

FILED MAR 07 2006

SENATE FILE **2375**
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 3039)

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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SF 2375

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DIVISION I

FOSTER PARENT TRAINING

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

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

DIVISION II

PREPARATION FOR ADULT LIVING PROGRAM

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

1. For the purposes of this section, "young adult" means a person who is described by all of the following conditions:
 - a. The person is a resident of this state.
 - b. The person is age eighteen, nineteen, or twenty.
 - 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 of 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.

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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

SF 2375 - Child Welfare, Foster Care (LSB 5355 SV)
Analyst: Lisa Burk (Phone: [515] 281-7942) (lisa.burk@legis.state.ia.us)
Fiscal Note Version - New

Description

Senate File 2375 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, SF 2375 permits continued Medicaid coverage for young adults up to their 21st birthday for individuals who had been in foster care under the responsibility of the State on their 18th 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 SF 2375 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
Total	<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

March 8, 2006

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.

Johnson co-chair
Bolkecom co-chair
Quirmbach
Houser

Succeeded By
SF/HF 2375

SSB# 3039
Human Resources

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

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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A BILL FOR

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

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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.

27 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 18th birthday, up to their 21st 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.