## Senate Study Bill 1182 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_

BY (PROPOSED DEPARTMENT OF HUMAN SERVICES BILL)

## A BILL FOR

- 1 An Act relating to requirements of the department of human
- 2 services involving individuals and families.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 DIVISION I

- 2 CHILD CARE RESOURCE AND REFERRAL AGENCIES
- 3 Section 1. Section 237A.26, Code 2011, is amended to read
- 4 as follows:
- 5 237A.26 Statewide resource and referral services grants.
- 6 l. The department shall administer the funding for a
- 7 statewide grant program for child care resource and referral
- 8 services. Grants shall only be awarded to community-based
- 9 nonprofit incorporated agencies and public agencies. Grants
- 10 shall be awarded to facilitate the establishment of regional
- 11 resource and referral agencies throughout the state, based upon
- 12 the distribution of the child population in the state.
- 2. The department shall provide oversight of and annually
- 14 evaluate an agency which is awarded a grant to provide resource
- 15 and referral services to a region. For the purposes of this
- 16 section, "agency" means an incorporated nonprofit agency, public
- 17 agency, or private company.
- 18 3. An agency which receives a grant to provide resource
- 19 and referral services shall perform both of the following
- 20 functions:
- 21 a. Organize assistance to child care homes and child
- 22 development homes care facilities utilizing training levels
- 23 based upon the homes' child care providers' degrees of
- 24 experience and interest.
- 25 b. Operate in partnership with both public and private
- 26 interests and coordinate resource and referral services with
- 27 existing community services.
- 28 4. An agency, to be eligible to receive a grant to provide
- 29 resource and referral services, must may be required by the
- 30 department to match the grant with financial resources equal to
- 31 at least twenty-five percent of the amount of the grant. The
- 32 financial resources may include a private donation, an in-kind
- 33 contribution, or a public funding source other than a separate
- 34 state grant for child care service improvement.
- 35 5. An agency, to be eligible to receive a grant to provide

1 resource and referral services, must have a board of directors

- 2 if the agency is an incorporated nonprofit agency or must have
- 3 an advisory board if the agency is a public agency or private
- 4 company, to oversee the provision of resource and referral
- 5 services. The board shall include providers, consumers, and
- 6 other persons interested in the provision or delivery of child
- 7 care services.
- 8 6. An agency which receives a child care resource and
- 9 referral grant shall may be awarded funding to provide all
- 10 various child care-related services, which may include but are
- 11 not limited to any of the following services:
- 12 a. Assist families in selecting quality child care. The
- 13 agency must provide referrals to registered and licensed child
- 14 care facilities, and to persons providing care, supervision,
- 15 and guidance of a child which is not defined as child care
- 16 under section 237A.1 and may provide referrals to unregistered
- 17 providers.
- 18 b. Assist child care providers in adopting appropriate
- 19 program and business practices to provide quality child care
- 20 services.
- 21 c. Provide information to the public regarding the
- 22 availability of child care services in the communities within
- 23 the agency's region.
- 24 d. Actively encourage the development of new and expansion
- 25 of existing child care facilities in response to identified
- 26 community needs.
- 27 e. Provide specialized services to employers, including the
- 28 provision of resource and referral services to employee groups
- 29 identified by the employer and the provision of technical
- 30 assistance to develop employer-supported child care programs.
- 31 The specialized services may include but are not limited to
- 32 working with employers to identify networks of recommended
- 33 registered and licensed child care providers for employee
- 34 groups and to implement employer-supported quality improvement
- 35 initiatives among the network providers.

1 f. Refer eligible child care facilities to the federal child 2 care food programs.

- 3 g. Loan toys, other equipment, and resource materials to 4 child care facilities.
- 5 h. Administer funding designated within the grant to provide
- 6 a substitute caregiver program for registered child development
- 7 homes to provide substitute child care in a home when the
- 8 home provider is ill, on vacation, receiving training, or is
- 9 otherwise unable to provide the care.
- 7. The department may contract with an agency receiving
- 11 a child care resource and referral grant to perform any of
- 12 the following functions relating to publicly funded services
- 13 providing care, supervision, and guidance of a child:
- 14 a. Determine an individual's eligibility for the services in
- 15 accordance with income requirements.
- 16 b. Administer a voucher, certificate, or other system for
- 17 reimbursing an eligible provider of the services.
- 18 8. For purposes of improving the quality and consistency
- 19 of data collection, consultation, and other support to child
- 20 care home and child development home providers, a resource and
- 21 referral services agency grantee shall coordinate and assist
- 22 with publicly and privately funded efforts administered at
- 23 the community level to provide the support. The support and
- 24 efforts addressed by a grantee may include but are not limited
- 25 to community-funded child care home and child development home
- 26 consultants. Community members involved with the assistance
- 27 may include but are not limited to the efforts of an early
- 28 childhood Iowa area board under chapter 256I, and of community
- 29 representatives of education, health, human services, business,
- 30 faith, and public interests.
- 31 DIVISION II
- 32 GUARDIAN AND CONSERVATOR TRAINING FOSTER HOME INSURANCE FUND
- 33 Sec. 2. Section 237.13, subsection 1, Code 2011, is amended
- 34 to read as follows:
- 35 l. For the purposes of this section, "foster home" means

## 1 either of the following:

- 2 a. An an individual, as defined in section 237.1, subsection
- 3 7, who is licensed to provide child foster care and shall also
- 4 be known as a "licensed foster home".
- 5 b. A guardian appointed on a voluntary petition pursuant
- 6 to section 232.178, or a voluntary petition of a ward pursuant
- 7 to section 633.557, or a conservator appointed on a voluntary
- 8 petition of a ward pursuant to section 633.572, provided the
- 9 ward has an income that does not exceed one hundred fifty
- 10 percent of the current federal office of management and budget
- 11 poverty guidelines and who does not have resources in excess
- 12 of the criteria for resources under the federal supplemental
- 13 security income program. However, the ward's ownership of
- 14 one residence and one vehicle shall not be considered in
- 15 determining resources.
- 16 Sec. 3. Section 237.13, subsection 5, Code 2011, is amended
- 17 by striking the subsection.
- 18 Sec. 4. REPEAL. Section 217.40, Code 2011, is repealed.
- 19 DIVISION III
- 20 EARNED INCOME TAX CREDIT INFORMATION
- 21 Sec. 5. Section 217.36, Code 2011, is amended to read as
- 22 follows:
- 23 217.36 Distribution Provision of earned income tax credit
- 24 information.
- 25 1. The department shall ensure that educational materials
- 26 relating to the federal and state earned income tax credits
- 27 are provided in accordance with this section to each household
- 28 receiving assistance or benefits under:
- 29 a. The hawk-i program under chapter 514I.
- 30 b. The family investment program under chapter 239B.
- 31 c. The medical assistance Act under chapter 249A.
- 32 d. The food and food assistance programs defined in section
- 33 234.1 which are administered by the department.
- 34 e. Any other appropriate programs administered by, or under
- 35 the oversight of, the department of human services.

- The department shall, by mail or through the internet,
- 2 provide a household described in subsection 1 with access to:
- 3 a. Internal revenue service publications relating to the
- 4 federal earned income tax credit.
- 5 b. Department of revenue publications relating to the state
- 6 earned income tax credit.
- 7 c. Information prepared by tax preparers who provide
- 8 volunteer or free federal or state income tax preparation
- 9 services to low-income and other eligible persons and who are
- 10 located in close geographic proximity to the person.
- 11 3. In January of each year, the department or a
- 12 representative of the department shall mail to each household
- 13 described in subsection 1 information about the federal and
- 14 state earned income tax credit that provides the household with
- 15 referrals to the resources described in subsection 2.
- 16 4. The mailings required by the department under this
- 17 section do not have to be made as a separate mailing but may
- 18 be included in existing mailings being made to the appropriate
- 19 households.
- 20 DIVISION IV
- 21 UNIT FOR SEXUALLY VIOLENT PREDATORS BARBERING LICENSE
- 22 EXEMPTION
- 23 Sec. 6. Section 158.2, Code 2011, is amended by adding the
- 24 following new subsection:
- 25 NEW SUBSECTION. 8. Persons committed pursuant to chapter
- 26 229A to the custody of the director of the department of human
- 27 services in the unit for sexually violent predators who cut the
- 28 hair or trim or shave the beard of any other person within the
- 29 unit, without receiving direct compensation from the person
- 30 receiving the service.
- 31 DIVISION V
- 32 ADOPTION PLACEMENT INVESTIGATIONS AND REPORTS
- 33 Sec. 7. Section 600.8, subsection 9, Code 2011, is amended
- 34 to read as follows:
- 35 9. The department may investigate, on its own initiative or

1 on order of the juvenile court or court, any placement made or

- 2 adoption petition filed under this chapter or chapter 600A and
- 3 may report its resulting recommendation to the juvenile court
- 4 or court.
- 5 DIVISION VI
- 6 RETAINING CHILD IN NEED OF ASSISTANCE COMPLAINT INFORMATION
- 7 Sec. 8. Section 232.81, subsection 4, Code 2011, is amended
- 8 by striking the subsection.
- 9 DIVISION VII
- 10 REGISTRY ACCESS CERTIFIED NURSE AIDES AND JUVENILE SHELTER
- 11 AND DETENTION FACILITY VOLUNTEERS
- 12 Sec. 9. Section 232.142, subsection 4, Code 2011, is amended
- 13 to read as follows:
- 4. The director shall adopt minimal rules and standards for
- 15 the establishment, maintenance, and operation of such homes as
- 16 shall be necessary to effect the purposes of this chapter. The
- 17 rules shall apply the requirements of section 237.8, concerning
- 18 employment and evaluation of persons with direct responsibility
- 19 for a child or with access to a child when the child is alone
- 20 and persons residing in a child foster care facility, to
- 21 persons employed by, or residing in, or volunteering for a
- 22 home approved under this section. The director shall, upon
- 23 request, give guidance and consultation in the establishment
- 24 and administration of the homes and programs for the homes.
- 25 Sec. 10. Section 235A.15, subsection 2, paragraph e, Code
- 26 2011, is amended by adding the following new subparagraphs:
- 27 NEW SUBPARAGRAPH. (20) To the administrator of a certified
- 28 nurse aide program, if the data relates to a record check of a
- 29 student of the program performed pursuant to section 135C.33.
- 30 NEW SUBPARAGRAPH. (21) To the administrator of a juvenile
- 31 detention or shelter care home, if the data relates to a record
- 32 check of an existing or prospective employee, resident, or
- 33 volunteer for or in the home.
- 34 Sec. 11. Section 235B.6, subsection 2, paragraph e, Code
- 35 2011, is amended by adding the following new subparagraphs:

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1 <u>NEW SUBPARAGRAPH</u>. (16) To the administrator of a certified
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- 2 nurse aide program, if the data relates to a record check of a
- 3 student of the program performed pursuant to section 135C.33.
- 4 NEW SUBPARAGRAPH. (17) To the administrator of a juvenile
- 5 detention or shelter care home, if the data relates to a record
- 6 check of an existing or prospective employee, resident, or
- 7 volunteer for or in the home.
- 8 DIVISION VIII
- 9 MEDICAID FAMILY PLANNING SERVICES
- 10 Sec. 12. Section 249A.3, subsection 2, paragraph a,
- 11 subparagraph (10), Code 2011, is amended to read as follows:
- 12 (10) Women Individuals eligible for family planning
- 13 services under a federally approved demonstration waiver.
- 14 EXPLANATION
- 15 This bill relates to the department of human services. It is
- 16 organized into divisions.
- 17 CHILD CARE RESOURCE AND REFERRAL AGENCIES. This division
- 18 relates to the grants administered by the department for child
- 19 care resource and referral agencies in Code section 237A.26.
- 20 The department's responsibilities for the program are revised
- 21 so that the department is responsible for the program funding
- 22 rather than the program itself. A requirement to facilitate
- 23 establishment of the regional agencies based on child
- 24 population is removed. A requirement in current law focusing
- 25 services on child care homes and registered child development
- 26 homes is expanded to include child care facilities, which
- 27 brings in child care centers. A restriction that grantees must
- 28 either be a nonprofit or public agency is removed.
- 29 The bill makes the current 25 percent matching funds
- 30 requirement for a grantee discretionary, to be determined by
- 31 the department. The current list of services required to be
- 32 provided by a grantee is made selective. The requirement for a
- 33 grantee to designate funding for a substitute caregiver program
- 34 for when a provider is unable to provide care is eliminated.
- 35 GUARDIAN AND CONSERVATOR TRAINING FOSTER HOME INSURANCE

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- 1 FUND. This division amends Code section 237.13, requiring
- 2 the department to administer the foster home insurance fund.
- 3 The provisions in subsections 1 and 5 providing eligibility
- 4 for coverage to voluntary guardians, low-income wards, or
- 5 conservators appointed under Code chapter 633 are eliminated.
- 6 Code section 217.40, requiring the department to establish
- 7 training programs to assist all appointed guardians and
- 8 conservators in understanding their fiduciary duties and
- 9 liabilities, the special needs of the ward, and how to best
- 10 serve the ward and the ward's interests, is repealed.
- 11 EARNED INCOME TAX CREDIT INFORMATION. This division revises
- 12 the department's responsibilities regarding provision of
- 13 information to the departmental clients concerning the earned
- 14 income tax credit. A requirement for the department to send
- 15 an informational mailing regarding the credit and assistive
- 16 resources to clients in January each year is eliminated along
- 17 with a proviso that the required mailing does not have to be a
- 18 separate mailing.
- 19 UNIT FOR SEXUALLY VIOLENT PREDATORS BARBERING LICENSE
- 20 EXEMPTION. This division amends Code section 158.2, relating
- 21 to persons exempted from the barbering licensing requirements.
- 22 The amendment adds to the list of persons a person committed to
- 23 the custody of the director of the department of human services
- 24 in the unit for sexually violent predators who cuts the hair or
- 25 trims or shaves the beard of any other person within the unit,
- 26 without receiving direct compensation from the person receiving
- 27 the service.
- 28 ADOPTION PLACEMENT INVESTIGATIONS AND REPORTS. This
- 29 division relates to adoption placement investigations and
- 30 reports performed by the department under Code section 600.8.
- 31 Current law allows the department to investigate any voluntary
- 32 adoption placement made or adoption petition filed under Code
- 33 chapters 600 and 600A and requires such investigation when
- 34 ordered by the juvenile court or court. Under the bill, the
- 35 juvenile court-ordered investigation requirement is maintained

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- 1 and the court-ordered requirement is removed.
- 2 RETAINING CHILD IN NEED OF ASSISTANCE COMPLAINT INFORMATION.
- 3 This division amends Code section 232.81 to remove a
- 4 restriction prohibiting a person or agency from maintaining
- 5 records of child in need of assistance complaints that were
- 6 dismissed without the filing of a petition.
- 7 REGISTRY ACCESS CERTIFIED NURSE AIDES AND JUVENILE
- 8 SHELTER AND DETENTION FACILITY VOLUNTEERS. This division
- 9 amends Code section 232.142, relating to juvenile shelter and
- 10 detention homes, Code section 235A.15, relating to access to
- 11 child abuse registry information, and Code section 235B.6,
- 12 relating to dependent adult abuse registry information. Access
- 13 is provided for the administrator of a certified nurse aide
- 14 program, if the data relates to a record check of a student
- 15 of the program performed pursuant to Code section 135C.33,
- 16 and for the administrator of a juvenile detention or shelter
- 17 care home, if the data pertains to an existing or prospective
- 18 employee, resident, or volunteer for or in the home. Current
- 19 law authorizes the checks for persons employed by or residing
- 20 in such homes but provides the registry access through other
- 21 Code provisions.
- 22 MEDICAID FAMILY PLANNING SERVICES. This division amends
- 23 Code section 249A.3, relating to eligibility for the medical
- 24 assistance (Medicaid) program, by revising an existing optional
- 25 category. The amendment removes a restriction limiting
- 26 eligibility for family planning services under a federally
- 27 approved demonstration waiver to only women.

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