

# House Study Bill 638

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
HUMAN RIGHTS/COMMUNITY  
ACTION AGENCIES DIVISION  
BILL)

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

## A BILL FOR

1 An Act relating to services associated with the family investment  
2 program by moving the family development and self-sufficiency  
3 council and grant program to the department of human rights  
4 and revising confidentiality provisions involving the  
5 programs.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 5486DP 82  
8 jp/nh/8

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1 1 Section 1. NEW SECTION. 216A.107 FAMILY DEVELOPMENT AND  
1 2 SELF=SUFFICIENCY == COUNCIL AND GRANT PROGRAM.  
1 3 1. A family development and self-sufficiency council is  
1 4 established within the department of human rights. The  
1 5 council shall consist of the following persons:  
1 6 a. The director of the department of human services or the  
1 7 director's designee.  
1 8 b. The director of the department of public health or the  
1 9 director's designee.  
1 10 c. The administrator of the division of community action  
1 11 agencies of the department of human rights or the  
1 12 administrator's designee.  
1 13 d. The director of the school of social work at the  
1 14 university of Iowa or the director's designee.  
1 15 e. The dean of the college of human sciences at Iowa state  
1 16 university or the dean's designee.  
1 17 f. Two recipients or former recipients of the family  
1 18 investment program, selected by the other members of the  
1 19 council.  
1 20 g. The head of the department of design, textiles,  
1 21 gerontology, and family studies at the university of northern  
1 22 Iowa or that person's designee.  
1 23 h. The director of the department of education or the  
1 24 director's designee.  
1 25 i. The director of the department of workforce development  
1 26 or the director's designee.  
1 27 j. Two persons representing the business community,  
1 28 selected by the other members of the council.  
1 29 k. Two members from each chamber of the general assembly  
1 30 serving as ex officio, nonvoting members. The two members of  
1 31 the senate shall be appointed one each by the majority leader  
1 32 and the minority leader of the senate. The two members of the  
1 33 house of representatives shall be appointed one each by the  
1 34 speaker and the minority leader of the house of  
1 35 representatives.  
2 1 2. Unless otherwise provided by law, terms of members,  
2 2 election of officers, and other procedural matters shall be as  
2 3 determined by the council.  
2 4 3. The family development and self-sufficiency council  
2 5 shall do all of the following:  
2 6 a. Identify the factors and conditions that place Iowa  
2 7 families at risk of dependency upon the family investment  
2 8 program. The council shall seek to use relevant research  
2 9 findings and national and Iowa-specific data on the family  
2 10 investment program.  
2 11 b. Identify the factors and conditions that place Iowa  
2 12 families at risk of family instability. The council shall  
2 13 seek to use relevant research findings and national and  
2 14 Iowa-specific data on family stability issues.

2 15 c. Subject to the availability of funds for this purpose,  
2 16 award grants to public or private organizations for provision  
2 17 of family development services to families at risk of  
2 18 dependency on the family investment program or of family  
2 19 instability. Not more than five percent of any funds  
2 20 appropriated by the general assembly for the purposes of this  
2 21 lettered paragraph may be used for staffing and administration  
2 22 of the grants. Grant proposals for the family development and  
2 23 self-sufficiency grant program shall include the following  
2 24 elements:

2 25 (1) Designation of families to be served that meet one or  
2 26 more criteria for being at risk of dependency on the family  
2 27 investment program or of family instability, and agreement to  
2 28 serve clients that are referred by the department of human  
2 29 services from the family investment program which meet the  
2 30 criteria. The criteria may include but are not limited to  
2 31 factors such as educational level, work history, family  
2 32 structure, age of the youngest child in the family, previous  
2 33 length of stay on the family investment program, and  
2 34 participation in the family investment program or the foster  
2 35 care program while the head of a household was a child. Grant  
3 1 proposals shall also establish the number of families to be  
3 2 served under the grant.

3 3 (2) Designation of the services to be provided for the  
3 4 families served, including assistance regarding job-seeking  
3 5 skills, family budgeting, nutrition, self-esteem,  
3 6 methamphetamine education, health and hygiene, child rearing,  
3 7 child education preparation, and goal setting. Grant  
3 8 proposals shall indicate the support groups and support  
3 9 systems to be developed for the families served during the  
3 10 transition between the need for assistance and  
3 11 self-sufficiency.

3 12 (3) Designation of the manner in which other needs of the  
3 13 families will be provided for, including but not limited to  
3 14 child care assistance, transportation, substance abuse  
3 15 treatment, support group counseling, food, clothing, and  
3 16 housing.

3 17 (4) Designation of the process for training of the staff  
3 18 which provides services, and the appropriateness of the  
3 19 training for the purposes of meeting family development and  
3 20 self-sufficiency goals of the families being served.

3 21 (5) Designation of the support available within the  
3 22 community for the program and for meeting subsequent needs of  
3 23 the clients, and the manner in which community resources will  
3 24 be made available to the families being served.

3 25 (6) Designation of the manner in which the program will be  
3 26 subject to audit and to evaluation.

3 27 (7) Designation of agreement provisions for tracking and  
3 28 reporting performance measures developed pursuant to paragraph  
3 29 "d".

3 30 d. Develop appropriate performance measures for the grant  
3 31 program to demonstrate how the program helps families achieve  
3 32 self-sufficiency.

3 33 e. Seek to enlist research support from the Iowa research  
3 34 community in meeting the duties outlined in paragraphs "a"  
3 35 through "d".

4 1 f. Seek additional support for the funding of grants under  
4 2 the program, including but not limited to funds available  
4 3 through the federal government in serving families at risk of  
4 4 long-term welfare dependency, and private foundation grants.

4 5 g. Make recommendations to the governor and the general  
4 6 assembly on the effectiveness of programs in Iowa and  
4 7 throughout the country that provide family development  
4 8 services that lead to self-sufficiency for families at risk of  
4 9 welfare dependency.

4 10 4. a. The division shall administer the family  
4 11 development and self-sufficiency grant program. The  
4 12 department of human services shall disclose to the division  
4 13 confidential information pertaining to individuals receiving  
4 14 services under the grant program, as authorized under section  
4 15 217.30. The division and the department of human services  
4 16 shall share information and data necessary for tracking  
4 17 performance measures of the family development and  
4 18 self-sufficiency grant program, for referring families  
4 19 participating in the promoting independence and  
4 20 self-sufficiency through employment job opportunities and  
4 21 basic skills (PROMISE JOBS) program under section 239B.17 and  
4 22 related activities and programs to the grant program, and for  
4 23 meeting federal reporting requirements. The shared  
4 24 information shall include but is not limited to all of the  
4 25 following:

4 26 (1) Family enrollments and exits to and from each of the  
4 27 programs.  
4 28 (2) Monthly reports of individual participant activity in  
4 29 PROMISE JOBS components that are countable work activities  
4 30 according to federal guidelines applicable to those  
4 31 components.

4 32 (3) Aggregate grant program participant activity in all  
4 33 PROMISE JOBS program components.

4 34 (4) Work participation rates for grant program  
4 35 participants who were active family investment program  
5 1 participants.

5 2 (5) The average hourly wage of grant program participants  
5 3 who left the family investment program.

5 4 (6) The percentage of grant program participants who  
5 5 exited from the grant program at or after the time family  
5 6 investment program participation ended and did not reenroll in  
5 7 the family investment program for at least one year.

5 8 b. The division shall develop a memorandum of agreement  
5 9 with the department of human services to coordinate referrals  
5 10 and delivery of services to participants in the family  
5 11 investment program under chapter 239B and the grant program  
5 12 and other shared clients and shall provide the department of  
5 13 human services with information necessary for compliance with  
5 14 federal temporary assistance for needy families block grant  
5 15 state plan and reporting requirements, including but not  
5 16 limited to financial and data reports.

5 17 c. To the extent that the family development and  
5 18 self-sufficiency grant program is funded by the federal  
5 19 temporary assistance for needy families block grant and by the  
5 20 state maintenance of efforts funds appropriated in connection  
5 21 with the block grant, the division shall comply with all  
5 22 federal requirements for the block grant. The division is  
5 23 responsible for payment of any federal penalty imposed that is  
5 24 attributable to the grant program and shall receive any  
5 25 federal bonus payment attributable to the grant program.

5 26 d. The division shall ensure that expenditures of moneys  
5 27 appropriated to the department of human services from the  
5 28 general fund of the state for the family development and  
5 29 self-sufficiency grant program are eligible to be considered  
5 30 as state maintenance of effort expenditures under federal  
5 31 temporary assistance for needy families block grant  
5 32 requirements.

5 33 e. The commission shall consider the recommendations of  
5 34 the council in adopting rules pertaining to the grant program.

5 35 f. The division shall submit to the governor and general  
6 1 assembly on or before November 30 following the end of each  
6 2 state fiscal year, a report detailing performance measure and  
6 3 outcome data evaluating the family development and  
6 4 self-sufficiency grant program for the fiscal year that just  
6 5 ended.

6 6 Sec. 2. Section 217.30, subsection 4, paragraph d, Code  
6 7 2007, is amended to read as follows:

6 8 d. ~~The If approved by the director of human services or~~  
6 9 ~~the director's designee pursuant to a written request, the~~

6 10 department ~~may shall~~ disclose information described in  
6 11 subsection 1 to other state agencies or to any other person  
6 12 who is not subject to the provisions of chapter 17A and is  
6 13 providing services to recipients under chapter 239B who are  
6 14 participating in the promoting independence and  
6 15 self-sufficiency through employment job opportunities and  
6 16 basic skills program, if necessary for the recipients to  
6 17 receive the services.

6 18 Sec. 3. Section 232.69, subsection 1, paragraph b,  
6 19 subparagraph (5), Code Supplement 2007, is amended to read as  
6 20 follows:

6 21 (5) An employee or operator of a licensed child care  
6 22 center, registered child development home, head start program,  
6 23 family development and self-sufficiency grant program under  
6 24 section ~~217.12~~ 216A.107, or healthy opportunities for parents  
6 25 to experience success=healthy families Iowa program under  
6 26 section 135.106.

6 27 Sec. 4. Section 239B.8, subsection 2, paragraph e, Code  
6 28 Supplement 2007, is amended to read as follows:

6 29 e. FAMILY DEVELOPMENT. Participation in a family  
6 30 development and self-sufficiency grant program under section  
6 31 ~~217.12~~ 216A.107 or other family development program.

6 32 Sec. 5. Section 239B.8, subsection 6, Code Supplement  
6 33 2007, is amended to read as follows:

6 34 6. CONFIDENTIAL INFORMATION DISCLOSURE. ~~The If approved~~  
6 35 ~~by the director of human services or the director's designee~~  
7 1 ~~pursuant to a written request, the department may shall~~

7 2 disclose confidential information described in section 217.30,  
7 3 subsection 1, to other state agencies or to any other entity  
7 4 which is not subject to the provisions of chapter 17A and is  
7 5 providing services to a participant family who is subject to a  
7 6 family investment agreement, if necessary in order for the  
7 7 participant family to receive the services. The department  
7 8 shall adopt rules establishing standards for disclosure of  
7 9 confidential information if disclosure is necessary in order  
7 10 for a participant to receive services.

7 11 Sec. 6. Section 217.11, Code 2007, and section 217.12,  
7 12 Code Supplement 2007, are repealed.

7 13 Sec. 7. CONTINUATION OF COUNCIL AND GRANT PROGRAM.

7 14 1. The membership of the family development and  
7 15 self=sufficiency council established pursuant to section  
7 16 217.11, Code 2007, as of June 30, 2008, shall continue on and  
7 17 after that date until revised by the council in accordance  
7 18 with section 216A.107, as enacted by this Act.

7 19 2. The family development and self=sufficiency grants  
7 20 issued pursuant to sections 217.11 and 217.12 and 441 IAC ch.  
7 21 165, in effect as of June 30, 2008, shall continue as provided  
7 22 by the terms of the grants.

7 23 3. The division of community action agencies shall  
7 24 administer the family development and self=sufficiency grant  
7 25 program in accordance with the administrative rules pertaining  
7 26 to the grant program in 441 IAC ch. 165, in place of the  
7 27 department of human services until replacement administrative  
7 28 rules are adopted. The commission on community action  
7 29 agencies may adopt emergency rules under section 17A.4,  
7 30 subsection 2, and section 17A.5, subsection 2, paragraph "b",  
7 31 to implement the provisions of this Act and the rules shall be  
7 32 effective immediately upon filing unless a later date is  
7 33 specified in the rules. Any rules adopted in accordance with  
7 34 this subsection shall also be published as a notice of  
7 35 intended action as provided in section 17A.4.

#### 8 1 EXPLANATION

8 2 This bill relates to services associated with the family  
8 3 investment program (FIP) by moving the responsibility for and  
8 4 Code provisions relating to the family development and  
8 5 self=sufficiency (FADSS) council and grant program from the  
8 6 department of human services (DHS) to the community action  
8 7 agencies division of the department of human rights and  
8 8 revising confidentiality requirements involving FADSS and FIP.

8 9 The council is established in current law in Code section  
8 10 217.11. The bill moves the council to new Code section  
8 11 216A.107. The membership is the same as in current law with  
8 12 the following exceptions: the membership slot for the DHS  
8 13 child and family services division administrator is replaced  
8 14 with a slot for the director of the school of social work at  
8 15 the university of Iowa, the slot for the public policy center  
8 16 at the university of Iowa is eliminated, the names of a  
8 17 college within Iowa state university and a department within  
8 18 the university of northern Iowa are corrected, and two slots  
8 19 each are added for members of the senate and the house of  
8 20 representatives. The council is authorized to determine  
8 21 procedural matters.

8 22 Currently, the duties of the council are in Code section  
8 23 217.12. These duties are also moved by the bill to Code  
8 24 section 216A.107. The duties are the same with the following  
8 25 changes: the council is no longer required to identify  
8 26 factors and conditions regarding families at risk for foster  
8 27 care placement and is required to focus on FIP dependency and  
8 28 family instability in place of long=term welfare dependency.  
8 29 The responsibility to evaluate various programs and services  
8 30 associated with the family investment program is eliminated.  
8 31 The grant proposals are no longer required to designate staff  
8 32 recruitment.

8 33 The division is directed to administer the grant program.  
8 34 The division and DHS are authorized to disclose information  
8 35 and share data in accordance with Code section 217.30, which  
9 1 outlines how DHS handles confidential information concerning  
9 2 DHS clients. The division and DHS are required to develop a  
9 3 memorandum of understanding to coordinate referrals and share  
9 4 information concerning shared clients. The division is  
9 5 required to comply with federal block grant requirements  
9 6 concerning the federal and state funding for the grant program  
9 7 and the division is responsible for any federal penalty  
9 8 imposed and will receive any bonus attributable to the grant  
9 9 program. The division is required to ensure that state funds  
9 10 for the grant program are expended in a manner to qualify as  
9 11 state maintenance of effort funding for the federal block  
9 12 grant. The commission on community action agencies is

9 13 required to consider the recommendations of the council in  
9 14 adopting rules for the grant program. An annual report to the  
9 15 governor and general assembly is required concerning the grant  
9 16 program outcomes.

9 17 The bill includes a section providing for continuation of  
9 18 the council membership as it existed on June 30, 2008, of the  
9 19 grants in effect as of June 30, 2008, and of the  
9 20 administrative rules adopted by the department of human  
9 21 services until replacement rules are adopted. The commission  
9 22 on community action agencies is authorized to adopt rules  
9 23 using emergency procedures.

9 24 Code sections 217.11 and 217.12, housing the family  
9 25 development and self-sufficiency grant program under the  
9 26 purview of DHS, are repealed. Code references to the grant  
9 27 program and its employees are amended to reflect the repeal  
9 28 and change of responsibility to the division in Code section  
9 29 232.69, relating to mandatory child abuse reporting, and Code  
9 30 section 239B.8, relating to activities authorized under a  
9 31 family investment agreement.

9 32 Code section 217.30, relating to confidentiality of records  
9 33 on individuals receiving services from the department of human  
9 34 services, is amended pertaining to disclosure to other state  
9 35 agencies and nongovernmental agencies of information regarding  
10 1 FIP recipients who are participating in the promoting  
10 2 independence and self-sufficiency through employment job  
10 3 opportunities and basic skills (PROMISE JOBS) program.  
10 4 Current law authorizes the disclosure and, together with  
10 5 related authority in Code section 239B.8, provides for  
10 6 adoption of rules for such disclosure. The bill amends both  
10 7 sections to require the disclosure, provided it is requested  
10 8 in writing and is approved by the director of human services  
10 9 or the director's designee.

10 10 LSB 5486DP 82  
10 11 jp/nh/8.1