

FEB 24 2000

HUMAN RESOURCES

HOUSE FILE
BY HEATON

2414

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to certain department of human services programs
2 and administrative requirements.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2414

1 DIVISION I

2 STATE CHILD CARE ASSISTANCE

3 Section 1. Section 237A.1, Code Supplement 1999, is
4 amended by adding the following new subsection:

5 NEW SUBSECTION. 12A. "Poverty level" means the poverty
6 level defined by the most recently revised poverty income
7 guidelines published by the United States department of health
8 and human services.

9 Sec. 2. NEW SECTION. 237A.13 STATE CHILD CARE
10 ASSISTANCE.

11 1. A state child care assistance program is established in
12 the department to assist children in families who meet
13 eligibility guidelines and are described by any of the
14 following circumstances:

15 a. The child's parent, guardian, or custodian is in
16 academic or vocational training.

17 b. The child's parent, guardian, or custodian is
18 unemployed or looking for employment.

19 c. The child's parent, guardian, or custodian is employed
20 and the family income meets income requirements.

21 d. The child's parent, guardian, or custodian is absent
22 for a limited period of time due to hospitalization, physical
23 illness, or mental illness, or the parent, guardian, or
24 custodian is deceased.

25 e. The child needs protective services to prevent or
26 alleviate child abuse or neglect.

27 2. Services under the program may be provided in a
28 licensed child care center, a registered group child care
29 home, a registered family child care home, the home of a
30 relative, the child's own home, an unregistered family child
31 care home, or in a facility exempt from licensing or
32 registration.

33 3. The department shall set provider reimbursement rates
34 based on a county-by-county basis using a child care facility
35 rate reimbursement survey of each county. The survey shall be

1 conducted at least every two years. The department shall set
2 rates in a manner so as to provide incentives for an
3 unregistered provider to become registered.

4 4. The department shall not apply waiting list
5 requirements to any of the following persons:

6 a. Persons deemed to be eligible for benefits under the
7 state child care assistance program in accordance with section
8 239B.24.

9 b. Children whose parent, guardian, or custodian is absent
10 or deceased.

11 c. Children who need protective services to prevent or
12 alleviate child abuse or neglect.

13 5. Based upon the availability of the funding appropriated
14 for state child care assistance for a fiscal year, the
15 department shall establish waiting lists for state child care
16 assistance in descending order of prioritization as follows:

17 a. Families with an income at or below one hundred percent
18 of the federal poverty level whose members are employed at
19 least twenty-eight hours per week, and parents with a family
20 income at or below one hundred percent of the federal poverty
21 level who are under the age of twenty-one years and are
22 participating in an educational program leading to a high
23 school diploma or the equivalent.

24 b. Parents with a family income at or below one hundred
25 percent of the federal poverty level who are under the age of
26 twenty-one years and are participating, at a satisfactory
27 level, in an approved training program or in an educational
28 program.

29 c. Families with an income of more than one hundred
30 percent but not more than one hundred forty percent of the
31 federal poverty level whose members are employed at least
32 twenty-eight hours per week.

33 d. Families with an income at or below one hundred
34 seventy-five percent of the federal poverty level whose
35 members are employed at least twenty-eight hours per week with

1 a special needs child as a member of the family.

2 6. Nothing in this section shall be construed as or is
3 intended as, or shall imply, a grant of entitlement for
4 services to persons who are eligible for assistance due to an
5 income level or other eligibility circumstance addressed in
6 this section. Any state obligation to provide services
7 pursuant to this section is limited to the extent of the funds
8 appropriated for the purposes of state child care assistance.

9 Sec. 3. Section 239B.24, subsection 1, Code Supplement
10 1999, is amended to read as follows:

11 1. The following persons are deemed to be eligible for
12 benefits under the state child care assistance program
13 administered by the department in accordance with section
14 237A.13, notwithstanding the program's eligibility
15 requirements or any waiting list:

16 DIVISION II

17 COUNTY CLUSTER EMPLOYEE AND VOLUNTEER RECORD CHECKS

18 Sec. 4. NEW SECTION. 217.44 COUNTY CLUSTERS -- EMPLOYEE
19 AND VOLUNTEER RECORD CHECKS.

20 1. The department of human services shall conduct criminal
21 and child and dependent adult abuse record checks of persons
22 who are potential employees, employees, potential volunteers,
23 and volunteers in county cluster offices and who are in a
24 position having direct contact with the department's clients.
25 The record checks shall be performed in this state and the
26 department may conduct these checks in other states. If the
27 department determines that a person has been convicted of a
28 crime or has a record of founded child or dependent adult
29 abuse, the department shall perform an evaluation to determine
30 whether the crime or founded abuse warrants prohibition of the
31 person's employment or participation as a volunteer. The
32 record checks and evaluation shall be performed in accordance
33 with procedures adopted for this purpose by the department.

34 2. In an evaluation, the department shall consider the
35 nature and seriousness of the crime or founded child or

1 dependent adult abuse in relation to the position sought or
2 held, the time elapsed since the commission of the crime or
3 founded abuse, the circumstances under which the crime or
4 founded abuse was committed, the degree of rehabilitation, the
5 likelihood that the person will commit the crime or founded
6 abuse again, and the number of crimes or founded abuses
7 committed by the person involved.

8 3. The department may permit a person who is evaluated to
9 be employed or to participate as a volunteer if the person
10 complies with the department's conditions relating to
11 employment or participation as a volunteer which may include
12 completion of additional training.

13 4. If the department determines that the person has
14 committed a crime or has a record of founded child or
15 dependent adult abuse which warrants prohibition of employment
16 or participation as a volunteer, the person shall not be
17 employed by or participate as a volunteer in a department
18 cluster office in a position having direct contact with the
19 department's clients.

20 EXPLANATION

21 This bill relates to programs and administrative
22 requirements involving the department of human services.

23 Division I of the bill relates to state child care
24 assistance. New Code section 237A.13 codifies requirements
25 for state child care assistance, including eligibility
26 provisions, child care settings that are eligible for
27 assistance, a requirement to set rates on a county-by-county
28 basis according to a biennial rate survey, a list of persons
29 exempt from waiting list requirements, a priority listing if
30 waiting lists must be established, and language clarifying
31 that the provision of assistance is contingent upon the
32 availability of funding appropriated.

33 The bill includes a corresponding reference in Code section
34 239B.24, relating to child care assistance eligibility for
35 participants in the family investment program and JOBS

1 program.

2 Division II relates to persons who are prospective
3 employees, employees, prospective volunteers, and volunteers
4 in county cluster offices for positions having direct contact
5 with the department's clients. Under new Code section 217.44,
6 the department is directed to perform criminal and child and
7 dependent adult abuse record checks of such persons in this
8 state and may perform the checks in other states. If a
9 criminal record or founded abuse exists, the department is to
10 perform an evaluation in accordance with specified criteria to
11 determine whether prohibition of the person's employment or
12 volunteer participation is warranted.

13 The department may permit a person who is evaluated to be
14 employed or to participate as a volunteer if the person
15 complies with the department's conditions relating to
16 employment or participation as a volunteer which may include
17 completion of additional training. Otherwise, if the
18 department determines that the person has committed a crime or
19 has a record of founded child or dependent adult abuse which
20 warrants prohibition of employment or participation as a
21 volunteer, the person cannot be employed by or participate as
22 a volunteer in a department cluster office in a position
23 having direct contact with the department's clients.

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