of human services programs  
13 involving child and family services involving juvenile  
14 justice, foster care, and medical assistance.

15 Section 1 of the bill relates to family development and  
16 self-sufficiency grants by striking a requirement for a  
17 performance of a comparison study involving families selected  
18 for the program.

19 Section 2 and portions of sections 12, 14, and 23 relate to  
20 children with mental retardation, other developmental  
21 disability, or organic mental illness. Prior to certain  
22 institutional commitments or a foster care placement, a  
23 request must be made to the family of the child to determine  
24 whether there are services or support which would enable the  
25 family to continue to care for the child at home. Section 2  
26 relates to commitment for mental retardation. Section 12  
27 requires the department to make a request concerning the  
28 services prior to a voluntary foster care placement. Section  
29 14 also relates to voluntary placements by requiring the court  
30 to determine whether the provision of services would permit  
31 the child to remain at home. Section 14 also authorizes the  
32 court to order the services or support. New language in  
33 section 23 designated as section 234.35(1)(j) authorizes the  
34 state to pay for the services or support.

35 Sections 3, 5, 6, 7, 10, and 15 of the bill establish a



1 procedure limiting the number of children who may be placed in  
2 state-paid group foster care. The general assembly annually  
3 establishes a statewide target for the number of such group  
4 foster care placements and this target is allocated to the  
5 department's regions. Each region implements the target  
6 through regional planning groups appointed by the department  
7 and the juvenile court. The planning provisions are in  
8 section 10 and the other sections prohibit court orders for  
9 state-paid group foster care placement if the placement is not  
10 in accordance with the regional plan.

11 Section 4 amends law providing for the duties of the  
12 department of human services when a child abuse report is  
13 received. The requirement for the department to offer  
14 services to the family of the child believed to be abused is  
15 modified to apply only to available services. Language  
16 limiting the services to abused children to only  
17 rehabilitative services is stricken. The department is  
18 directed to adopt rules defining the services.

19 In addition to the group foster care cap language, section  
20 5 amends the child in need of assistance (CINA) disposition  
21 section, by establishing a definition of "reasonable efforts"  
22 to prevent or eliminate the need for removal of a child from  
23 the child's home. The definition includes criteria to use in  
24 determining whether reasonable efforts have been made and  
25 definitions of intensive family preservation and family-  
26 centered services.

27 Section 8 relates to shelter care. If the department's  
28 reimbursement for the shelter care is less than the allowable  
29 costs for the care, the unpaid costs may be recovered from the  
30 child's county or legal settlement.

31 Section 9 limits state financial aid for county or  
32 multicounty juvenile homes to juvenile detention homes.

33 Sections 11 through 16 amend juvenile justice provisions  
34 relating to court oversight of the foster care placement of a  
35 child with a disability. Under section 11, the oversight is

1 limited to placements which are longer than 30 days.

2 Section 12 amends the legal requirements of a court  
3 petition for foster care placement of a child with a  
4 disability. For placements initiated on or after July 1,  
5 1992, the petition must be filed prior to the child's  
6 placement. For placements initiated before July 1, 1992, the  
7 department must file the petition before September 1, 1992. A  
8 petition's information requirements are modified.

9 Section 13 amends requirements of the social history report  
10 required to be submitted by the department relating to a  
11 voluntary foster care placement.

12 Section 14 amends the requirements of the court's initial  
13 determination hearing for a voluntary foster care placement.  
14 Reasonable efforts, as defined in section 5 of the bill for  
15 CINA dispositions, to prevent the placement are required. In  
16 addition, the court is authorized to order reasonable efforts  
17 and to initiate child in need of assistance proceedings if the  
18 child's family is not fulfilling their case permanency plan  
19 responsibilities. A hearing may be waived under certain  
20 circumstances.

21 Section 15 requires the court to establish a support  
22 obligation if the court orders a voluntary foster care  
23 placement for the child and the group foster care limit is  
24 established for those placements.

25 Section 16 relates to the dispositional hearing for  
26 voluntary placements. This hearing may no longer be held in  
27 conjunction with the initial determination hearing. A court  
28 order terminating the child's placement would also provide for  
29 the child to be returned home and provided with available  
30 services and support for the child to remain at home.

31 Section 17 requires the department of human services and  
32 the judicial department to establish regional committees to  
33 review the cases of children placed outside the children's  
34 homes, in an out-of-state placement more than 125 miles from a  
35 child's home. Duties and membership for the committees are

1 specified. Legislative intent is stated that the committees  
2 will reduce the number of out-of-state placement of children  
3 by 25 percent from the number placed in fiscal year 1990-1991.  
4 A new provision in section 23 of the bill prohibits the  
5 department from paying for an out-of-state placement of a  
6 child unless a review committee has approved the placement.

7 Section 18 codifies a program in which the department may  
8 enter into agreements with an interested county or group of  
9 counties to decategorize specific state and state-federal  
10 funding into a child welfare funding pool. Similar provisions  
11 have been included for a number of years in the foster care  
12 appropriations to the department. The statute provides  
13 various requirements of agreements, provision of incentives,  
14 and describes the funding streams which may be pooled.

15 Section 19 requires the director of human services and the  
16 chief justice of the supreme court to implement a statewide  
17 reasonable efforts protocol for use throughout the state.

18 Section 20 redefines the term "child" for the purposes of  
19 child welfare programs to include persons less than 18 years  
20 of age or persons 18 or 19 but no longer those 20 years of age  
21 who meet certain conditions.

22 Section 21 prohibits the department from including  
23 contributed funds to providers in determining reimbursement  
24 rates for purchased services.

25 Section 22 authorizes the department to charge a fee for  
26 child welfare services to persons liable for the cost of the  
27 services. The fee must be based upon ability to pay and  
28 consideration of the family responsibilities in the child's  
29 case permanency plan. The fee may be set off against the  
30 liability of the state to make a payment to the person for  
31 other purposes. In addition, the department is authorized to  
32 establish an administrative process for automatic income  
33 withholding.

34 Section 23 reorganizes section 234.35, providing for state  
35 liability for foster care. State payment would only be made

1 to providers with a current contract with the department.  
2 Out-of-state placements would only be paid if authorized by an  
3 out-of-state placement committee established earlier in the  
4 bill. Group foster care placements must be in accordance with  
5 the regional plans. Payment would also be made for shelter  
6 care and for services to prevent the out-of-home placement of  
7 certain children with a disability. As of July 1, 1992, state  
8 liability for the costs of voluntary foster care placements  
9 would be limited to 30 days. State liability is authorized  
10 for certain voluntary placements involving a child with a  
11 disability and for certain voluntary placements of children  
12 who are 18 years of age or older. Exceptions are established  
13 with the following limitations: if a child is age 18, payment  
14 is limited to family foster care or independent living and if  
15 a child is age 19, payment is limited to independent living.  
16 However, an exception to the limitations is established  
17 permitting continued foster care for these children under  
18 certain specified circumstances.

19 Section 24 strikes section 234.38 which in current law  
20 authorizes the department to pay foster parents directly. The  
21 new language continues authorization of direct payment but  
22 specifies the basis for establishing the reimbursement rate on  
23 a graduated scale over a period of years. In addition, the  
24 maintenance portion of the reimbursement rate for group foster  
25 care facilities beginning in fiscal year 1993-1994 is  
26 specified based on 100 percent of a federally developed  
27 standard. In addition, the department is required to  
28 negotiate the service portion of the rate with individual  
29 facilities. Reimbursement is required to use rates which are  
30 based upon reasonable and necessary costs.

31 Section 25 contains coordinating amendments to section  
32 234.39, relating to foster care support obligations, resulting  
33 from the rewrite of the foster care payment section.

34 Section 26 revises the definition of child welfare services  
35 in a chapter of the Code relating to the responsibilities of

1 the department's child and family services division.

2 Section 27 removes the director of human services'  
3 authority to expand or curtail the medical assistance program  
4 without prior legislative approval.

5 Section 28 authorizes the director of human services to  
6 apply a medical assistance copayment to only those services  
7 listed in departmental rules in effect on February 1, 1991,  
8 and which are optional under federal requirements.

9 Section 29 requires the department's division of adult,  
10 children, and family services to hold public hearings  
11 concerning various child welfare policy proposals delineated  
12 in the bill. In addition, the division is to develop a  
13 proposed state plan for child welfare services in conjunction  
14 with the child welfare task force established by the general  
15 assembly in another bill.

16 Section 30 requires the department of human services and  
17 the judicial department to take actions necessary to establish  
18 the initial regional group foster care plans by August 15,  
19 1992.

20 Section 31 authorizes the department to adopt rules on an  
21 emergency basis for the following provisions of the bill:  
22 section 10, relating to the regional group foster care  
23 targets; section 12, providing for voluntary foster care  
24 placements and reasonable efforts; section 17, relating to the  
25 regional out-of-state placement committees; section 20,  
26 relating to the elimination of 20-year-olds from the  
27 definition of child used for foster care; and section 23,  
28 relating to changes in the provision requiring the state to  
29 pay for foster care.

30 Section 32 provides for the applicability of the change in  
31 family development and self-sufficiency grant evaluation in  
32 section 1.

33 Section 33 provides that the authority of the department to  
34 apply co-payments to certain optional medical assistance  
35 services takes effect upon enactment.

HOUSE FILE 2480  
FISCAL NOTE

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A fiscal note for House File 2480 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 2480 makes several changes in programs operated by the Department of Human Services (DHS) involving foster care, medical assistance, and juvenile justice. Those sections which are estimated to have a significant fiscal impact, and an assessment of that impact, are listed below:

1. Limits the number of group foster care placements through implementation of a statewide target for the number of group foster care placements paid for by the State and the limiting of Judicial authority to order group foster care which does not conform to regional plans. FISCAL EFFECT: These provisions will avoid significant increases in foster care spending in the future. Assuming that without a limitation on the number of placements Foster Care expenditures would continue to increase at an annual rate of 10%, this language is estimated to avoid between \$5.0 and \$6.0 million in annual increases.
2. Requires the use of intensive family preservation services prior to an out-of-home placement, subject to certain conditions. FISCAL EFFECT: These provisions are estimated to reduce net annual General Fund expenditures by \$0.6 million.
3. Limits the use of voluntary foster care for children with disabilities. Requires a finding that reasonable efforts have been made to avoid an out-of-home placement, and establishes a new oversight process for voluntary foster care using citizen Foster Care Review Boards. Payment for voluntary foster care placements is limited to 30 days, and payment can only be made for placements initiated before July 1, 1992. FISCAL EFFECT: These provisions are estimated to reduce net annual expenditures by approximately \$0.5 million.
4. Limits the eligibility of persons over age 18: these persons are no longer eligible for group foster care, persons over age 19 are no longer eligible for either group or family care, and persons over age 20 are not eligible for group or family foster care or independent living. FISCAL EFFECT: These provisions are estimated to reduce net annual expenditures by approximately \$3.4 million.
5. Establishes regional committees to review all out-of-state foster care placements which are over 125 miles from the child's home. Specifies legislative intent that these committees will cause a 25.0% reduction in the number of children in out-of-state foster care by June 30, 1994. Prohibits the DHS from paying for any out-of-state placement which has not been approved by a review committee. FISCAL EFFECT: The average cost of out-of-state foster care beds is greater than the cost of in-state beds. However, there are some out-of-state beds which are less expensive. Reducing the number of out-of-state placements may reduce costs, depending upon the type of children who are moved.
6. Permits the DHS to charge a fee for child welfare services. These fees

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- must be based upon ability to pay and the case permanency plan. FISCAL EFFECT: Although these provisions may result in significant revenues, the amount of the billings and the number of people who will pay cannot be estimated.
7. Requires that effective July 1, 1993 the maintenance portion of the reimbursement for group foster care shall be based upon 100.0% of a federal standard, and shall be based upon reasonable and necessary costs. FISCAL EFFECT: An estimate of the impact of increasing the reimbursement rates has not been completed.
  8. Deletes statutory provisions which require the Director of the DHS to curtail the services provided by the Medical Assistance Program in order to keep the budget within the funds available. FISCAL EFFECT: Medical Assistance Program costs have been increasing at an annual rate of between 10% and 15%, and have required a supplemental appropriation every year. The DHS Director has not complied with the statutory provisions requiring changes in the Program in order to remain within the appropriation. If this statutory provision is repealed the Program will continue to require annual increases of between \$25.0 and \$30.0 million. If this provision is not repealed and if the DHS Director complies with statutory requirements, these additional costs will be avoided.
  9. Requires the DHS to apply a copayment only to those services and products specified in DHS administrative rules in effect on February 1, 1991. This results in copayments applying only to services which under federal requirements are provided at the option of the State.

The fiscal impact of items 1 through 4 are reflected in Senate File 2355, the Human Services Appropriations Bill. The restrictions on copayments in the Medical Assistance Program in item 9 is also reflected in Senate File 2355. The FY 1994 costs identified in items 7 and 8 are not reflected in Senate File 2355.

Source: Department of Human Services

(LSB 6273hv, JMN)

FILED APRIL 22, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2480  
FISCAL NOTE

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A fiscal note for House File 2480 - REVISED is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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House File 2480 makes several changes in programs operated by the Department of Human Services (DHS) involving foster care, medical assistance, and juvenile justice. Those sections which are estimated to have a significant fiscal impact, and an assessment of that impact, are listed below:

1. Limits the number of group foster care placements through implementation of a statewide target for the number of group foster care placements paid for by the State and the limiting of Judicial authority to order group foster care which does not conform to regional plans. FISCAL EFFECT: These provisions will avoid significant increases in foster care spending in the future. Assuming that without a limitation on the number of placements Foster Care expenditures would continue to increase at an annual rate of 10%, this language is estimated to avoid between \$5.0 and \$6.0 million in annual increases.
2. Requires the use of intensive family preservation services prior to an out-of-home placement, subject to certain conditions. FISCAL EFFECT: These provisions are estimated to reduce net annual General Fund expenditures by \$0.6 million.
3. Limits the use of voluntary foster care for children with disabilities. Requires a finding that reasonable efforts have been made to avoid an out-of-home placement, and establishes a new oversight process for voluntary foster care using citizen Foster Care Review Boards. Payment for voluntary foster care placements is limited to 30 days, and payment can only be made for placements initiated before July 1, 1992. FISCAL EFFECT: These provisions are estimated to reduce net annual expenditures by approximately \$0.5 million.
4. Limits the eligibility of persons over age 18: these persons are no longer eligible for group foster care, persons over age 19 are no longer eligible for either group or family care, and persons over age 20 are not eligible for group or family foster care or independent living. FISCAL EFFECT: These provisions are estimated to reduce net annual expenditures by approximately \$3.4 million.
5. Establishes regional committees to review all out-of-state foster care placements which are over 125 miles from the child's home. Specifies legislative intent that these committees will cause a 25.0% reduction in the number of children in out-of-state foster care by June 30, 1994. Prohibits the DHS from paying for any out-of-state placement which has not been approved by a review committee. FISCAL EFFECT: The average cost of out-of-state foster care beds is greater than the cost of in-state beds. However, there are some out-of-state beds which are less expensive. Reducing the number of out-of-state placements may reduce costs, depending upon the type of children who are moved.
6. Permits the DHS to charge a fee for child welfare services. These fees



-2-

- must be based upon ability to pay and the case permanency plan. FISCAL EFFECT: Although these provisions may result in significant revenues, the amount of the billings and the number of people who will pay cannot be estimated.
7. Requires that effective July 1, 1993 the maintenance portion of the reimbursement for group foster care shall be based upon 100.0% of a federal standard, and shall be based upon reasonable and necessary costs. FISCAL EFFECT: Under current law providers who have contracted with the DHS are subject to a reimbursement limit of \$75.11 per day; this rate covers both maintenance and service costs. The bill does not require any additional spending compared to current law. The additional cost of providing the same level of services as are currently provided would be \$8.4 million. The extent to which services are provided would depend upon legislative action during the 1993 session and upon the practices of the DHS in negotiating with providers.
  8. Deletes statutory provisions which require the Director of the DHS to curtail the services provided by the Medical Assistance Program in order to keep the budget within the funds available. FISCAL EFFECT: Medical Assistance Program costs have been increasing at an annual rate of between 10% and 15%, and have required a supplemental appropriation every year. The DHS Director has not complied with the statutory provisions requiring changes in the Program in order to remain within the appropriation. If this statutory provision is repealed the Program will continue to require annual increases of between \$25.0 and \$30.0 million. If this provision is not repealed and if the DHS Director complies with statutory requirements, these additional costs will be avoided.
  9. Requires the DHS to apply a copayment only to those services and products specified in DHS administrative rules in effect on February 1, 1991. This results in copayments applying only to services which under federal requirements are provided at the option of the State.
  10. Requires that counties pay for that portion of the cost of shelter care which exceeds \$75.11 per day. FISCAL EFFECT: There are approximately 225 privately operated shelter care beds in Iowa and 83 publically operated beds. Based upon 1990 cost information adjusted for inflation, this provision would increase county costs by \$1.3 million. In addition, this provision would cause a reallocation of costs from counties which operate shelter beds to the county of legal settlement of the children served.

The fiscal impact of items 1 through 4 are reflected in Senate File 2355, the Human Services Appropriations Bill. The restrictions on copayments in the Medical Assistance Program in item 9 is also reflected in Senate File 2355. The costs identified in items 7 and 8 are not reflected in Senate File 2355.

Source: Department of Human Services

(LSB 6273hv.2, JMN)

FILED APRIL 29, 1992

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2480

H-6016

1 Amend House File 2480 as follows:

2 1. Page 1, by striking lines 28 through 35.

3 2. Page 2, line 17, by striking the word

4 "subsections" and inserting the following:

A 5 "subsection".

6 3. Page 2, by striking lines 18 through 23.

7 4. By striking page 3, line 25 through page 4,

8 line 5.

B 9 5. By striking page 4, line 28 through page 5,

10 line 28.

11 6. Page 8, line 29, by striking the word

12 "subsections" and inserting the following:

A 13 "subsection".

14 7. By striking page 8, line 34 through page 9,

15 line 3.

16 8. By striking page 9, line 27 through page 11,

17 line 17.

18 9. Page 15, by striking lines 30 through 33 and

19 inserting the following: "232.102, subsection 1."

C 20 10. Page 16, by striking lines 26 through 30.

21 11. Page 22, by striking lines 22 through 27.

22 12. Page 22, line 31, by striking the figures and

23 word "10, 12, 17, 20, and 23" and inserting the

24 following: "12, 20, and 23".

25 13. By renumbering as necessary.

By HANSEN of Woodbury

H-6016 FILED APRIL 23, 1992

DIVISIONS A & B - LOST, DIVISION C - WITHDRAWN (p. 1758-59)

HOUSE FILE 2480

H-6007

1 Amend House File 2480 as follows:

2 1. Page 14, by inserting after line 14 the  
3 following:

4 "Sec. \_\_\_\_ . Section 234.6, subsection 6, paragraphs  
5 c and f, Code 1991, are amended by striking the  
6 paragraphs and inserting in lieu thereof the  
7 following:

8 c. Intensive family preservation services and  
9 family-centered services, as defined in section  
10 232.102, subsection 9, paragraph "b".

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

17 Sec. \_\_\_\_ . Section 234.6, subsection 6, paragraph  
18 g, Code 1991, is amended by striking the paragraph."

19 2. Page 16, by striking lines 13 through 21.

20 3. Page 17, line 29, by inserting after the  
21 figure "(4)" the following: ", not to exceed the  
22 maximum allowable reimbursement rate authorized for  
23 foster group care".

24 4. By renumbering as necessary.

By HAMMOND of Story

H-6007 FILED APRIL 22, 1992

*Adopted 4/23/92 (p. 1760)*

HOUSE FILE 2480

H-6015

1 Amend House File 2480 as follows:

2 1. By striking page 17, line 8, through page 18,  
3 line 4.

4 2. Page 22, by inserting after line 27 the fol-  
5 lowing:

6 "Sec. \_\_\_\_ . FOSTER PARENT REIMBURSEMENT RATE. For  
7 the fiscal year beginning July 1, 1992, and ending  
8 June 30, 1993, reimbursement payments made directly to  
9 foster parents for services provided to children  
10 pursuant to section 234.6, subsection 6, paragraph  
11 "b", or section 234.35, shall be based upon 65 percent  
12 of the United States department of agriculture  
13 estimate of the cost to raise a child in the calendar  
14 year immediately preceding that fiscal year."

15 3. By renumbering as necessary.

By HESTER of Pottawattamie

H-6015 FILED APRIL 23, 1992

LOST *(p. 1761)*

Senate Approps 4/27 Do Pass 4/29 (p.1709)

HOUSE FILE 2480  
BY COMMITTEE ON APPROPRIATIONS

(As Amended and Passed by the House April 27, 1992)

Passed House, Date 4/27/92 (p.1810) Passed Senate, Date 4/30/92 (p.1730)  
Vote: Ayes 59 Nays 36 Vote: Ayes 27 Nays 18  
Approved May 11, 1992

A BILL FOR

1 An Act relating to department of human services' programs  
2 involving child and family services, juvenile justice, foster  
3 care, and medical assistance and providing applicability  
4 provisions and an effective date.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments \_\_\_\_\_

Deleted Language \*

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

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

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

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

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

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

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

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

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

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

18 NEW SUBSECTION. 1A. The court shall not order group  
19 foster care placement of the child which is a charge upon the  
20 state if that placement is not in accordance with the regional  
21 plan for group foster care established pursuant to section  
22 232.143 for the departmental region in which the court is  
23 located.

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

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

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

3 b. As used in this section:

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

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

25 Sec. 6. Section 232.117, Code 1991, is amended by adding  
26 the following new subsection:

27 NEW SUBSECTION. 3A. The court shall not order group  
28 foster care placement of the child which is a charge upon the  
29 state if that placement is not in accordance with the regional  
30 plan for group foster care established pursuant to section  
31 232.143 for the departmental region in which the court is  
32 located.

33 Sec. 7. Section 232.127, Code 1991, is amended by adding  
34 the following new subsection:

35 NEW SUBSECTION. 7A. The court shall not order group

1 foster care placement of the child which is a charge upon the  
2 state if that placement is not in accordance with the regional  
3 plan for group foster care established pursuant to section  
4 232.143 for the departmental region in which the court is  
5 located.

6 Sec. 8. Section 232.141, Code 1991, is amended by adding  
7 the following new subsection:

8 NEW SUBSECTION. 8. If the department's reimbursement for  
9 the allowable costs of a child's shelter care placement  
10 exceeds the amount the department is authorized to pay in  
11 accordance with law and administrative rule, the unpaid costs  
12 may be recovered from the child's county of legal settlement.  
13 The unpaid costs are payable pursuant to filing of verified  
14 claims against the county of legal settlement. A detailed  
15 statement of the facts upon which a claims is based shall  
16 accompany the claim. Any dispute between counties arising  
17 from filings of claims pursuant to this subsection shall be  
18 settled in the manner provided to determine legal settlement  
19 in section 230.12.

20 Sec. 9. Section 232.142, subsection 3, Code Supplement  
21 1991, is amended to read as follows:

22 3. A county or multicounty juvenile detention home  
23 approved pursuant to this section shall receive financial aid  
24 from the state in a manner approved by the director. Aid paid  
25 by the state shall be at least ten percent and not more than  
26 fifty percent of the total cost of the establishment,  
27 improvements, operation, and maintenance of the home.

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

30 1. A statewide target for the average number of children  
31 in group foster care placements on any day of a fiscal year,  
32 which placements are a charge upon or are paid for by the  
33 state, shall be established annually by the general assembly.  
34 The department and the judicial department shall jointly  
35 develop a formula for allocating a portion of the statewide



1 target established by the general assembly to each of the  
2 department's regions. The formula shall be based upon the  
3 region's proportion of the state population of children and of  
4 the statewide number of children placed in group foster care  
5 in the previous five completed fiscal years. The number  
6 determined in accordance with the formula shall be the group  
7 foster care placement target for that region.

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

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

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

31 232.175 ~~PURPOSE-AND-POLICY~~ PLACEMENT OVERSIGHT.  
32 ~~It-is-the-purpose-and-policy-of-this-division-to-provide~~  
33 ~~court~~ Placement oversight for placements that involve a  
34 ~~handicapped-child-placed-voluntarily-in-foster-care-by-the~~  
35 ~~child's-parent-or-guardian;~~ shall be provided pursuant to this

1 division when the parent, guardian, or custodian of a child  
2 with mental retardation or other developmental disability  
3 requests placement of the child for a period of more than  
4 thirty days. The oversight shall be provided through review  
5 of the voluntary-placements placement every six months by the  
6 department's foster care review committees or by a local  
7 foster care review board. Court oversight shall be provided  
8 prior to the initial placement and at periodic intervals which  
9 shall not exceed eighteen months. It is the purpose and  
10 policy of this division to assure the additional-safeguard-of  
11 court-oversight existence of oversight safeguards as required  
12 by the federal Child Welfare Act of 1980, Pub. L. No. 96-272,  
13 as codified in 42 U.S.C. § 671(a)(16), 627(a)(2)(B), and  
14 675(1),(5), while maintaining parental decision-making  
15 authority.

16 Sec. 12. Section 232.178, subsections 1, 3, and 4, Code  
17 1991, are amended to read as follows:

18 1. ~~The~~ For a placement initiated on or after July 1, 1992,  
19 the department shall file a petition to initiate a voluntary  
20 placement proceeding prior to the child's placement in  
21 accordance with criteria established pursuant to the federal  
22 Child Welfare Act of 1980, Pub. L. No. 96-272, as codified in  
23 42 U.S.C. § 627(a). For a placement initiated before July 1,  
24 1992, the department shall file a petition to approve  
25 placement on or before September 1, 1992.

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

30 4. The petition shall ~~allege that the child is placed in~~  
31 ~~foster care on the basis of a signed voluntary placement~~  
32 ~~agreement between the department and the child's parent or~~  
33 ~~guardian; that the child has an~~ describe the child's  
34 emotional, physical, or intellectual handicap disability which  
35 requires care and treatment; that the child's parent or

1 ~~guardian has demonstrated a willingness to fulfill~~ the  
2 reasonable efforts to maintain the child in the child's home;  
3 the department's request to the family of a child with mental  
4 retardation, other developmental disability, or organic mental  
5 illness to determine if any services or support provided to  
6 the family will enable the family to continue to care for the  
7 child in the child's home; and the reason the child's parent,  
8 guardian, or custodian has requested a foster care placement.  
9 The petition shall also describe the commitment of the parent,  
10 guardian, or custodian in fulfilling the responsibilities to  
11 the child as defined in the case permanency plan; and that how  
12 the voluntary placement is in will serve the child's best  
13 interests.

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

16 232.181 SOCIAL HISTORY REPORT.

17 Upon the filing of a petition, the department shall submit  
18 a social history report regarding the child and the child's  
19 family. The report shall include a description of the child's  
20 handicap disability and resultant functional limitations, the  
21 case permanency plan, a description of the proposed foster  
22 care placement, and a description of parental family  
23 participation in developing the child's case permanency plan  
24 and the ~~parent's compliance with~~ commitment of the parent,  
25 guardian, or custodian in fulfilling the responsibilities to  
26 the child as defined in the plan.

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

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

1 exist:

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

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

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

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

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

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

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

30 NEW SUBSECTION. 5A. If the court orders placement of the  
31 child into foster care, the court shall establish a support  
32 obligation for the costs of the placement pursuant to section  
33 234.39.

34 NEW SUBSECTION. 7. The court shall not order group foster  
35 care placement of the child which is a charge upon the state

1 if that placement is not in accordance with the regional plan  
2 for group foster care established pursuant to section 232.143  
3 for the departmental region in which the court is located.

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

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

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

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

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

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

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

29 1. DUTIES. The department of human services and the  
30 judicial department shall jointly establish one or more out-  
31 of-state placement committees in each departmental region to  
32 review the cases of children who are placed outside the  
33 children's homes, in an out-of-state group foster care  
34 placement which is more than one hundred twenty-five miles  
35 from a child's home. It is the intent of the general assembly

1 that by June 30, 1994, the review committees will reduce the  
2 number of children placed in out-of-state group foster care  
3 placements by twenty-five percent from the number of those  
4 placements in the fiscal year beginning July 1, 1991. A  
5 review committee shall perform all of the following  
6 activities:

7 a. Consult with the local experts in reforming youth  
8 services.

9 b. Seek to develop services and use of wrap-around  
10 services as alternatives to out-of-state placements. For the  
11 purposes of this paragraph, "wrap-around services" means  
12 coordinated, highly individualized and community-based  
13 services directed to the basic human needs of a child and the  
14 child's family which are developed and approved by an  
15 interdisciplinary team and focused upon the strengths of the  
16 child and the child's family.

17 c. Meet as necessary to review cases of children who are  
18 being referred to an out-of-state placement.

19 d. Require the presence or testimony of the persons  
20 associated with the referral of the child to an out-of-state  
21 placement as appropriate for the committee to make findings  
22 and recommendations.

23 e. Make findings and recommendations to the court within  
24 ten working days of referral of a child to an out-of-state  
25 placement. The department or the juvenile court officer  
26 associated with the referral of a child to an out-of-state  
27 placement shall report to the court the findings and  
28 recommendations of the committee prior to the court making a  
29 disposition. A committee shall not recommend out-of-state  
30 placement of a child unless committee members representing  
31 both the department and the court are present at the meeting  
32 in which the recommendation is considered and a majority of  
33 the members present approve of the recommendation.

34 f. The department shall not pay the cost of an out-of-  
35 state group foster care placement which is more than one

1 hundred twenty-five miles from a child's home without a review  
2 committee recommending the out-of-state group foster care  
3 placement.

4 9. Report annually to the child welfare task force created  
5 in Senate File 2355, if enacted by the Seventy-fourth General  
6 Assembly, 1992 Session, concerning the committee's progress in  
7 reducing out-of-state placements.

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

18 Sec. 18. NEW SECTION. 232.188 DECATEGORIZATION OF CHILD  
19 WELFARE FUNDING.

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

30 2. In partnership with an interested county or group of  
31 counties which has demonstrated the commitment and involvement  
32 of the affected county department of human services, juvenile  
33 court system, and board of supervisors, the department shall  
34 develop agreements providing for the decategorization of  
35 specific state and state-federal funding categories into a

1 child welfare funding pool for that county or group of  
2 counties. A decategorization agreement shall require the  
3 decategorization program to be implemented by a  
4 decategorization governance board. The decategorization  
5 governance board shall develop specific, quantifiable short-  
6 term and long-term plans for enhancing the county's or group  
7 of counties' family-centered and community-based services and  
8 reducing reliance upon out-of-community care. The affected  
9 service systems shall include child welfare and juvenile  
10 justice systems. A decategorization agreement may vary  
11 depending upon the approaches selected by the county or group  
12 of counties which shall be detailed in an annual child welfare  
13 services plan developed by the decategorization governance  
14 board. A decategorization governance board shall involve  
15 community representatives and county organizations in the  
16 development of the plan.

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

26 4. In a decategorization agreement, the department and the  
27 county's or group of counties' decategorization governance  
28 board shall agree on all of the following items: the  
29 governance relationship between the department and the  
30 decategorization governance board; the respective areas of  
31 autonomy of the department and the board; the budgeting  
32 structure for the decategorization; and a method for resolving  
33 disputes between the department and the board. The  
34 decategorization agreement shall require the department and  
35 the decategorization governance board to agree upon a budget



1 on or before June 15 of the fiscal year preceding the fiscal  
2 year to which the budget applies. The budget may later be  
3 modified to reflect new or changed circumstances.

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

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

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

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

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

10 Sec. 20. Section 234.1, subsection 4, unnumbered paragraph  
11 1, Code 1991, is amended to read as follows:

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

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

18 c. Intensive family preservation services and family-  
19 centered services, as defined in section 232.102, subsection  
20 9, paragraph "b".

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

26 Sec. 22. Section 234.6, subsection 6, paragraph g, Code  
27 1991, is amended by striking the paragraph.

28 Sec. 23. Section 234.6, Code 1991, is amended by adding  
29 the following new subsection:

30 NEW SUBSECTION. 10. In determining the reimbursement rate  
31 for services purchased by the department of human services  
32 from a person or agency, the department shall not include  
33 private moneys contributed to the person or agency unless the  
34 moneys are contributed for services provided to a specific  
35 individual.

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

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

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

23     234.35 WHEN STATE TO PAY FOSTER CARE COSTS.

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

28     1 a. When a court has committed the child to the director  
29 of human services or the director's designee.

30     2 b. When a court has transferred legal custody of the  
31 child to the department of human services.

32     3 c. When the department has agreed to provide foster care  
33 services for the child for a period of not more than thirty  
34 days on the basis of a signed placement agreement between the  
35 department and the child's parent or guardian initiated on or

1 after July 1, 1992.

2     4 d. When the child has been placed in emergency care for  
3 a period of not more than thirty days upon approval of the  
4 director or the director's designee.

5     5 e. When a court has entered an order transferring the  
6 legal custody of the child to a foster care placement pursuant  
7 to section 232.52, subsection 2, paragraph "d", or section  
8 232.102, subsection 1. However, payment for a group foster  
9 care placement shall be limited to those placements which  
10 conform to a regional group foster plan established pursuant  
11 to section 232.143.

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

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

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

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

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

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

35     4. Payment for foster care services provided to a child

1 who is eighteen years of age or older shall be limited to the  
2 following:

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

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

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

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

14 234.38 FOSTER CARE REIMBURSEMENT RATES.

15 1. The department of human services shall make  
16 reimbursement payments directly to foster parents for services  
17 provided to children pursuant to section 234.6, subsection 6,  
18 paragraph "b", or section 234.35. For each of the following  
19 fiscal years, the reimbursement rate shall be based upon the  
20 indicated percentage of the United States department of  
21 agriculture estimate of the cost to raise a child in the  
22 calendar year immediately preceding the indicated fiscal year:  
23 1992-1993, sixty-five percent; 1993-1994, seventy-five  
24 percent; and 1994-1995 and subsequent fiscal years, eighty  
25 percent. The department may pay an additional stipend for a  
26 child with special needs.

27 2. For fiscal years beginning on or after July 1, 1993,  
28 the department shall reimburse foster group care facilities,  
29 as defined under section 237.3, subsection 2, paragraph "a",  
30 subparagraphs (1) through (4) and (6), and shelter care  
31 facilities approved under section 232.142 at one hundred  
32 percent of the cost of maintenance as specified in Pub. L. No.  
33 96-272, as codified in 42 U.S.C. § 475(4), not to exceed the  
34 maximum allowable reimbursement rate authorized for foster  
35 group care. The service portion of the reimbursement rate

1 shall be negotiated between the department and the facility  
2 and specified in a purchase of service agreement.  
3 Reimbursement payments made under this subsection shall use  
4 rates which are based upon reasonable and necessary costs  
5 which must be incurred by efficiently and economically  
6 operated facilities in order to provide care and services in  
7 conformity with applicable state and federal requirements, and  
8 quality and safety standards, and to ensure that individuals  
9 eligible for the services have reasonable access to services  
10 of adequate quality.

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

13 1. For an individual to whom section 234.35, subsection 2,  
14 ~~47-01-5~~ 1, is applicable, a dispositional order of the  
15 juvenile court requiring the provision of foster care shall  
16 establish, after notice and a reasonable opportunity to be  
17 heard is provided to a parent or guardian, the amount of the  
18 parent's or guardian's support obligation for the cost of  
19 foster care provided by the department, if a support  
20 obligation has not previously been established under an order  
21 of the district court or court of comparable jurisdiction in  
22 another state. The court shall establish the amount of the  
23 parent's or guardian's support obligation and the amount of  
24 support debt accrued and accruing in accordance with the child  
25 support guidelines prescribed under section 598.21, subsection  
26 4. However, the court may adjust the prescribed obligation  
27 after considering a recommendation by the department for  
28 expenses related to goals and objectives of a case permanency  
29 plan as defined under section 237.15. The order shall direct  
30 the payment of the support obligation to the collection  
31 services center for the use of the department's foster care  
32 recovery unit. The order shall be filed with the clerk of the  
33 district court in which the responsible parent or guardian  
34 resides and has the same force and effect as a judgment when  
35 entered in the judgment docket and lien index. The collection

1 services center shall disburse the payments pursuant to the  
2 order and enter the disbursements in a record book. If  
3 payments are not made as ordered, the child support recovery  
4 unit shall certify a default to the court and the court may,  
5 on its own motion, proceed under section 598.22 or 598.23. An  
6 order entered under this subsection may be modified only in  
7 accordance with the guidelines prescribed under section  
8 598.21, subsection 8.

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

21 Sec. 28. Section 235.1, unnumbered paragraph 2, Code 1991,  
22 is amended to read as follows:

23 "Child welfare services" means social welfare services for  
24 the protection and care of children who are homeless,  
25 dependent or neglected, or in danger of becoming delinquent,  
26 or who have a mental illness or mental retardation or other  
27 developmental disability, including, when necessary, care and  
28 maintenance in a foster care facility. Child welfare services  
29 are designed to serve a child in the child's home whenever  
30 possible. If not possible, and the child is placed outside  
31 the child's home, the placement should be in the least  
32 restrictive setting available and in close proximity to the  
33 child's home.

34 Sec. 29. Section 249A.4, unnumbered paragraph 1, and  
35 subsections 1, 2, and 9, Code Supplement 1991, are amended to

1 read as follows:

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

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

30 ~~2. Have authority to determine, when available funds~~  
31 ~~permit expansion of the program provided under this chapter~~  
32 ~~beyond the minimum scope required by subsection 1 of this~~  
33 ~~section, whether priority shall be given to providing~~  
34 ~~additional medical assistance to the individuals and families~~  
35 ~~described in section 249A.3, subsection 1, or to providing~~



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

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

8 a. The promotion of efficient and cost-effective delivery  
9 of medical and health services.

10 b. Compliance with federal law and regulations.

11 c. The level of state and federal appropriations for  
12 medical assistance.

13 d. Reimbursement at a level as near as possible to actual  
14 costs and charges after priority is given to the  
15 considerations in paragraphs "a", "b", and "c".

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

18 NEW SUBSECTION. 14. A medical assistance copayment shall  
19 only be applied to those services and products specified in  
20 administrative rules of the department in effect on February  
21 1, 1991, which under federal medical assistance requirements,  
22 are provided at the option of the state.

23 Sec. 31. CHILD WELFARE PLANNING REQUIREMENTS.

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

29 a. The effects of removing foster care placement options  
30 currently available for persons who are 18 years of age or  
31 older and are eligible for children's services.

32 b. The effects of requiring court approval for voluntary  
33 foster care placements prior to the child's removal from the  
34 child's home.

35 c. Identification of the child and family services which

1 are and are not appropriate for state funding.

2 d. Identification of the appropriate eligibility  
3 requirements for children's services under authority of the  
4 division.

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

10 a. Definitions of child welfare services, standards, and  
11 eligibility criteria, including priorities for providing  
12 services if funding is insufficient to serve all who are  
13 eligible.

14 b. Identifying core child welfare services, available  
15 statewide in making reasonable efforts, as defined in section  
16 232.102, to prevent or end the placement of a child outside  
17 the child's home.

18 c. Providing authority for regional or local service  
19 delivery units to provide certain additional services, as  
20 specified by the department, based upon service plans  
21 developed by those units.

22 d. Identifying unmet service needs based upon information  
23 submitted by regional service delivery units.

24 The division shall submit a report concerning the public  
25 hearings and providing the proposed state plan, to the  
26 governor and the general assembly on or before January 4,  
27 1993.

28 Sec. 32. IMPLEMENTATION OF REGIONAL TARGETS. In  
29 implementing the provisions of section 10 of this Act for the  
30 1992-1993 fiscal year, the department of human services, the  
31 judicial department, and the juvenile court shall take every  
32 action necessary to establish, on or before August 15, 1992,  
33 the initial regional plans required by that section.

34 Sec. 33. EMERGENCY RULES. The department of human  
35 services may adopt administrative rules under section 17A.4,

1 subsection 2, and section 17A.5, subsection 2, paragraph "b",  
2 to implement sections 10, 12, 17, 20, and 25 of this Act and  
3 the rules shall become effective immediately upon filing,  
4 unless a later date is specified in the rules. Any rules  
5 adopted in accordance with the provisions of this section  
6 shall also be published as a notice of intended action as  
7 provided in section 17A.4.

8     Sec. 34. APPLICABILITY. The amendment to section 217.12,  
9 subsection 4, in section 1 of this Act applies to  
10 demonstration program grants awarded on or after July 1, 1992.  
11 In addition, the requirements of section 217.12, subsection 4,  
12 Code 1991, which are stricken in this Act, shall no longer be  
13 applied to demonstration program grants on or after July 1,  
14 1992.

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

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## HOUSE FILE 2480

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1 Amend House File 2480, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. Section 232.2, Code Supplement 1991,  
6 is amended by adding the following new subsection:  
7 NEW SUBSECTION. 41A. "Reasonable efforts" means  
8 the offer of services to a child's family in order to  
9 prevent or end the placement of the child outside the  
10 child's home, which offer includes a consideration of  
11 all of the following circumstances:  
12 a. The specific problems which may cause the  
13 child's placement outside the child's home to occur or  
14 continue.  
15 b. The likelihood that a particular service will  
16 resolve the specific problems.  
17 c. The length of time services are to be or have  
18 been provided to the child's family.  
19 d. If the child is placed outside the child's  
20 home, the time frames provided for termination of  
21 parental rights under section 232.116.  
22 Sec. \_\_\_\_\_. Section 232.71, subsections 10 and 13,  
23 Code 1991, are amended to read as follows:  
24 10. Based on the investigation conducted pursuant  
25 to this section, the department shall offer to the  
26 family of any child believed to be the victim of abuse  
27 such services as are available and appear appropriate  
28 for either the child, the family, or both, if it is  
29 explained that the department has no legal authority  
30 to compel such the family to receive such the  
31 services.  
32 13. The Within funds available for this purpose,  
33 the department of human services shall provide for or  
34 arrange for and monitor rehabilitative services for  
35 abused children and their families on a voluntary  
36 basis or under a final or intermediate order of the  
37 juvenile court. The department shall adopt rules  
38 defining the services.  
39 Sec. \_\_\_\_\_. Section 232.141, Code 1991, is amended  
40 by adding the following new subsection:  
41 NEW SUBSECTION. 8. This subsection applies to  
42 placements in a juvenile shelter care home which is  
43 publicly owned, operated as a county or multicounty  
44 shelter care home, or organized under a chapter 28E  
45 agreement. If the department's reimbursement for the  
46 allowable costs of a child's shelter care placement  
47 exceeds the amount the department is authorized to pay  
48 in accordance with law and administrative rule, the  
49 unpaid costs may be recovered from the child's county  
50 of legal settlement. The unpaid costs are payable

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1 pursuant to filing of verified claims against the  
2 county of legal settlement. A detailed statement of  
3 the facts upon which a claim is based shall accompany  
4 the claim. Any dispute between counties arising from  
5 filings of claims pursuant to this subsection shall be  
6 settled in the manner provided to determine legal  
7 settlement in section 230.12.

8 Sec. \_\_\_\_ . NEW SECTION. 232.143 CHILD WELFARE  
9 SERVICES.

10 The court shall not order a child welfare service  
11 which is a charge upon the state pursuant to section  
12 234.6, subsection 5A, or section 234.35 if there are  
13 insufficient funds to pay for the service within that  
14 service category of the regional child welfare  
15 services allocation.

16 Sec. \_\_\_\_ . Section 232.175, Code 1991, is amended  
17 to read as follows:

18 232.175 PURPOSE AND POLICY.

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

40 Sec. \_\_\_\_ . Section 232.178, subsections 1, 3, and  
41 4, Code 1991, are amended to read as follows:

42 1. The For a placement initiated on or after July  
43 1, 1992, the department shall file a petition to  
44 initiate a voluntary placement proceeding prior to the  
45 child's placement in accordance with criteria  
46 established pursuant to the federal Child Welfare Act  
47 of 1980, Pub. L. No. 96-272, as codified in 42 U.S.C.  
48 § 627(a). For a placement initiated before July 1,  
49 1992, the department shall file the petition on or  
50 before September 1, 1992.

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

6 4. The petition shall ~~allege that the child is~~  
7 ~~placed in foster care on the basis of a signed~~  
8 ~~voluntary placement agreement between the department~~  
9 ~~and the child's parent or guardian; that the child has~~  
10 an describe the child's emotional, physical, or  
11 intellectual handicap disability which requires care  
12 and treatment; that the child's parent or guardian has  
13 demonstrated a willingness to fulfill the services or  
14 support previously provided to maintain the child in  
15 the child's home; and the reason the child's parent,  
16 guardian, or custodian has requested a foster care  
17 placement. The petition shall also describe the  
18 commitment of the parent, guardian, or custodian in  
19 fulfilling the responsibilities to the child as  
20 defined in the case permanency plan; and that how the  
21 voluntary placement is in will serve the child's best  
22 interests.

23 Sec. \_\_\_\_ . Section 232.181, Code 1991, is amended  
24 to read as follows:

25 232.181 SOCIAL HISTORY REPORT.

26 Upon the filing of a petition, the department shall  
27 submit a social history report regarding the child and  
28 the child's family. The report shall include a  
29 description of the child's handicap disability and  
30 resultant functional limitations, the case permanency  
31 plan, a description of the proposed foster care  
32 placement, and a description of parental family  
33 participation in developing the child's case  
34 permanency plan and the parent's compliance with  
35 commitment of the parent, guardian, or custodian in  
36 fulfilling the responsibilities to the child as  
37 defined in the plan.

38 Sec. \_\_\_\_ . Section 232.182, subsections 5 and 6,  
39 Code 1991, are amended to read as follows:

40 5. After the hearing is concluded, the court shall  
41 make and file written findings as to whether  
42 reasonable efforts have been made and whether the  
43 voluntary foster care placement is in the child's best  
44 interests. The court shall determine that voluntary  
45 order foster care placement is in the child's best  
46 interests if the court finds that both all of the  
47 following conditions exist:

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

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

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

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

18 6. The hearing may be waived and the court may  
19 issue the findings and order required under subsection  
20 5 on the basis of the department's written report if  
21 all parties agree to the hearing's waiver.

22 Sec. \_\_\_\_ . Section 232.182, Code 1991, is amended  
23 by adding the following new subsection:

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

28 Sec. \_\_\_\_ . Section 232.183, subsections 2 and 5,  
29 Code 1991, are amended to read as follows:

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

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

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

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

46 c. An If the court finds that the child's parent,  
47 guardian, or custodian has failed to fulfill  
48 responsibilities outlined in the case permanency plan,  
49 an order that the child remain in foster care and that  
50 the county attorney or department file, within three

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1 days, a petition alleging the child to be a child in  
2 need of assistance.

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

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

9 Sec. \_\_\_\_\_. Section 234.6, Code 1991, is amended by  
10 adding the following new subsection:

11 NEW SUBSECTION. 5A. Recommend the adoption of  
12 rules, with the approval of the director, to do all of  
13 the following:

14 a. Develop a state child welfare plan defining  
15 child welfare services, standards, and eligibility  
16 criteria, including priorities for providing services  
17 if funding is insufficient to serve all who are  
18 eligible.

19 b. Establish core child welfare services,  
20 available statewide in making reasonable efforts, as  
21 defined in section 232.2, to prevent or end the  
22 placement of a child outside the child's home.

23 c. Authorize regional or local service delivery  
24 units to provide certain additional services, as  
25 specified by the department, based upon service plans  
26 developed by those units.

27 d. Allocate moneys from the child welfare fund.

28 e. Identify unmet service needs based upon  
29 information submitted by regional or local service  
30 delivery units.

31 Sec. \_\_\_\_\_. Section 234.6, subsection 6, paragraph  
32 b, Code 1991, is amended by striking the paragraph and  
33 inserting in lieu thereof the following:

34 b. Child welfare services, as defined pursuant to  
35 subsection 5A.

36 Sec. \_\_\_\_\_. Section 234.6, subsection 6, paragraphs  
37 c, f, and g, Code 1991, are amended by striking the  
38 paragraphs.

39 Sec. \_\_\_\_\_. NEW SECTION. 234.7 CHILD WELFARE FUND.

40 A child welfare fund is created in the state  
41 treasury under the authority of the administrator.  
42 Moneys received from state and federal appropriations,  
43 federal matching funds, and foster care recoveries  
44 shall be deposited in the fund. The fund shall be  
45 used only for certified expenses incurred pursuant to  
46 the child welfare plan.

47 Sec. \_\_\_\_\_. NEW SECTION. 234.8 FEES FOR CHILD  
48 WELFARE SERVICES.

49 The department of human services may charge a fee  
50 for child welfare services to a person liable for the

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1 cost of the services. The fee shall not exceed the  
2 reasonable cost of the services. The fee shall be  
3 based upon the person's ability to pay and  
4 consideration of the objectives and responsibilities  
5 of the parent, guardian, or custodian identified in  
6 the case permanency plan. The department may assess  
7 the liable person for the fee and the means of  
8 recovery shall include a setoff against an amount owed  
9 by a state agency to the person assessed pursuant to  
10 section 421.17, subsection 29. In addition the  
11 department may establish an administrative process to  
12 recover the assessment through automatic income  
13 withholding. The department shall adopt rules  
14 pursuant to chapter 17A to implement the provisions of  
15 this section.

16 Sec. \_\_\_\_ . Section 234.35, Code 1991, is amended to  
17 read as follows:

18 234.35 WHEN STATE TO PAY FOSTER CARE COSTS.

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

24 1 a. When a court has committed the child to the  
25 director of human services or the director's designee.

26 2 b. When a court has transferred legal custody of  
27 the child to the department of human services.

28 3 c. When the department has agreed to provide  
29 foster care services for the child for a period of not  
30 more than thirty days on the basis of a signed  
31 placement agreement between the department and the  
32 child's parent or guardian initiated on or after July  
33 1, 1992.

34 4 d. When the child has been placed in emergency  
35 care for a period of not more than thirty days upon  
36 approval of the director or the director's designee.

37 5 e. When a court has entered an order  
38 transferring the legal custody of the child to a  
39 foster care placement pursuant to section 232.52,  
40 subsection 2, paragraph "d", or section 232.102,  
41 subsection 1.

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

47 g. When the court has entered an order in a  
48 voluntary foster care placement proceeding and has  
49 placed the child into foster care pursuant to section  
50 232.182, subsection 5.

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1 h. When the department has agreed to provide  
2 foster care services for the child on the basis of a  
3 signed placement agreement between the department and  
4 the child's parent or guardian initiated before July  
5 1, 1992.

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

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

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

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

17 4. The responsibility of the state for payment of  
18 group foster care shall be limited to the funds  
19 appropriated for that purpose.

20 Sec. \_\_\_\_ . Section 235.1, unnumbered paragraph 2,  
21 Code 1991, is amended to read as follows:

22 "Child welfare services" means social welfare  
23 services for the protection and care of eligible  
24 children ~~who are homeless, dependent or neglected, or~~  
25 ~~in danger of becoming delinquent, including when~~  
26 ~~necessary care and maintenance in a foster care~~  
27 ~~facility.~~ Child welfare services are designed to  
28 serve a child in the child's home whenever possible.  
29 If not possible, and the child is placed outside the  
30 child's home, the placement should be in the least  
31 restrictive setting available and in close proximity  
32 to the child's home."

33 2. Title page, line 2, by inserting after the  
34 word "justice," the following: "and".

35 3. Title page, by striking lines 3 and 4 and  
36 inserting the following: "care, including  
37 establishing a child welfare fund and providing for  
38 the allocation of moneys from the fund."

By RAY TAYLOR  
MAGGIE TINSMAN  
MARY KRAMER

S-5907 FILED APRIL 29, 1992

*lost 4/30 (p. 1729)*

## HOUSE FILE 2480

S-5901

- 1 Amend House File 2480, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by striking lines 6 through 19.
- 4 2. By renumbering as necessary.

By JIM RIORDAN

S-5901 FILED APRIL 29, 1992

*w/d 4/30 (p. 1731)*

## HOUSE FILE 2480

S-5905

- 1 Amend House File 2480, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 4, line 8, by inserting after the figure
- 4 "8." the following: "This subsection applies to
- 5 placements in a juvenile shelter care home which is
- 6 publicly owned, operated as a county or multicounty
- 7 shelter care home, or organized under a chapter 28E
- 8 agreement."

By MAGGIE TINSMAN

S-5905 FILED APRIL 29, 1992

*o/o 4/30 (p. 1731)*

## HOUSE FILE 2480

S-5908

- 1 Amend House File 2480, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 4, by striking line 8, and inserting the
- 4 following:
- 5 "NEW SUBSECTION. 8. This subsection applies only
- 6 to placements in a juvenile shelter care home which is
- 7 publicly owned, operated as a county or multicounty
- 8 shelter care home, or organized under a chapter 28E
- 9 agreement. If".
- 10 2. Page 4, line 15, by striking the word "claims"
- 11 and inserting the following: "claim".

By MAGGIE TINSMAN

S-5908 FILED APRIL 29, 1992

*lost 4/30 (p. 1730)*

HOUSE FILE 2480

S-5921

- 1 Amend House File 2480, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 21, by striking lines 16 through 22.
- 4 2. Page 23, by striking lines 15 and 16.
- 5 3. Title page, by striking line 4 and inserting
- 6 the following: "provisions."
- 7 4. By renumbering as necessary.

By MARK HAGERLA

S-5921 FILED APRIL 30, 1992

LOST (p. 1730)

HOUSE FILE 2480

S-5923

- 1 Amend the amendment, S-5901, to House File 2480, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking line 3 and inserting the
- 5 following:
- 6 " . Page 4, by striking line 8, and inserting
- 7 the following:
- 8 "NEW SUBSECTION. 8. This subsection applies only
- 9 to placements in a juvenile shelter care home which is
- 10 publicly owned, operated as a county or multicounty
- 11 shelter care home, or organized under a chapter 28E
- 12 agreement. If"
- 13 2. Page 4, line 15, by striking the word "claims"
- 14 and inserting the following: "claim".

By MAGGIE TINSMAN

S-5923 FILED APRIL 30, 1992

RULED OUT OF ORDER (p. 1731)

HOUSE FILE 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 function.

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.

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 at 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. An 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 DEATEGORIZATION 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 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~~r~~-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 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.

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ROBERT C. ARNOULD  
Speaker of the House

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MICHAEL E. GRONSTAL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2480, Seventy-fourth General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 11, 1992

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TERRY E. BRANSTAD  
Governor