

MAR 3 2006  
Place On Calendar

HOUSE FILE 2645  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 643)

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

**A BILL FOR**

1 An Act relating to services and requirements for current and  
2 former participants in the child welfare system.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2645

## 1 DIVISION I

## 2 FOSTER PARENT TRAINING

3 Section 1. Section 237.5A, unnumbered paragraph 1, Code  
4 2005, is amended to read as follows:

5 As a condition for initial licensure, each individual  
6 licensee shall complete thirty hours of foster parent training  
7 offered or approved by the department. However, if the  
8 licensee has completed relevant training or has a combination  
9 of completed relevant training and experience, and the  
10 department deems such training or combination to be an  
11 acceptable equivalent to all or a portion of the initial  
12 licensure training requirement, or based upon the  
13 circumstances of the child and the licensee the department  
14 finds there is other good cause, the department may waive all  
15 or a portion of the training requirement. Prior to annual  
16 renewal of licensure, each individual licensee shall also  
17 complete six hours of foster parent training. The training  
18 shall include but is not limited to physical care, education,  
19 learning disabilities, referral to and receipt of necessary  
20 professional services, behavioral assessment and modification,  
21 self-assessment, self-living skills, and biological parent  
22 contact. An individual licensee may complete the training as  
23 part of an approved training program offered by a public or  
24 private agency with expertise in the provision of child foster  
25 care or in related subject areas. The department shall adopt  
26 rules to implement and enforce this training requirement.

## 27 DIVISION II

## 28 PREPARATION FOR ADULT LIVING PROGRAM

29 Sec. 2. NEW SECTION. 234.46 PREPARATION FOR ADULT LIVING  
30 PROGRAM.

31 1. For the purposes of this section, "young adult" means a  
32 person who is described by all of the following conditions:

- 33 a. The person is a resident of this state.  
34 b. The person is age eighteen, nineteen, or twenty.  
35 c. At the time the person became age eighteen, the person

1 received foster care services that were paid for by the state  
2 under section 234.35 and the person is no longer receiving  
3 such services.

4 d. The person enters into and participates in an  
5 individual self-sufficiency plan that complements the person's  
6 own efforts for achieving self-sufficiency and the plan  
7 provides for one or more of the following:

8 (1) The person attends an accredited school full-time  
9 pursuing a course of study leading to a high school diploma.

10 (2) The person attends an instructional program leading to  
11 a high school equivalency diploma.

12 (3) The person is enrolled in or pursuing enrollment in a  
13 postsecondary education or training program or work training.

14 (4) The person is employed or seeking employment.

15 2. The division shall establish a preparation for adult  
16 living program directed to young adults. The purpose of the  
17 program is to assist persons who are leaving foster care  
18 services at age eighteen or older in making the transition to  
19 self-sufficiency. The department shall adopt rules necessary  
20 for administration of the program, including but not limited  
21 to eligibility criteria for young adult participation and the  
22 services and other support available under the program. The  
23 services and other support available under the program may  
24 include but are not limited to any of the following:

25 a. Support for the young adult continuing to reside with  
26 the family that provided family foster care to the young  
27 adult.

28 b. Support for a supervised apartment living arrangement.

29 c. Support for participation in education, training, or  
30 employment activities.

31 d. Other assistance to enhance the young adult's ability to  
32 achieve self-sufficiency.

33 3. This section shall not be construed as granting an  
34 entitlement for any program, services, or other support for  
35 the persons described in this section. Any state obligation

1 to provide a program, services, or other support pursuant to  
2 this section is limited to the extent of the funds  
3 appropriated for the purposes of the program.

4 Sec. 3. Section 249A.3, subsection 2, Code Supplement  
5 2005, is amended by adding the following new paragraph:

6 NEW PARAGRAPH. k. As allowed under 42 U.S.C. §  
7 1396a(a)(10)(A)(ii)(XVII), individuals under twenty-one years  
8 of age who were in foster care under the responsibility of the  
9 state on the individuals' eighteenth birthday, and whose  
10 income is less than two hundred percent of the most recently  
11 revised official poverty guidelines published by the United  
12 States department of health and human services. Medical  
13 assistance may be provided for an individual described by this  
14 paragraph regardless of the individual's resources.

15 EXPLANATION

16 This bill relates to services and requirements for current  
17 and former participants in the child welfare system. The bill  
18 is organized by divisions.

19 FOSTER PARENT TRAINING. This division revises the initial  
20 30-hour training requirement for foster parent licensees in  
21 Code section 237.5A to allow the department of human services  
22 (DHS) to waive the requirement. In order for the department  
23 to grant a waiver, the licensee must have completed relevant  
24 training or have a combination of completed relevant training  
25 and experience, and the department must deem the training or  
26 combination to be an acceptable equivalent to all or a portion  
27 of the initial licensure training requirement, or the  
28 department must find there is other good cause based upon the  
29 individual circumstances of the child and the licensee to  
30 grant the waiver.

31 PREPARATION FOR ADULT LIVING PROGRAM. This division  
32 revises Code chapter 234, relating to child and family  
33 services. Current law in Code section 234.1 extends the term  
34 "child" to include a person who is age 18 or 19 and is  
35 completing a high school diploma or high school equivalency

1 diploma, until such diploma is received. In addition, current  
2 law provides authority in Code section 234.35 for the state to  
3 pay for certain types of foster care services provided to  
4 certain persons who are age 18 or older.

5 The division establishes a new preparation for adult living  
6 program. The new program is directed to persons who are  
7 residents of the state; are young adults who are age 18, 19,  
8 or 20, and who, at the time of becoming age 18, received  
9 foster care services paid for by the state under Code section  
10 234.35, and are no longer receiving such foster care services;  
11 and who meet other qualifications.

12 Code section 249A.3, providing authority for the department  
13 to provide Medicaid to certain populations, is amended to  
14 include individuals younger than age 21 who were in foster  
15 care upon becoming age 18. An income limit of 200 percent of  
16 the federal poverty level is required, but a resource  
17 limitation does not apply.

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**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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HF 2645 - Child Welfare, Foster Care (LSB 5355 HV)  
Analyst: Lisa Burk (Phone: [515] 281-7942) ([lisa.burk@legis.state.ia.us](mailto:lisa.burk@legis.state.ia.us))  
Fiscal Note Version - New

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**Description**

House File 2645 allows the Department of Human Services (DHS) to waive the initial 30-hour training requirement for foster parent licensees who have completed relevant training or have a combination of relevant training and experience that the Department deems as an acceptable equivalent to all or a portion of the initial licensure requirement. The DHS may also waive the requirement if the Department finds there is other good cause based on the individual circumstances of the child.

The Bill also establishes a new Preparation for Adult Living Services (PALS) Program for residents of the State who are age 18, 19, or 20, and, at the time of becoming age 18, were receiving foster care services that were paid for by the State, but are no longer receiving these services. Under the Program, the DHS will provide continued support for qualified young adults who develop and comply with a self-sufficiency plan and are either working toward the completion of a high school diploma or high school equivalency diploma; participating in a postsecondary educational or training program; or are employed or seeking employment. This may include, but is not limited to, support to allow a young adult to continue residing with the family that provided family foster care or for a supervised apartment living arrangement.

In addition, HF 2645 permits continued Medicaid coverage for young adults up to their 21<sup>st</sup> birthday for individuals who had been in foster care under the responsibility of the State on their 18<sup>th</sup> birthday regardless of participation in the PALS Program.

**Assumptions**

1. Participation in the Preparation for Adult Services (PALS) Program and continuation of Medicaid coverage for eligible young adults will be on a voluntary basis.
2. The basic daily foster care maintenance rate of \$23.90 per day will be paid for young adults whose eligibility for foster care is expanded. This will include 130 young adults in FY 2007, and 260 in FY 2008.
3. The State match rate for Medicaid will be an average of 37.6% in FY 2007 and an average of 38.5% in FY 2008.
4. The State share of Medicaid coverage will be an average of \$212 per month for 413 eligible young adults in FY 2007, and an average of \$217 per month for 826 young adults in FY 2008.

**Fiscal Impact**

The estimated cost of HF 2645 is a total increase in General Fund expenditures of \$2.2 million in Child Welfare and Medicaid expenditures for the DHS beginning in FY 2007. The cost increases to \$4.5 million in FY 2008. The total costs are summarized in the table below.

	<u>FY 2007</u>	<u>FY 2008</u>
Child Welfare - PALS	\$ 1,117,888	\$ 2,235,776
State Medicaid Share	1,053,020	2,155,790
<b>Total</b>	<u>\$ 2,170,908</u>	<u>\$ 4,391,566</u>

House Study Bill 764 (FY 2007 Health and Human Services Appropriations Act) currently provides an increase of \$854,012 in the Child and Family Services appropriation for implementation of the PALS Program, as well as an increase of \$789,765 in the Medicaid appropriation for continued coverage of this population. The amounts provided in the Bill are not annualized as the Bill specifies an implementation date of October 1, 2006. House Study Bill 764 has not yet been enacted.

**Source**

Department of Human Services

/s/ Holly M. Lyons

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March 8, 2006

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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Hutter  
Hunter*

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SF, 02645

**HSB 643**

**HUMAN RESOURCES**

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 relating to services and requirements for current and  
2 former participants in the child welfare system.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I -- FOSTER PARENT TRAINING

2 Section 1. Section 237.5A, unnumbered paragraph 1, Code  
3 2005, is amended to read as follows:

4 As a condition for initial licensure, each individual  
5 licensee shall complete thirty hours of foster parent training  
6 offered or approved by the department. However, if the  
7 licensee has completed relevant training or has a combination  
8 of completed relevant training and experience, and the  
9 department deems such training or combination to be an  
10 acceptable equivalent to all or a portion of the initial  
11 licensure training requirement, or based upon the  
12 circumstances of the child and the licensee the department  
13 finds there is other good cause, the department may waive all  
14 or a portion of the training requirement. Prior to annual  
15 renewal of licensure, each individual licensee shall also  
16 complete six hours of foster parent training. The training  
17 shall include but is not limited to physical care, education,  
18 learning disabilities, referral to and receipt of necessary  
19 professional services, behavioral assessment and modification,  
20 self-assessment, self-living skills, and biological parent  
21 contact. An individual licensee may complete the training as  
22 part of an approved training program offered by a public or  
23 private agency with expertise in the provision of child foster  
24 care or in related subject areas. The department shall adopt  
25 rules to implement and enforce this training requirement.

26 DIVISION II -- CHILD ABUSE

27 REPORTING -- SEX OFFENDER REGISTRY

28 Sec. 2. Section 232.68, subsection 2, paragraph i, Code  
29 Supplement 2005, is amended to read as follows:

30 ~~i. Cohabitation-with-a-person-on-the-sex-offender-registry~~  
31 ~~under-chapter-692A-in-violation-of-section-726.6-~~ The person  
32 responsible for the care of the child allows an individual who  
33 the person knows is required to register as a sex offender  
34 under chapter 692A to share a residence with the child. For  
35 the purposes of this paragraph, "residence" means the same as

1 defined in section 692A.1. This paragraph is applicable  
2 without regard to the length of time or continuity of the  
3 sharing of the residence. However, this paragraph is not  
4 applicable if the individual required to register as a sex  
5 offender is a child or minor over whom the person responsible  
6 for the care of a child has custody or control, or if the  
7 individual is married to and residing with the person.

8 DIVISION III -- PREPARATION FOR ADULT LIVING PROGRAM

9 Sec. 3. NEW SECTION. 234.46 PREPARATION FOR ADULT LIVING  
10 PROGRAM.

11 1. For the purposes of this section, "young adult" means a  
12 person who is described by all of the following conditions:

13 a. The person is a resident of this state.

14 b. The person is age eighteen, nineteen, or twenty.

15 c. At the time the person became age eighteen, the person  
16 received foster care services that were paid for by the state  
17 under section 234.35 or that were funded in whole or in part  
18 under Title IV-E of the federal Social Security Act, and the  
19 person is no longer receiving such services.

20 d. The person is described by one or more of the  
21 following:

22 (1) Is in full-time attendance at an accredited school  
23 pursuing a course of study leading to a high school diploma.

24 (2) Is attending an instructional program leading to a  
25 high school equivalency diploma.

26 (3) Has been identified by the director of special  
27 education of the area education agency as a child requiring  
28 special education as defined in section 256B.2, subsection 1.

29 (4) Is homeless or in imminent risk of becoming homeless.

30 (5) Is qualified to participate in a postsecondary  
31 educational or training program or work training.

32 (6) Is employed.

33 2. The division shall establish a preparation for adult  
34 living program directed to young adults. The services and  
35 other support available under the program may include but are

1 not limited to any of the following:

2 a. Support for the young adult continuing to reside with  
3 the family that provided family foster care to the young  
4 adult.

5 b. Support for an independent living arrangement.

6 c. Support for participation in education, training, or  
7 employment activities.

8 d. Other assistance to enhance the young adult's ability to  
9 lead a successful, productive life.

10 3. This section shall not be construed as granting an  
11 entitlement for any program, services, or other support for  
12 the persons described in this section. Any state obligation  
13 to provide a program, services, or other support pursuant to  
14 this section is limited to the extent of the funds  
15 appropriated for the purposes of the program.

16 Sec. 4. Section 249A.3, subsection 2, Code Supplement  
17 2005, is amended by adding the following new paragraph:

18 NEW PARAGRAPH. k. As allowed under 42 U.S.C. §  
19 1396a(a)(10)(A)(ii)(XVII), individuals under twenty-one years  
20 of age who were in foster care under the responsibility of the  
21 state on the individuals' eighteenth birthday, and whose  
22 income is less than two hundred percent of the most recently  
23 revised official poverty guidelines published by the United  
24 States department of health and human services. Medical  
25 assistance may be provided for an individual described by this  
26 paragraph regardless of the individual's resources.

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EXPLANATION

28 This bill relates to services and requirements for current  
29 and former participants in the child welfare system. The bill  
30 is organized by divisions.

31 DIVISION I -- FOSTER PARENT TRAINING. This division  
32 revises the initial 30-hour training requirement for foster  
33 parent licensees in Code section 237.5A to allow the  
34 department of human services (DHS) to waive the requirement.  
35 In order for the department to grant a waiver, the licensee

1 must have completed relevant training or have a combination of  
2 completed relevant training and experience, and the department  
3 must deem the training or combination to be an acceptable  
4 equivalent to all or a portion of the initial licensure  
5 training requirement, or the department must find there is  
6 other good cause based upon the individual circumstances of  
7 the child and the licensee to grant the waiver.

8       DIVISION II -- CHILD ABUSE REPORTING -- SEX OFFENDER  
9 REGISTRY. This division amends an element of the definition  
10 of child abuse in Code section 232.68. This definition is  
11 used for reporting of child abuse and assessments of reports  
12 by DHS. The element amended by the bill provides that  
13 cohabitation with a person on the sex offender registry under  
14 Code chapter 692A in violation of Code section 726.6, relating  
15 to child endangerment, is child abuse.

16       The bill is directed to the person responsible for the care  
17 of the child, a defined term meaning the parent, guardian,  
18 foster parent, relative or other person with whom the child  
19 resides, or other persons providing care for the child. The  
20 bill provides that it is child abuse if a person responsible  
21 for the care of a child allows an individual who the person  
22 knows is required to register as a sex offender to share a  
23 residence with the child. An exception to the definition,  
24 similar to the exception in the child endangerment law in Code  
25 section 726.6, provides that child abuse does not include an  
26 individual required to register as a sex offender if the  
27 individual is a child or minor over whom the person  
28 responsible for the care of a child has custody or control, or  
29 if the individual is married to and residing with the person.

30       DIVISION III -- PREPARATION FOR ADULT LIVING PROGRAM. This  
31 division revises Code chapter 234, relating to child and  
32 family services. Current law in Code section 234.1 extends  
33 the term "child" to include a person who is age 18 or 19 and  
34 is completing a high school diploma or high school equivalency  
35 diploma, until such diploma is received. In addition, current

1 law provides authority in Code section 234.35 for the state to  
2 pay for certain types of foster care services provided to  
3 certain persons who are age 18 or older.

4 The division establishes a new preparation for adult living  
5 program. The new program is directed to persons who are  
6 residents of the state, are young adults who are age 18, 19,  
7 or 20, and who, at the time of becoming age 18, received  
8 foster care services paid for by the state under Code section  
9 234.35 or by the federal government under Title IV-E of the  
10 federal Social Security Act, and are no longer receiving such  
11 foster care services; and meet other qualifications.

12 Code section 249A.3, providing authority for the department  
13 to provide Medicaid to certain populations, is amended to  
14 include individuals younger than age 21 who were in foster  
15 care upon becoming age 18. An income limit of 200 percent of  
16 the federal poverty level is required, but a resource  
17 limitation does not apply.

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# STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES  
KEVIN W. CONCANNON, DIRECTOR

January 20, 2006

To: General Assembly  
From: Alisa Morris, Legislative Liaison  
Re: LSB 5355 / Child Welfare System

Division one of this bill proposes that the department would be allowed to make exceptions to the 30 hour training requirement prior to an applicant becoming a licensed foster parent. This would allow the department needed flexibility to approve applicants for a foster care license who have been through approved training curriculums in other states, create different training requirements for relative placements seeking to become licensed, and make needed exceptions when circumstances so warrant. This change would enable the Department to provide greater and more appropriate resources for children needing to be placed out of their parental home.

Division two of this bill proposes amending the language of the child abuse type enacted last session- Cohabiting with a Registered Sex Offender. This bill proposes amending the reference to cohabiting and replacing it with language to include that a person responsible for the care of the child allows a registered sex offender to share a residence with a child. "Residence" is defined in Iowa Code while "cohabiting" is not defined. ("Residence" is defined in 692A). This provides greater protection for children by broadening the statute to include residing with a child and is more consistent with Iowa child abuse laws.

**Note:** The original law was enacted in July 2005, to establish a new basis of child endangerment (Iowa Code 726.6) based on a person cohabiting with a registered sex offender as well as establishing cohabitating with a registered sex offender as a type of child abuse. This amendment only impacts child abuse statute at Iowa Code 232.68.

Division three of this bill proposes the Preparation for Adult Living Program (PAL).  
Need: The transition to young adulthood is never easy. This is especially true for youth that transition out of foster care to adulthood. Youth who grow up in state foster care face a series of challenges that may be exacerbated by the need to leave care before they are ready to be on their own. Unlike their peers, these youth, for whom reunification with their biological family or adoption was not an option, often lack a positive support system upon discharge to assist them in their transition to adulthood. A recent study of youth that had aged out of foster care found that they face significant challenges, including mental health and substance abuse problems, poor educational experiences and outcomes, access to housing, and difficulties in finding employment allowing for adequate resources leading to self-sufficiency. Under our current policies, the State, which has basically served as their parent during their growing up years, is unable to continue in this role once the youth reaches 18.

**Purpose:** The PAL proposal is designed to ensure that youth in foster care are better prepared for the challenges and opportunities that adulthood presents, and that resources invested in while they are young pay off in the long run.

**Intent:** The PAL proposal contains 2 components; both components would be voluntary. DHS would continue support for youth between the ages of 18 and 21 who develop and comply in a self-sufficiency plan and are either:

- Participating in an educational or training program or
- Employed or seeking employment.

In addition, the proposal supports DHS continuing Medicaid coverage on a voluntary basis for youth who had been in foster care under the responsibility of the state on the youth's 18<sup>th</sup> birthday, up to their 21<sup>st</sup> birthday, whether or not they participate in the PAL program. Youth must meet the following criteria:

- Be a resident of Iowa,
- Be a U.S. citizen or a qualified alien,
- Have countable income at or below 200% of the federal poverty level, and
- Comply with other Medicaid eligibility requirements, such as completing annual review documents.