

# Senate Study Bill 1139

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act revising requirements applicable to county and multicounty  
2 decategorization of child welfare and juvenile justice funding  
3 projects.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1275DP 81  
6 jp/pj/5

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1 1 Section 1. Section 232.188, Code 2005, is amended by  
1 2 striking the section and inserting in lieu thereof the  
1 3 following:  
1 4 232.188 DECATEGORIZATION OF CHILD WELFARE AND JUVENILE  
1 5 JUSTICE FUNDING INITIATIVE.  
1 6 1. DEFINITIONS. For the purposes of this section, unless  
1 7 the context otherwise requires:  
1 8 a. "Decategorization governance board" or "governance  
1 9 board" means the group that enters into and implements a  
1 10 decategorization project agreement.  
1 11 b. "Decategorization project" means the county or counties  
1 12 that have entered into a decategorization agreement to  
1 13 implement the decategorization initiative in the county or  
1 14 multicounty area covered by the agreement.  
1 15 c. "Decategorization services funding pool" or "funding  
1 16 pool" means the funding designated for a decategorization  
1 17 project from all sources.  
1 18 2. PURPOSE. The decategorization of the child welfare and  
1 19 juvenile justice funding initiative is intended to establish a  
1 20 system of delivering human services based upon client needs to  
1 21 replace a system based upon a multitude of categorical  
1 22 programs and funding sources, each with different service  
1 23 definitions and eligibility requirements. The purposes of the  
1 24 decategorization initiative include but are not limited to  
1 25 redirecting child welfare and juvenile justice funding to  
1 26 services which are more preventive, family-centered, and  
1 27 community-based in order to reduce use of restrictive  
1 28 approaches which rely upon institutional, out-of-home, and  
1 29 out-of-community services.  
1 30 3. IMPLEMENTATION.  
1 31 a. Implementation of the initiative shall be through  
1 32 creation of decategorization projects. A project shall  
1 33 consist of either a single county or a group of counties  
1 34 interested in jointly implementing the initiative.  
1 35 Representatives of the department, juvenile court services,  
2 1 and county government shall develop a project agreement to  
2 2 implement the initiative within a project.  
2 3 b. The initiative shall include community planning  
2 4 activities in the area covered by a project. As part of the  
2 5 community planning activities, the department shall partner  
2 6 with other community stakeholders to develop service  
2 7 alternatives that provide less restrictive levels of care for  
2 8 children and families receiving services from the child  
2 9 welfare and juvenile justice systems within the project area.  
2 10 c. The decategorization initiative shall not be  
2 11 implemented in a manner that limits the legal rights of  
2 12 children and families to receive services.  
2 13 4. GOVERNANCE BOARD.  
2 14 a. In partnership with an interested county or group of  
2 15 counties which has demonstrated the commitment and involvement  
2 16 of the affected county department, or departments of human

2 17 services, the juvenile justice system within the project area,  
2 18 and board, or boards, of supervisors in order to form a  
2 19 decategorization project, the department shall develop a  
2 20 process for combining specific state and state=federal funding  
2 21 categories into a decategorization services funding pool for  
2 22 that project. A decategorization project shall be implemented  
2 23 by a decategorization governance board. The decategorization  
2 24 governance board shall develop specific, quantifiable short=  
2 25 term and long=term plans for enhancing the family=centered and  
2 26 community=based services and reducing reliance upon out=of=  
2 27 community care in the project area.

2 28 b. The department shall work with the decategorization  
2 29 governance boards to best coordinate planning activities and  
2 30 most effectively target funding resources. A departmental  
2 31 service area manager shall work with the decategorization  
2 32 governance boards in that service area to support board  
2 33 planning and service development activities and to promote the  
2 34 most effective alignment of resources.

2 35 c. A decategorization governance board shall coordinate  
3 1 the project's planning and budgeting activities with the  
3 2 departmental service area manager for the county or counties  
3 3 comprising the project area and the community empowerment area  
3 4 board or boards for the community empowerment area or areas  
3 5 within which the decategorization project is located.

#### 3 6 5. FUNDING POOL.

3 7 a. The governance board for a decategorization project  
3 8 shall manage the project's decategorization services funding  
3 9 pool to provide more flexible, individualized, family=  
3 10 centered, preventive, community=based, comprehensive, and  
3 11 coordinated service systems for children and families served  
3 12 in that project area. A funding pool shall also be used for  
3 13 child welfare and juvenile justice systems enhancements.

3 14 b. Notwithstanding section 8.33, moneys designated for a  
3 15 project's decategorization services funding pool that remain  
3 16 unencumbered or unobligated at the close of the fiscal year  
3 17 shall not revert but shall remain available for expenditure  
3 18 for child welfare and juvenile justice systems enhancements  
3 19 and other purposes of the project until the close of the  
3 20 succeeding fiscal year and shall be known as "carryover  
3 21 funding". Moneys may be made available to a funding pool from  
3 22 one or more of the following sources:

3 23 (1) Funds designated for the initiative in a state  
3 24 appropriation.

3 25 (2) Child welfare and juvenile justice services funds  
3 26 designated for the initiative by a departmental service area  
3 27 manager.

3 28 (3) Juvenile justice program funds designated for the  
3 29 initiative by a chief juvenile court officer.

3 30 (4) Carryover funding.

3 31 (5) Any other source designating moneys for the funding  
3 32 pool.

3 33 c. The services and activities funded from a project's  
3 34 funding pool may vary depending upon the strategies selected  
3 35 by the project's governance board and shall be detailed in an  
4 1 annual child welfare and juvenile justice decategorization  
4 2 services plan developed by the governance board. A  
4 3 decategorization governance board shall involve community  
4 4 representatives and county organizations in the development of  
4 5 the plan for that project's funding pool. In addition, the  
4 6 governance board shall coordinate efforts through  
4 7 communication with the appropriate departmental service area  
4 8 manager regarding budget planning and decategorization service  
4 9 decisions.

4 10 d. A decategorization governance board is responsible for  
4 11 ensuring that decategorization services expenditures from that  
4 12 project's funding pool do not exceed the amount of funding  
4 13 available. If necessary, the governance board shall reduce  
4 14 expenditures or discontinue specific services as necessary to  
4 15 manage within the funding pool resources available for a  
4 16 fiscal year.

4 17 e. The annual child welfare and juvenile justice  
4 18 decategorization services plan developed for use of the  
4 19 funding pool by a decategorization governance board shall be  
4 20 submitted to the department administrator of child welfare  
4 21 services and the Iowa empowerment board. In addition, the  
4 22 decategorization governance board shall submit an annual  
4 23 progress report to the department administrator and the Iowa  
4 24 empowerment board which summarizes the progress made toward  
4 25 attaining the objectives contained in the plan. The progress  
4 26 report shall serve as an opportunity for information sharing  
4 27 and feedback.

4 28 6. DEPARTMENTAL ROLE. A departmental service area's share  
4 29 of the child welfare appropriation that is not allocated by  
4 30 law for the decategorization initiative shall be managed by  
4 31 and is under the authority of the service area manager. A  
4 32 service area manager is responsible for meeting the child  
4 33 welfare service needs in the counties comprising the service  
4 34 area with the available funding resources.

4 35 Sec. 2. Section 232.190, subsection 3, Code 2005, is  
5 1 amended to read as follows:

5 2 3. Applications for moneys from the community grant fund  
5 3 shall demonstrate a collaborative effort by all relevant local  
5 4 government and school officials and service agencies with  
5 5 authority, responsibilities, or other interests within the  
5 6 decategorization project area. Proposed plans set forth in  
5 7 the applications shall reflect community-wide consensus in how  
5 8 to remediate community problems related to juvenile crime.  
5 9 Services provided under a grant through this program shall be  
5 10 comprehensive, preventive, community-based, and shall utilize  
5 11 flexible delivery systems and promote youth development. A  
5 12 plan for grant moneys under this section shall be a part of or  
5 13 be consistent with the annual child welfare and juvenile  
5 14 justice decategorization services plan developed by the  
5 15 governance board of the decategorization project area and  
5 16 submitted to the department of human services and Iowa  
5 17 empowerment board pursuant to section 232.188.

5 18 Sec. 3. Section 235.7, subsection 2, Code 2005, is amended  
5 19 to read as follows:

5 20 2. MEMBERSHIP. The department may authorize the  
5 21 governance boards of decategorization of child welfare and  
5 22 juvenile justice funding ~~decategorization~~ projects established  
5 23 under section 232.188 to appoint the transition committee  
5 24 membership and may utilize the boundaries of decategorization  
5 25 projects to establish the service areas for transition  
5 26 committees. The committee membership may include but is not  
5 27 limited to department of human services staff involved with  
5 28 foster care, child welfare, and adult services, juvenile court  
5 29 services staff, staff involved with county general relief  
5 30 under chapter 251 or 252, or of the central point of  
5 31 coordination process implemented under section 331.440, school  
5 32 district and area education agency staff involved with special  
5 33 education, and a child's court appointed special advocate,  
5 34 guardian ad litem, service providers, and other persons  
5 35 knowledgeable about the child.

6 1 Sec. 4. Section 237A.1, subsection 3, paragraph k,  
6 2 subparagraph (2), Code 2005, is amended to read as follows:

6 3 (2) A contract approved by a ~~local decategorization~~  
6 4 governance board of a decategorization of child welfare and  
6 5 juvenile justice funding project created under section

6 6 232.188.

#### 6 7 EXPLANATION

6 8 This bill revises requirements applicable to county and  
6 9 multicounty decategorization of child welfare and juvenile  
6 10 justice funding projects in Code section 232.188 by striking  
6 11 and replacing the section. The funding sources subject to  
6 12 decategorization are primarily from appropriations made to the  
6 13 department of human services.

6 14 The bill reorganizes the Code section into topic headings  
6 15 listing definitions, implementation requirements, governance  
6 16 board provisions, funding pool provisions, and the  
6 17 departmental role.

6 18 The term "child welfare funding pool" used in current law  
6 19 to describe the funding available to a project is changed to a  
6 20 defined term, "decategorization services funding pool" or  
6 21 "funding pool". In addition, new definitions are provided for  
6 22 governance boards and decategorization projects.

6 23 The bill provides a list of general potential funding  
6 24 sources that may be designated for the funding pool, including  
6 25 "carryover funding" that does not revert to the fund from  
6 26 which appropriated at the close of a fiscal year. In  
6 27 addition, authority is provided for juvenile justice system  
6 28 services funding to be designated for a funding pool. The  
6 29 current law's list of specific services for which funding can  
6 30 be used as part of decategorization is replaced with a general  
6 31 statement of purpose.

6 32 Language in current law requiring the relationship between  
6 33 the department and the governance board, areas of authority,  
6 34 budgeting structure, and a dispute resolution methodology to  
6 35 be outlined in a decategorization agreement is stricken. The  
7 1 department and the board are annually required by current law  
7 2 to agree on a budget by a particular date. Instead, the bill  
7 3 requires communication and coordination between a project

7 4 governance board and the departmental service area manager.

7 5 The bill provides that the departmental service area  
7 6 manager is responsible for meeting the child welfare service  
7 7 needs for that area within available funding resources. A  
7 8 project's governance board is responsible for ensuring that  
7 9 expenditures do not exceed the amount available for a fiscal  
7 10 year from the project funding pool.

7 11 The bill amends various Code sections to conform references  
7 12 to the decategorization projects and service plans.

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