

investment in transmission facilities and shall not be for general city or city utility investment purposes.

Approved May 9, 2003

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**CHAPTER 117**  
CHILD WELFARE SERVICES —  
ASSESSMENT AND PLAN FOR TRANSITION TO ADULTHOOD  
*H.F. 457*

**AN ACT** expanding requirements for the transition of an individual from the child welfare services system to adulthood.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 232.2, subsection 4, paragraph f, Code 2003, is amended to read as follows:

f. (1) When a child is sixteen years of age or older, a written transition plan of services which, based upon an assessment of the child's needs, would assist the child in preparing for the transition from foster care to ~~independent living~~ adulthood. The written plan of services and needs assessment shall be developed with any person who may reasonably be expected to be a service provider for the child when the child becomes an adult or to become responsible for the costs of services at that time, including but not limited to the administrator of county general relief under chapter 251 or 252 or of the single entry point process implemented under section 331.440. If the child is interested in pursuing higher education, the plan shall provide for the child's participation in the college student aid commission's program of assistance in applying for federal and state aid under section 261.2.

(2) If the needs assessment indicates the child is reasonably likely to need or be eligible for services or other support from the adult service system upon reaching age eighteen, the transition plan shall be reviewed and approved by the transition committee for the area in which the child resides, in accordance with section 235.7, before the child reaches age seventeen and one-half. The transition committee's review and approval shall be indicated in the case permanency plan.

Sec. 2. Section 232.2, subsection 22, paragraph b, Code 2003, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) If the child is required to have a transition plan developed in accordance with the child's case permanency plan and subject to review and approval of a transition committee under section 235.7, assisting the transition committee in development of the transition plan.

Sec. 3. Section 232.2, subsection 22, Code 2003, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. If authorized by the court, a guardian ad litem may continue a relationship with and provide advice to a child for a period of time beyond the child's eighteenth birthday.

Sec. 4. Section 232.52, subsection 6, unnumbered paragraph 2, Code 2003, is amended to read as follows:

When the court orders the transfer of legal custody of a child pursuant to subsection 2, para-

graph “d”, and the child is sixteen years of age or older, the order shall specify the services needed to assist the child in preparing for the transition from foster care to ~~independent living~~ adulthood. If the child has a case permanency plan, the court shall consider the written transition plan of services and needs assessment developed for the child’s case permanency plan. If the child does not have a case permanency plan containing the written transition plan and needs assessment at the time the transfer order is entered, ~~in determining the services to be specified in the order, the court shall consider a~~ the written transition plan for such services and a needs assessment which shall be developed with any person who may reasonably be expected to be a service provider for the child or to become responsible for the costs of services at that time, including but not limited to the administrator of county general relief under chapter 251 or 252 or of the single entry point process implemented under section 331.440 and submitted for the court’s consideration no later than six months from the date of the transfer order. ~~If the child is interested in pursuing higher education, the plan shall provide for the child’s participation in the college student aid commission’s program of assistance in applying for federal and state aid under section 261.2. The court shall modify the initial transfer order as necessary to specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the transition plan identifies services or other support needed to assist the child when the child becomes an adult and the court deems it to be beneficial to the child, the court may authorize the individual who is the child’s guardian ad litem or court appointed special advocate to continue a relationship with and provide advice to the child for a period of time beyond the child’s eighteenth birthday.~~

Sec. 5. Section 232.102, subsection 1, unnumbered paragraph 2, Code 2003, is amended to read as follows:

If the child is sixteen years of age or older, the order shall specify the services needed to assist the child in preparing for the transition from foster care to ~~independent living~~ adulthood. If the child has a case permanency plan, the court shall consider the written transition plan of services and needs assessment developed for the child’s case permanency plan. If the child does not have a case permanency plan containing the written transition plan and needs assessment at the time the order is entered, ~~in determining the services to be specified in the order, the court shall consider a~~ the written transition plan for such services and a needs assessment which shall be developed with any person who may reasonably be expected to be a service provider for the child or to become responsible for the costs of services at that time, including but not limited to the administrator of county general relief under chapter 251 or 252 or of the single entry point process implemented under section 331.440 and submitted for the court’s consideration no later than six months from the date of the transfer order. ~~The court shall modify the initial transfer order as necessary to specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the transition plan identifies services or other support needed to assist the child when the child becomes an adult and the court deems it to be beneficial to the child, the court may authorize the individual who is the child’s guardian ad litem or court appointed special advocate to continue a relationship with and provide advice to the child for a period of time beyond the child’s eighteenth birthday.~~

Sec. 6. Section 232.103, subsection 3, Code 2003, is amended to read as follows:

3. A change in the level of care for a child who is subject to a dispositional order for out-of-home placement requires modification of the dispositional order. A hearing shall be held on a motion to terminate or modify a dispositional order except that a hearing on a motion to terminate an order may be waived upon agreement by all parties. Reasonable notice of the hearing shall be given to the parties. The hearing shall be conducted in accordance with the provisions of section 232.50.

Sec. 7. Section 232.127, Code 2003, is amended by adding the following new subsection:  
NEW SUBSECTION. 10. If the child is sixteen years of age or older and an order for an out-of-home placement is entered, the order shall specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the child has a case

permanency plan, the court shall consider the written transition plan of services and needs assessment developed for the child's case permanency plan. If the child does not have a case permanency plan containing the transition plan and needs assessment at the time the order is entered, the written transition plan and needs assessment shall be developed and submitted for the court's consideration no later than six months from the date of the transfer order. The court shall modify the initial transfer order as necessary to specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the transition plan identifies services or other support needed to assist the child when the child becomes an adult and the court deems it to be beneficial to the child, the court may authorize the individual who is the child's guardian ad litem or court appointed special advocate to continue a relationship with and provide advice to the child for a period of time beyond the child's eighteenth birthday.

Sec. 8. Section 232.183, subsection 5, Code 2003, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. If the child is sixteen years of age or older, the order shall specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the child has a case permanency plan, the court shall consider the written transition plan of services and needs assessment developed for the child's case permanency plan. If the child does not have a case permanency plan containing the transition plan and needs assessment at the time the order is entered, the transition plan and needs assessment shall be developed and submitted for the court's consideration no later than six months from the date of the transfer order. The court shall modify the initial transfer order as necessary to specify the services needed to assist the child in preparing for the transition from foster care to adulthood. If the transition plan identifies services or other support needed to assist the child when the child becomes an adult and the court deems it to be beneficial to the child, the court may authorize the individual who is the child's guardian ad litem or court appointed special advocate to continue a relationship with and provide advice to the child for a period of time beyond the child's eighteenth birthday.

Sec. 9. Section 234.35, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The department shall report annually to the governor and general assembly by January 1 on the numbers of children for whom the state paid for independent living services during the immediately preceding fiscal year. The report shall detail the number of children, by county, who received such services, were discharged from such services, the voluntary or involuntary status of such services, and the reasons for discharge. The department shall assess the report data as part of any evaluation of independent living services or consideration for improving the services.

Sec. 10. NEW SECTION. 235.7 TRANSITION COMMITTEES.

1. COMMITTEES ESTABLISHED. The department of human services shall establish and maintain local transition committees to address the transition needs of those children receiving child welfare services who are age sixteen or older and have a case permanency plan as defined in section 232.2. The department shall adopt rules establishing criteria for transition committee membership, operating policies, and basic functions. The rules shall provide flexibility for a committee to adopt protocols and other procedures appropriate for the geographic area addressed by the committee.

2. MEMBERSHIP. The department may authorize the governance boards of child welfare funding decategorization projects established under section 232.188 to appoint the transition committee membership and may utilize the boundaries of decategorization projects to establish the service areas for transition committees. The committee membership may include but is not limited to department of human services staff involved with foster care, child welfare, and adult services, juvenile court services staff, staff involved with county general relief under chapter 251 or 252, or of the single entry point process implemented under section 331.440, school district and area education agency staff involved with special education, and a child's

court appointed special advocate, guardian ad litem, service providers, and other persons knowledgeable about the child.

3. **DUTIES.** A transition committee shall review and approve the written plan of services required for the child's case permanency plan in accordance with section 232.2, subsection 4, paragraph "F", which, based upon an assessment of the child's needs, would assist the child in preparing for the transition from foster care to adulthood. In addition, a transition committee shall identify and act to address any gaps existing in the services or other support available to meet the child and adult needs of individuals for whom service plans are approved.

Approved May 9, 2003

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## CHAPTER 118

### MEDICAL ASSISTANCE — HOME AND COMMUNITY-BASED SERVICES WAIVERS

*H.F. 560*

**AN ACT** relating to medical assistance home and community-based services waivers.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 249A.12, Code 2003, is amended by adding the following new subsection:

**NEW SUBSECTION.** 6. a. Effective July 1, 2003, the provisions of the home and community-based services waiver for persons with mental retardation shall include adult day care, prevocational, and transportation services. Transportation shall be included as a separately payable service.

b. The department of human services shall seek federal approval to amend the home and community-based services waiver for persons with mental retardation to include day habilitation services. Inclusion of day habilitation services in the waiver shall take effect upon receipt of federal approval and no later than July 1, 2004.

c. The person's county of legal settlement shall pay for the nonfederal share of the cost of services provided under the waiver and the state shall pay for the nonfederal share of such costs if the person does not have a county of legal settlement.

Sec. 2. **NEW SECTION.** 249A.32 MEDICAL ASSISTANCE HOME AND COMMUNITY-BASED SERVICES WAIVERS — CONSUMER DIRECTED ATTENDANT CARE — TERMINATION OF CONTRACT.

1. A case manager for a medical assistance home and community-based services waiver may terminate the contract of a person providing consumer directed attendant care services to whom payment is being made for provision of such services under the waiver if the case manager determines that the person has breached the contract by not providing the services agreed to under the contract.

2. For the purposes of this section, "consumer" and "waiver" mean consumer and waiver as defined in section 249A.29.

Sec. 3. **REIMBURSEMENT — REVIEW — RATE LIMITATIONS.**

1. The department of human services shall review the reimbursement methodology for the home and community-based services waiver for persons with mental retardation under the medical assistance program in relationship to the goals and objectives of the mental health and