

CHAPTER 151 JUVENILE COURT SERVICES DIRECTED PROGRAMS

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PREAMBLE

These rules prescribe services for children eligible for reimbursement from funds appropriated specifically for juvenile court services directed programs. The state court administrator and chief juvenile court officers have primary responsibility for the administration of court-ordered services and graduated sanction services for children. The graduated sanction services are also known as “early intervention and follow-up services” or “community-based delinquency programs.”

The juvenile court services directed programs addressed in this chapter include court-ordered services and four graduated sanction programs: life skills; school-based supervision; supervised community treatment; and tracking, monitoring, and outreach. The rules establish the criteria for the allocation of funds and the procedures for administration, application, eligibility, appeals, service delivery, and billing and payment.

DIVISION I GENERAL PROVISIONS

PREAMBLE

These rules, pursuant to the authority granted in the Iowa Code and annual appropriations Acts, prescribe the relationship between the state court administrator (the judicial branch), the chief juvenile court officer from each judicial district, and the department of human services (the executive branch) in the administration of the funds for the juvenile court services directed programs. These rules also prescribe the joint responsibilities of the chief juvenile court officers and the department’s service area managers for the planning and implementation of an annual child welfare and juvenile justice plan for each department service area.

441—151.1(232) Definitions.

“*At risk*” or “*high risk*” means that a child has been referred to juvenile court services for a delinquency violation or has exhibited behaviors likely to result in a juvenile delinquency referral.

“*Case file*” means a file that includes referral information, information generated during assessment, documentation of court proceedings, other eligibility determinations, case plans, and case reports, including quarterly progress reports. Case files of providers also include records of provider-child contact that document provision of services.

“*Case record*” means a minimal record that identifies the child and the service provided and documents the child’s eligibility. A case record is maintained when a case file is not required.

“*Certification of the court*” means that the chief juvenile court officer has determined that (1) the court-ordered services fall within the defined services pursuant to Iowa Code section 232.141, subsections (4) and (5), and (2) there are sufficient funds in the district’s fiscal year fund allocation to pay for all court-ordered services.

“*Child*” means a person under 18 years of age. “*Child*” also includes a person up to 19½ years of age when (1) the person is adjudicated delinquent and the dispositional order is entered while the person is 17 years of age (in which case, the order terminates 18 months after the date of disposition), or (2) the person, as an adult, has been transferred to the jurisdiction of the juvenile court and is adjudicated as having committed a delinquent act before becoming an adult (in which case, the dispositional order automatically terminates 18 months after the last date upon which jurisdiction could attach).

“*Child welfare and juvenile justice plan*” means the annual plan for using decategorized funds within each department service area.

“*Court-ordered services*” means the defined or specific care and treatment that are ordered by the court for an eligible child and for which no other payment source is available to cover the cost.

“*Department*” means the department of human services.

“*Eligible child*” means a child who has been adjudicated delinquent, is at risk, or has been certified by the chief juvenile court officer as eligible for court-ordered services.

“*Graduated sanction services*” means life skills; school-based supervision; supervised community treatment; and tracking, monitoring, and outreach. Graduated sanction services are provided in community-based settings to children who are adjudicated delinquent or who are at risk of adjudication. Services are directed to help children transition into productive adulthood and to prevent or reduce criminal charges, out-of-home placement, and recidivism. Graduated sanction services are also known as “early intervention and follow-up services” or “community-based delinquency programs.”

“*Juvenile court officer*” means a person appointed as a juvenile court officer or a chief juvenile court officer under Iowa Code chapter 602.

“*Provider*” means a public agency, including a school district or government unit, or a private agency, organization or eligible individual authorized to do business in the state. The provider is also known as the claimant.

441—151.2(232) Administration of funds for court-ordered services and graduated sanction services. Pursuant to the authority granted in Iowa Code chapters 232, 602, 7E, and 8 and the annual appropriations Acts, the executive branch, represented by the department, and the judicial branch, represented by the state court administrator and the chief juvenile court officers, are each charged with specific responsibilities for funding, administering, and providing graduated sanction services and court-ordered services.

151.2(1) Allocations for court-ordered services. Court-ordered services are funded by an appropriation made to the department for allocation by the state court administrator.

a. The state court administrator shall allocate the funds, minus the administrative set-aside specified in the appropriations bill, to the eight judicial districts for the payment of the expenses of court-ordered services provided to juveniles that are a charge upon the state pursuant to Iowa Code section 232.141, subsection (4), and also as allowed by subsection 5.

b. The state court administrator may use not more than the administrative set-aside, specified in the appropriations bill, for the costs of administering the court-ordered services program, including the costs of travel associated with court-ordered placements, that are a charge to the state pursuant to Iowa Code section 232.141, subsection (4).

c. The state court administrator shall allocate the funds, minus the administrative set-aside, among the judicial districts on or before the date directed by the legislature.

(1) The state court administrator shall base the allocation on each district’s respective portion of the statewide population of children as reported in current census data.

(2) The source of the census data shall be determined and agreed upon by the state court administrator and the chief juvenile court officers.

151.2(2) *Allocations for graduated sanction services.* Graduated sanction services are funded by an appropriation to the department. The department allocates the funds to the state court administrator and to the chief juvenile court officers for administration. The funds are allocated and administered as follows:

a. The department shall allocate a set-aside amount up to, but not to exceed, 10 percent of the total allocation for graduated sanction services for the state court administrator to pay the administrative costs of the graduated sanction services, including the costs of a court accountant auditor position established in each judicial district.

b. The state court administrator shall:

(1) Establish and implement a written job classification and pay schedule for the court accountant auditor positions; and

(2) Administer the set-aside for the eight judicial districts.

c. The department shall allocate the funds for each of the four graduated sanction programs, minus the administrative set-aside, among the eight judicial districts based on each district's respective portion of the statewide population of children as reported in current census data. The source of the census data shall be determined and agreed upon by the department and the chief juvenile court officers.

151.2(3) *Transfer of funds to a decategorization governance board for administration.* Funds allocated to a district for court-ordered services or graduated sanction services, less the administrative set-asides, may be transferred to a decategorization governance board for administration.

a. To initiate a transfer of funds to a decategorization governance board:

(1) The chief juvenile court officer shall submit to the chair of the decategorization governance board a written notice of intent to transfer the funds to the board. The chief shall include in the notice a statement identifying any special conditions or limitations to which the funds would be subject. If no statement identifying any special conditions or limitations to which the funds would be subject is included, then no special conditions or limitations apply.

(2) The chair of the decategorization governance board shall provide the chief juvenile court officer with a written statement of acceptance of the funds; otherwise the chief juvenile court officer shall not transfer the funds. When the chief juvenile court officer has identified special conditions or limitations that apply to the funds, the decategorization governance board chair's signature on the written statement of acceptance of the funds indicates agreement with the special conditions or limitations.

(3) The chief juvenile court officer shall submit the written request to transfer the funds and the written statement of acceptance to the department.

b. The department must receive a signed agreement transferring the funds before the department signs any contract using the funds.

c. The decategorization governance board may authorize the chief juvenile court officer to act on behalf of the decategorization governance board in the administration of the funds, but is not required to do so. An authorization from the decategorization governance board granting authority to the chief juvenile court officer to act on behalf of the decategorization governance board in the administration of the funds must be in writing and must be received by the department before the department representative signs any contract using the funds. The request and authorization to administer the funds may be included in the request and agreement to transfer the funds.

d. Funds transferred to a decategorization governance board for administration are subject to the same audit requirements as specified in 151.6(1).

151.2(4) Availability of funds. The chief juvenile court officers, the state court administrator, and the department shall monitor the availability of the court-ordered services funds to ensure that funds are available within each district throughout the state fiscal year. The chief juvenile court officers and the department shall monitor the availability of the graduated sanction services funds to ensure that the funds are available within each district throughout the state fiscal year.

a. The department shall provide to each court accountant auditor at the start of each state fiscal year a blank electronic report, known as the “Y” form, as well as a spreadsheet showing the amount of the district’s allocations for graduated sanction services.

b. The state court administrator shall determine and provide to each district at the start of each state fiscal year the amount of the district’s allocation for court-ordered services.

c. Each court accountant auditor shall:

(1) Enter the beginning annual allocation on the “Y” form for court-ordered services and for each graduated sanction service;

(2) Enter on the “Y” form each month the monthly expenditures and transfers of funds to and from each service; and

(3) Submit each month to the department’s division of fiscal management the “Y” form showing the monthly balance of service funds, as well as the cumulative expenditures and fund transfers for each service for the district.

d. The department shall:

(1) Use the information provided by each court accountant auditor to prepare each month an electronic report, known as the Form Y Summary, showing the statewide balance of service funds, as well as the cumulative expenditures and fund transfers for each service for each district; and

(2) Distribute the Form Y Summary monthly to the state court administrator and to department and juvenile court services management.

e. The chief juvenile court officers, in consultation with the department or the state court administrator, shall reallocate funds as needed to ensure the availability of graduated sanction services and court-ordered services on a statewide basis throughout the state fiscal year.

f. If funding for either graduated sanction services or court-ordered services is exhausted in any district, the respective services within that district shall be discontinued.

441—151.3(232) Administration of juvenile court services programs within each judicial district. Each chief juvenile court officer is responsible for the administration of the court-ordered services and graduated sanction services within the judicial district. The chief juvenile court officer shall purchase court-ordered services and graduated sanction services on behalf of eligible children within the judicial district.

151.3(1) Planning for service needs.

a. Each chief juvenile court officer shall develop a process for determining:

(1) The service needs of the children within the district; and

(2) The mix of services to be provided to best meet the identified needs within the district.

b. Each chief juvenile court officer and service area manager shall develop, sign, and implement an annual plan for prioritizing and allocating decategorized funds within each department service area. The plan shall be known as the child welfare and juvenile justice plan.

c. Each chief juvenile court officer shall develop procedures to evaluate and improve the quality and effectiveness of the services being provided. The chief juvenile court officer shall make recommendations concerning changes in the child welfare system that are needed to ensure that children and families receive the services necessary to meet their unique needs. These recommendations may be incorporated into the annual child welfare and juvenile justice plan.

151.3(2) Eligible providers. The chief juvenile court officer shall purchase court-ordered services or graduated sanction services from public or private agencies, organizations, or eligible individuals. To be eligible to provide services, an individual shall meet one of the following criteria:

- a. Have a federal identification number; or
- b. Have a social security number for which the state accounting enterprise has determined that an employee/employer relationship with the state does not exist; or
- c. Be paid an amount during a state fiscal year that does not exceed \$1,000 plus allowable expenses such as meals, lodging, and mileage per state fiscal year as determined according to state accounting enterprise procedure 240.102.

151.3(3) Allowable costs. The administrative and program requirements of this chapter include those costs specified below:

- a. Reimbursement for mileage, meals, and lodging expenses involved in the transportation of the child shall not exceed the lower of the rates set by the state executive council or the provider's customary rate, unless the transportation is provided by a public officer or employee. A public officer or employee, other than a state officer or employee, is entitled to be paid for expenses as specified in the Iowa Code in an amount as determined:

- (1) By the public officer's or employee's local governing board when the court order specifies that the public officer or employee is to provide the transportation. The allowable expenses for which sheriffs may be reimbursed are found at Iowa Code sections 70A.9 and 331.655.

- (2) By the chief juvenile court officer when the court order does not specify that the public officer or employee is to provide the transportation.

- b. For Medicaid-covered services, the provider shall be reimbursed at the same rate and duration as Medicaid reimburses under the fee schedule provided in 441—subrule 79.1(2) unless the chief juvenile court officer determines that a rate negotiated with the provider may be paid.

- c. A provider with a purchase of service contract for a similar service shall be reimbursed at the rate of the purchase of service contract. A provider that does not have a purchase of service contract shall be reimbursed at a rate comparable to the rate reimbursed to providers that have purchase of service contracts.

- d. Private insurance allowances may be supplemented up to, but shall not exceed, the amounts allowed in this subrule. Funds for court-ordered care and treatment or graduated sanction services shall not be used in lieu of private insurance.

- e. A provider shall not be reimbursed at a rate that is greater than that allowed by administrative rules. Reimbursement paid to a provider shall be considered paid in full unless the county voluntarily agrees to pay the difference between the reimbursement rate and the actual costs of the service. When there are specific program regulations prohibiting supplementation, such as the prohibition of supplementation of Medicaid reimbursement, those regulations shall be applied to providers requesting supplemental payments.

151.3(4) Record keeping. The provider and juvenile court services shall maintain financial and service records for a period of five years following termination of services. The records are subject to audit.

- a. Each provider shall maintain all the financial and service records used to submit or substantiate claims for reimbursement, including court orders as required and lists of the children served. The provider bears ultimate responsibility for the completeness and accuracy of the claim submitted as set forth in these rules.

- b. Each provider shall maintain all the corresponding service and financial information necessary to document the provision of the service as agreed upon in the contract. When the contract identifies units of service to be provided, each provider shall maintain a case record or case file that documents the provision of the units of the contracted service for each individual child for whom a claim is made.

c. Each juvenile court officer shall maintain a case record for each child referred for graduated sanction service. Each juvenile court officer shall maintain a case file for each child who receives an ongoing service. The case record or case file shall include all the corresponding service information necessary to document that the contracted service was provided.

d. Each chief juvenile court officer shall ensure that an original court order supports the payment of any claim paid for court-ordered services.

e. Each chief juvenile court officer shall ensure that the district is accountable for payments, receipts, and retention of records as described in subrule 151.4(7).

151.3(5) Access to records. Each provider of court-ordered services or graduated sanction services shall make available upon request to juvenile court services, the department, the department of inspections and appeals, or the state auditor the service and financial records used to support or substantiate claims for reimbursement, including court orders and lists of children. The records shall be subject to audit by juvenile court services, the department, the department of inspections and appeals, or the state auditor.

441—151.4(232) Billing and payment. The chief juvenile court officer shall ensure that billing and payment are in compliance with department requirements and the requirements of the accounting policies and procedures manual of the department of administrative services, state accounting enterprise. A claim that meets the requirements of this chapter becomes a state liability on the date of a claim's accrual. The date of a claim's accrual is the date the service was provided, the end of the agreed-upon billing interval specified in the contract, or the date of a determination of liability for the claim.

151.4(1) Claim forms and instructions. The instructions and forms used for billing shall be available to the provider from each chief's juvenile court services office. Electronic versions of all forms are available.

a. *Court-ordered services.*

(1) The provider shall prepare a claim for court-ordered services on Form GAX, General Accounting Expenditure, and Form 470-1691, Claim for Juvenile Court Services Programs, or a facsimile thereof. An original, itemized invoice may be substituted for Form 470-1691.

(2) The provider shall attach a copy of the applicable court order with each initial claim for court-ordered services. Each subsequent claim shall include the first page of the applicable court order, or the case number of the applicable court order shall be entered on Form GAX or Form 470-1691.

b. *Life skills, supervised community treatment, and tracking, monitoring, and outreach.*

(1) The provider shall prepare a claim for life skills, supervised community treatment, and tracking, monitoring, and outreach on Form GAX, General Accounting Expenditure.

(2) The provider shall also submit Form 470-1691, Claim for Juvenile Court Services Programs, a facsimile thereof, an original, itemized invoice, or a copy of the provider's list of the children for whom the claim is made. The document submitted shall include the name of each child and the number of units of service provided to that child each month.

c. *School-based supervision.* The provider shall prepare a claim for school-based supervision on Form GAX, General Accounting Expenditure.

151.4(2) Preparation of claim. Form GAX, General Accounting Expenditure, shall be submitted with all claims. The Form GAX submitted shall not include claims for more than one fiscal year. The provider, as vendor, must enter on Form GAX:

a. The vendor code,

b. The vendor's name and mailing address,

c. The vendor's invoice date and number,

d. A short description of the item or service that was purchased,

e. Either the provider's social security number, federal identification number, or tax identification number, and

f. An original signature of the provider unless an original invoice is submitted.

151.4(3) *Support of claim.* The provider bears ultimate responsibility for the completeness and accuracy of each claim submitted. The provider must maintain a record of the days and times during which each service was provided for each child. The provider's record must correspond to the units billed.

151.4(4) *Submittal of claims to juvenile court services.* Providers shall submit claims to the chief juvenile court officer in the judicial district in which the service was provided. The provider shall submit the original Form GAX and any required supporting documents to the chief juvenile court officer for each claim.

a. Claims shall be submitted timely to allow the chief juvenile court officer to submit the claim to the department within 90 calendar days of the date of the claim's accrual.

b. To ensure payment from funds appropriated for the fiscal year, claims shall be submitted timely to allow the chief juvenile court officer to submit the claim to the department within 45 calendar days of fiscal year end, June 30.

151.4(5) *Review and approval of claims.* The chief juvenile court officer is responsible for accuracy and disposition of claims. The chief juvenile court officer shall verify the accuracy of the provider's billings and approve the claims.

a. Juvenile court services may complete Form GAX when the provider submits an original invoice or may enter the following information on Form GAX when the provider has omitted it from the form:

- (1) The name and mailing address of the agency or individual providing the services.
- (2) A short description identifying the specific services or item purchased. The description will be entered on the warrant sent to the provider.

b. To approve the claim, the chief juvenile court officer or designee shall sign Form GAX in the space titled, "order approved by." The signature shall be deemed as certification that the billed expenses were incurred, that the amounts are correct, and that payment should be made by the department.

151.4(6) *Juvenile court services submittal of claims to department.* The chief juvenile court officer shall prepare and submit claims to the department. Juvenile court services shall make the required number of copies for submittal and shall submit the required documents to the Department of Human Services, Division of Fiscal Management, Bureau of Purchasing, Payments and Receipts, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. The documents required to be submitted are as follows:

a. *New contract.* For the first claim submitted for a new contract, juvenile court services must submit:

- (1) Two copies of the signed contract.
- (2) Three copies of Form 470-0022, Pre-Contract Questionnaire.
- (3) The original and two copies of Form GAX, showing the contract number.

b. *Ongoing contract.* For subsequent claims for contract payment, juvenile court services shall submit the original and two copies of Form GAX, which shall include the following information:

- (1) The contract number.
- (2) The warrant number.
- (3) The paid date, which is the date the first claim was processed through the I-3 system and is stamped on the first warrant the provider receives through the contract.
- (4) The reference document number of the initial voucher of the series to which the contract is attached (the reference document number is the 11-digit number listed under "Departmental Reference Numbers" on the warrant, starting with "413-").

(5) The payment number of the total contracted sequence, if known, such as "payment 7 of 12 payments."

c. *Contract amendment.* For each contract amendment, juvenile court services must submit:

- (1) The original and two copies of Form GAX;
- (2) Two copies of the signed amendment; and
- (3) Three copies of Form 470-0022, Pre-Contract Questionnaire.

151.4(7) Claim records. The chief juvenile court officer shall have responsibility for retention of records, maintenance of records, and authorized access to records.

a. Juvenile court services shall retain one copy of the claim and supporting documentation as submitted to the department as well as any additional required supporting documentation submitted to juvenile court services by the provider. The copy of Form GAX and supporting documentation, as submitted to the department, as well as any additional required supporting documentation submitted to juvenile court services by the provider, are subject to audit.

b. Each chief juvenile court officer shall establish a system for retention of the records in an organized, audit-friendly manner. During the required retention period, the records and knowledgeable personnel must be accessible and available for the audit. All documents related to each other must be appropriately attached and organized in a manner that provides easy access.

151.4(8) Claim payment. The department shall reimburse providers for contract costs when claims are submitted according to the required procedures.

a. The bureau of purchasing, payments and receipts of the division of fiscal management shall process a claim through the state appeal board's administrative process for approving outdated invoices when the department receives the claim:

- (1) More than 90 calendar days after the date of its accrual; or
- (2) More than 45 calendar days after the date of its accrual at fiscal year end, June 30.

b. If the claim cannot be processed through the state appeal board's administrative process for approving outdated invoices, the claim must be submitted to the state appeal board for approval.

441—151.5(232) Appeals. If services are court-ordered, children who have been adversely affected by decisions made by juvenile court and their parents or guardians may appeal through procedures established pursuant to Iowa Code section 232.133.

441—151.6(232) District program reviews and audits. Each chief juvenile court officer shall establish procedures to review and audit the provision of the graduated sanction services to ensure that the requirements of this chapter and the contracts are met. The court accountant auditor as established according to subrule 151.2(2) shall conduct the reviews and audits.

151.6(1) Schedule. The department shall notify each chief juvenile court officer or designee of the providers for which a review and audit must be conducted. The department shall identify in the notice all other judicial districts that have a contract with the provider.

a. Annual on-site reviews and audits are required for any provider having one or more contracts with one or more judicial districts when the total annual value of the contracts is \$100,000 or more.

b. An on-site review and audit are required for each provider new to the district during the first year of the provider's contract with the district when the total annual value of the provider's contracts with the judicial district is \$50,000 or more.

c. Additional on-site reviews and audits are optional but may be considered appropriate by the chief juvenile court officer for providers, other than those described in paragraphs "a" and "b," based on factors such as:

- (1) Length of time provider has been in business.
- (2) Amount of time provider has offered the services being purchased.
- (3) Type of service or program being purchased.
- (4) Amount of money involved in the contract.

(5) Whether other governmental entities contract with this provider.

(6) Findings from previous audits by the district, the department, or other entities such as the state auditor's office.

151.6(2) Location. The reviews and audits shall take place at the sites where the program is operated and where necessary program and fiscal records are maintained.

151.6(3) Scope. The court accountant auditor shall review and audit the provider's service and financial records, including the client case records and case files, to ensure that the records contain the required documentation of the provision of the contracted service for each individual child for whom a claim is made. The reviews and audits shall include:

- a. Contact with the client.
- b. Review and audit of service billings and delivery of service.
- c. Review and audit of provider standards, staff qualifications, case files and case records, progress reports, and billing and payment records.

151.6(4) Repayment. The chief juvenile court officer may seek repayment of claims paid for non-covered services or for services for which documentation is not established.

a. The chief juvenile court officer shall notify the provider in writing that a repayment is due. The written notice shall identify:

- (1) The claims;
 - (2) The amounts of the claims that are not documented or substantiated; and
 - (3) The amount of the repayment requested.
- b. The provider shall repay the department the difference between the amount received and the amount established through the audit, not to exceed the amount paid by the state, when:

(1) The provider, upon audit, fails to verify or document the provision of covered services or costs in the amount for which a claim was paid or when the audit confirms claims paid for noncovered services; and

(2) Juvenile court services or the department makes a request for repayment.

c. The provider shall repay the department for the amount of any claims not supported by audit when:

(1) The provider fails to maintain adequate records for auditing purposes or fails to make records available for audit or when the records, upon audit, fail to support the claims submitted; and

(2) Juvenile court services or the department makes a request for repayment.

d. A provider that is adversely affected by the request for repayment may appeal using procedures established in 441—Chapter 7.

e. If the provider does not make payment within 45 days, the chief juvenile court officer shall submit to the department a copy of the notice to the provider for the department's review and further action if necessary.

151.6(5) Report. Each chief juvenile court officer shall submit to the department an annual report of the district's review and audit activities for each state fiscal year.

a. The annual report shall be submitted by December 31 following the end of the state fiscal year. This date may be extended upon the written request of the chief juvenile court officer to the department.

b. The annual report shall include a report of the results of the review and audit for each required audit as well as a summary of the findings of the reviews and audits conducted on any other providers receiving state or federal funds in the state fiscal year.

These rules are intended to implement Iowa Code section 232.141.

441—151.7 to 151.19 Reserved.

DIVISION II
COURT-ORDERED SERVICES

PREAMBLE

These rules prescribe the responsibilities of the chief juvenile court officers and the department of human services for the administration of court-ordered services. In addition, these rules prescribe a list of expenses that are eligible for reimbursement and a list of expenses that are ineligible for reimbursement. The lists are intended to be exhaustive.

441—151.20(232) Juvenile court services responsibilities. The chief juvenile court officer shall purchase court-ordered services for eligible children pursuant to the authority of a court order and the certification of the court.

151.20(1) The chief juvenile court officer shall have the opportunity to establish the availability of funds before a request for court-ordered services is presented to the court.

151.20(2) Any services that are provided without the signed approval of the chief juvenile court officer or the chief juvenile court officer's designee may be denied payment, unless there is an emergency or after-hours situation and no other provision exists for handling emergency or after-hours situations or transports.

151.20(3) A district or juvenile court shall not order any service that is a charge upon the state pursuant to Iowa Code section 232.141 if there are insufficient court-ordered services funds available in the district court distribution amount to pay for the service.

151.20(4) The chief juvenile court officer shall encourage use of the funds in the district's fiscal year fund allocation such that there are sufficient funds during the entire year to pay for all court-ordered services.

a. The chief juvenile court officer shall establish service priorities for spending the court-ordered services funds allocated to the district.

b. The chief juvenile court officer shall inform the state court administrator of potential shortfalls in the district's distribution amount and shall request the state court administrator to transfer funds between the districts' distribution amounts as prudent.

c. The chief juvenile court officer shall notify the state court administrator and the chief judge of the district in the event that the court-ordered services funds for the judicial district are exhausted.

441—151.21(232) Certification process. The chief juvenile court officer shall determine the certification of the court for each ordered service.

151.21(1) Application for court-ordered services. Any party intending to request court-ordered services funds shall complete an application and receive approval for the funding request from the chief juvenile court officer before making the request to the court.

a. The application form with instructions shall be available upon request from the office of each chief juvenile court officer.

b. The applicant shall have verified that there are no other alternative funding sources for the service.

c. The chief juvenile court officer may establish procedures for handling emergency or after-hours situations and for the handling of transports.

151.21(2) Determination. The chief juvenile court officer shall determine whether the requested service is eligible for reimbursement and shall certify that there are sufficient funds available to pay for the service. The chief juvenile court officer shall determine whether:

a. The requested service falls within the court-ordered services expenses defined in Iowa Code section 232.141, subsections (4) and (5), and subrule 151.22(1); and

b. There are sufficient funds in the district's fiscal year fund allocation to pay for the requested service.

151.21(3) Use of other funding sources. The department, in cooperation with the chief juvenile court officers, shall ensure that the funds allocated for court-ordered services are spent only after all other reasonable actions have been taken to use other funding sources. Services are not eligible for reimbursement when another payment source is available.

a. Medicaid. The department shall maximize the use of funds that may be available from the Medicaid program, including coverage for early and periodic screening, diagnosis, and treatment and for psychiatric medical institutions for children (PMIC), before requesting assistance through the court-ordered services fund. However, medical cost sharing for the one-time payment per court order of a deductible amount or a coinsurance amount for treatment specified in a court order is an allowable expense that may be paid through the court-ordered services fund when insurance or Medicaid is then available to pay the remainder of the cost.

b. Other third-party payments. The department shall recover payments from any third-party insurance carrier that is liable for coverage of the services, including health insurance coverage. The department shall submit claims to third-party insurance carriers liable for coverage of the services before the claims are submitted for payment through the court-ordered services fund.

c. The date of a medical claim's accrual for reimbursement through court-ordered services is the date the claim becomes a state liability. For example, a claim becomes a state liability on:

- (1) The date of a court order for a contested claim; or
- (2) The date of a determination by Medicaid or private insurance that Medicaid or private insurance denies partial or full payment for care and treatment for which an application has been made.

d. If eligible for reimbursement through the court-ordered services fund, medical claims that are submitted to, but are denied by, Medicaid or private insurance shall be paid at a rate not to exceed the rate set by Medicaid.

151.21(4) Certification. The chief juvenile court officer or designee shall approve or disapprove the request for funds and shall sign and return the application to the applicant.

a. If the request is disapproved, the applicant must approach another service.

b. If the request is approved, the service plan may be presented to the court for a court order to be issued for the services.

151.21(5) Allowable rates not available. When the department has been unable to establish an allowable rate of reimbursement for a service or a provider, the chief juvenile court officer shall negotiate a reimbursement rate with the provider to obtain the service at a reasonable cost based on available community or statewide rates.

441—151.22(232) Expenses. The following lists of expenses that are either eligible or ineligible for reimbursement from the court-ordered services fund are intended to be exhaustive. Billings for services not listed in subrule 151.22(1) shall not be paid except as provided in subrule 151.22(3).

151.22(1) Expenses to be reimbursed. The expenses for which reimbursement shall be made include:

a. Expenses, other than salary, incurred by a person ordered by the court, other than a juvenile court officer, in transporting a child to or from a place designated by the court, including mileage, lodging and meals.

b. The expense of care or treatment ordered by the court whenever the minor is placed by the court with someone other than the parents; or a minor is given a physical or mental examination or treatment under order of the court; or, upon certification by the department, a minor is given physical or mental examinations or treatment with the consent of the parent, guardian or legal custodian relating to a child abuse investigation and no provision is otherwise made by the law for payment for the care, examination, or treatment of the minor. Care and treatment expenses for which no other provision for payment is made by law that shall be reimbursable include court-ordered:

- (1) Individual services for the child separate from a family's treatment plan.
- (2) Diagnosis and evaluation on an outpatient basis unless the diagnosis and evaluation is provided by a person or agency with a contract with the department for that service for which the child is eligible.

- (3) An evaluation of a child in a residential facility.
 - (4) Inpatient (hospital) evaluation of a child previous to disposition.
 - (5) Medical treatment for a child. This includes medical treatment while in detention in a facility used for detention when the medical treatment is court-ordered.
 - (6) Drug treatment, testing and care for a child.
 - (7) Intensive in-home supervision and monitoring and alternatives to shelter care unless a person or agency that has a contract with the department provides the service for which the child is eligible.
 - (8) Evaluation of parents pursuant to a CINA adjudication unless the diagnosis and evaluation is provided by a person or agency with a contract with the department for that service for which the child is eligible.
 - (9) One-to-one supervision of a child not in a detention facility unless the service is provided by a person or agency with a contract with the department for that service for which the child is eligible.
 - (10) Physical or mental examinations ordered pursuant to Iowa Code section 232.49 or 232.98 except those set forth in paragraph 151.22(2)“c” or those eligible for payment pursuant to Iowa Code chapter 249A.
 - (11) Services ordered under family in need of assistance proceedings unless a person or agency with a contract with the department provides the service for which the child is eligible.
 - (12) Expenses for all educational testing or programming for children, not weighted as special education students, who attend an on-campus school in an out-of-state facility.
 - (13) Expenses for educational testing or programs related to a general equivalency diploma (GED) or for credit hours, when the expenses are not required to be paid by the state.
 - c. Medical cost sharing for payment of one deductible amount or a coinsurance amount when Medicaid or private insurance is then available to pay the remainder of the cost.
- 151.22(2) Expenses not reimbursed.** Expenses that are excluded from reimbursement from court-ordered services funds because another source is available to pay for the service include:
- a. Foster care (including shelter care). Payment provision is Iowa Code section 234.35.
 - b. All charges for which the county is obligated by statute to pay including:
 - (1) Care and treatment of patients by any state mental health institute. Payment provision is Iowa Code section 230.20(5).
 - (2) Care and treatment of patients by either of the state resource centers or by any other facility established under Iowa Code chapter 222. Payment provision is Iowa Code section 222.60.
 - (3) Care and treatment of patients by the psychiatric hospital at Iowa City. Payment provision is Iowa Code chapter 225.
 - (4) Care and treatment of persons at the alcoholic treatment center at Oakdale or any other facility as provided in Iowa Code chapter 125. Payment provision is Iowa Code section 125.44.
 - (5) Care of children admitted or committed to the Iowa juvenile home at Toledo. Payment provision is Iowa Code section 233B.14.
 - (6) Clothing, transportation, and medical or other service provided to persons attending the Iowa Braille and Sight-Saving School, the Iowa School for the Deaf, or the state hospital-school for severely handicapped children at Iowa City for which the county becomes obligated to pay pursuant to Iowa Code sections 263.12, 269.2, and 270.4 to 270.7.
 - (7) Expenses for detention in a facility used for detention. The payment provision is Iowa Code section 232.142.
 - (8) Care and treatment of persons placed in the county hospital, county care facility, a health care facility as defined in Iowa Code section 135C.1, subsection 6, or any other public or private facility in lieu of admission or commitment to a state mental health institute, resource center, or other facility established pursuant to Iowa Code chapter 222. Payment provisions are Iowa Code sections 222.50, 230.1 and 233B.14.

- c. Child-abuse photos and X-rays. Payment provision is Iowa Code section 232.77.
- d. Any expenses set forth in subrule 151.22(1) above, which qualify for payment pursuant to Iowa Code chapter 249A.
- e. Expense of a child sexual abuse examination. Payment provision is Iowa Code section 915.41.
- f. Expense of child day care. Payment provision is Iowa Code section 234.6.
- g. Expense of in-home treatment services. Payment provision is 441—Chapters 78, 79, and 83.
- h. Expense of homemaker-home health aide services. Payment provision is department of public health rules 641—Chapter 80.
- i. Expenses for all educational testing or programming required to be paid by the state, except for juveniles who attend an on-campus school in an out-of-state facility and who are not weighted as special education students. The payment provision is Iowa Code chapter 256.
- j. Expenses, except for the allowable medical cost sharing, for all court-ordered counseling and treatment for adults, including individual, marital, mental health, substance abuse and group therapy. The payment provision is private insurance, Medicare, Medicaid, or other resources consistent with Medicaid and social services eligibility and Iowa Code chapter 249A.
- k. Expenses, except for the allowable medical cost sharing, for psychiatric medical institutions for children (PMIC). The payment provision is private insurance, Medicare, Medicaid, or other resources consistent with Medicaid and social services eligibility and Iowa Code chapter 249A.

151.22(3) Services not listed. If a court orders a service not currently listed in subrule 151.22(1), the chief juvenile court officer shall review the order and shall consult with the department. If reimbursement for the service expense is not in conflict with current law or administrative rules and meets the criteria for certification of the court, the chief juvenile court officer shall authorize reimbursement to the provider.

These rules are intended to implement Iowa Code section 232.141.

441—151.23 to 151.29 Reserved.

DIVISION III GRADUATED SANCTION SERVICES

PREAMBLE

The graduated sanction services are early intervention and follow-up services to be provided to children adjudicated delinquent and to children who have been referred to juvenile court services for a delinquency violation or who have exhibited behaviors likely to result in a juvenile delinquency referral. The services are directed to enhance personal adjustment to help the children transition into productive adulthood and to prevent or reduce criminal charges, out-of-home placement, and recidivism. The services are provided in the child's home community.

The graduated sanction services are life skills, school-based supervision, supervised community treatment, and tracking, monitoring, and outreach. Together this mix of services and the flexibility allowed in tailoring the services to meet specific needs offer a choice of treatment to meet the specific needs of the child.

441—151.30(232) Life skills. "Life skills" means individual or group instruction which includes, but is not limited to, specific training to develop and enhance personal skills, problem solving, accountability, acceptance of responsibility, victim empathy, activities of daily living, and job skills.

151.30(1) Service eligibility. Children shall be eligible for life skills services without regard to individual or family income when they are adjudicated delinquent or are determined by a juvenile court officer to be at risk and to be in need of the service provided by a life skills program. Juvenile court services shall maintain in the child's case record or case file documentation of the child's adjudication or at-risk status as well as the child's need for services.

a. The chief juvenile court officer shall establish written procedures for screening and approving referrals for life skills services and make the procedures available to the district's juvenile court officers.

b. The juvenile court officer shall determine the child's need for individual or group instruction in any of the life skills service components and shall refer the child for the service.

c. The chief juvenile court officer may approve life skills services for up to six consecutive months at a time, except that service approval shall not extend beyond the current fiscal year unless a contract is in effect to assume the cost for the services provided in the next fiscal year. The officer shall reevaluate the child's eligibility and need for these services in accordance with procedures established by the respective juvenile court services district.

d. Referrals shall not be made or accepted when funds for the program are not available.

151.30(2) Service components.

a. Life skills components include specific training to develop and enhance:

(1) Personal skills, including anger management, stress reduction, and self-esteem.

(2) Rescinded IAB 11/9/05, effective 1/1/06.

(3) Problem solving.

(4) Accountability and acceptance of responsibility.

(5) Victim empathy.

(6) Activities of daily living.

(7) Job skills including job-seeking skills as well as training for specific jobs and on-the-job training experiences.

b. The contract must specify what is required of the provider.

151.30(3) Service referral and follow-up. The juvenile court officer shall:

a. Determine which service provider can best meet the child's needs.

b. Refer the child to the provider.

c. Assist in the child's transition to receive the service.

d. Follow up after the service has been provided.

151.30(4) Monitoring of service delivery. The juvenile court officer shall monitor the delivery of life skills services to children for whom the officer is responsible.

a. The juvenile court officer shall review provider progress reports and maintain contact with the child, the child's family, the provider, and other community agencies to adequately assess the child's progress and need for service.

b. The juvenile court officer shall report problems in service delivery to the chief juvenile court officer.

c. The provider, the child, or the child's representatives may report problems in service delivery to the chief juvenile court officer.

151.30(5) Billable unit and rate setting. Rates for life skills services shall be established through an agreement between the provider and the chief juvenile court officer based on the provider's proposed budget. Rates may vary among providers for various types of life skills services. The billable unit and unit costs shall be specified in the contract.

a. Life skills service shall be billed on the basis of units of instruction provided to eligible children during specified time frames.

b. The life skills instruction may be provided on an individual or group basis. See paragraph 151.35(2) "c" for rate-setting requirements when more than one child is served at a time.

c. The provider may incorporate the expenses for instructional materials into the service unit cost or may identify the expenses for instructional materials in an attachment to the contract to be billed separately from the unit cost.

d. Rescinded IAB 11/9/05, effective 1/1/06.

151.30(6) Provider standards. Providers shall have a contract with juvenile court services and the department for life skills services and agree to abide by all required instructional, reporting, rate-setting, and billing and payment procedures for life skills services. The chief juvenile court officer shall review provider staff qualifications and training activities. Providers of life skills services shall meet all of the following conditions. Providers shall:

a. Be selected and approved by the chief juvenile court officer or designee within each judicial district to provide life skills services.

b. Use staff who, in the opinion of the chief juvenile court officer, have the necessary training and experience to provide quality services on the topic about which they will be delivering instruction.

c. Use a curriculum approved by the chief juvenile court officer for life skills.

d. Have the educational and instructional ability, as determined by the chief juvenile court officer, to deliver life skills services to eligible children in the settings most suited to each child's needs.

151.30(7) Provider progress reports.

a. Providers of life skills shall submit progress reports on each child receiving services to the assigned juvenile court officer at intervals specified in the contract. The contract shall specify progress reports not more than one month after services are initiated and at the termination of service. Progress reports shall describe the specific instruction provided, the child's attendance, response to instruction, and progress toward achieving desired goals and objectives identified by the provider and referral source.

b. The juvenile court officer shall file the provider progress report in the child's case file.

c. Rescinded IAB 11/9/05, effective 1/1/06.

151.30(8) Outcome measures. Each contract for purchase of life skills services shall contain a section to inform the provider that juvenile court services and the department shall track the outcome of the service provision following each child's discharge from the service received through the contract.

a. Juvenile court services and the department shall collaborate to determine the criteria and data needed to track and record the outcomes.

b. The provider shall report data as requested by juvenile court services.

c. Juvenile court services shall determine whether the child has reoffended within the 12-month period following the date of discharge from life skills. Service to a child shall be considered successful if the child has not been referred to juvenile court services for a law violation during the 12-month period following discharge from life skills.

d. Data collected on the children served and discharged shall be used to establish or modify a baseline for the provider and for the service. The data shall be used to develop information to make decisions regarding service provision and contracting.

441—151.31(232) School-based supervision. "School-based supervision" means a program that provides for salaried staff, known as juvenile court school liaisons, to be hired by providers. The juvenile court school liaisons provide on-site services at middle and high schools to children experiencing truancy or other behavior problems at school and at home or in the community.

151.31(1) Service eligibility.

a. Children shall be eligible for school-based supervision services without regard to individual or family income when they are adjudicated delinquent or adjudicated a child in need of assistance or are determined by a juvenile court officer or school official to be at risk and in need of school-based supervision services. Documentation of the adjudication or at-risk status as well as the need for services shall be maintained by the juvenile court school liaison in the child's case record or case file.

b. The chief juvenile court officer shall establish written procedures for screening and approving referrals for school-based supervision services. The written procedures for screening and approving referrals shall be made available to the juvenile court school liaisons and to the district's juvenile court officers.

c. Referrals shall not be made or accepted when funds for the program are not available.

151.31(2) *Service components.*

a. Juvenile court school liaisons assist with behavior and classroom management, conflict resolution, school attendance, and violence prevention. Services provided may include, but are not limited to, dealing with misbehavior and truancy on an immediate basis, providing family support services such as outreach and education, performing juvenile court intake functions under the supervision of the chief juvenile court officer, and promoting resource development to meet most effectively the needs of at-risk youth.

b. Each school-based supervision program shall have established procedures for communication and for maintaining records on individual children receiving assistance. The procedure shall include methods for the timely communication of critical information between juvenile court school liaisons and juvenile court services, the department, and school officials; assurances that child abuse allegations shall be reported promptly in accordance with applicable Iowa statutes; and systems to safeguard the confidentiality of the child's records.

151.31(3) *Service referral and follow-up.* The juvenile court officer, department staff, or school personnel shall:

a. Determine when a service referral should be made to best meet the child's needs.

b. Refer the child to the provider.

c. Assist in the child's transition to receive the service.

d. Follow up after the service has been provided.

151.31(4) *Monitoring of service delivery.*

a. The juvenile court officer and school personnel shall monitor the delivery of school-based supervision services to children for whom the officer is responsible.

b. The juvenile court officer and school personnel shall report problems in service delivery to the chief juvenile court officer.

c. The juvenile court school liaison, the child, or the child's representatives may report problems in service delivery to the chief juvenile court officer.

151.31(5) *Billable unit and rate setting.* The school-based supervision program is used to hire salaried staff, through a contract with a provider, to provide school-based supervision. The cost of the service is the cost of the salary and administrative expenses identified in the contract for which the department is billed, generally monthly or quarterly.

a. The contract shall define the rate and schedule to be used for submitting a claim for salary and related administrative expenses.

b. School-based supervision provides short-term or long-term service to children. The juvenile court school liaison shall maintain a list (roster), by month, of the individual children to whom service is provided. The juvenile court school liaison shall have face-to-face or verbal contact with each child whose name appears on the roster. The list shall include the name of the child and the referral source.

(1) The school shall maintain a copy of the list and the claim. Each claim is validated by the list of children served during each month the school is in session. The list and the claim are subject to audit.

(2) The juvenile court school liaison is not required to list the names of children receiving group services.

(3) The juvenile court school liaison and school are not required to maintain or submit lists of children served for those months covered by a school employee contract for which the salary is prorated when school is not in session and no service is provided. The prorated salary arrangement shall be described in the contract.

c. School-based supervision rates are based on directives in annual legislation for the school-based appropriation as well as budget and rate-setting procedures within each school district. Funds allocated to the department and administered by juvenile court services shall be matched with funds committed from the local school district where the program is established. The chief juvenile court officer shall negotiate the match rate with the school board's authorized designee.

(1) The amount of dollars each chief juvenile court officer may use for school-based supervision is equal to the judicial district's current school-based supervision allocation plus an amount from the court-ordered services allocation. The total amount available from the court-ordered services allocation is equal to 50 percent of the school-based supervision allocation available for state fiscal year 1998 or \$580,000. The state court administrator shall determine the amount from the court-ordered services allocation available to each district each year based on each district's respective portion of the state-wide population of children as reported in current census data.

(2) The chief juvenile court officer shall transfer an amount, as necessary and allowable, to the school-based supervision allocation from the court-ordered services allocation so that the school-based supervision share of the program cost of each contract equals the agreed-upon match amount for each contract.

(3) The contract shall specify the maximum percentage of the program cost that shall be paid from the school-based supervision funds as well as the minimum percentage of the program cost that shall be paid by the school district.

151.31(6) *Selecting schools for programs.* The chief juvenile court officer of each judicial district shall be responsible for selecting school-based programs for funding and for managing the judicial district's school-based supervision allocation to ensure that resources are targeted effectively among schools within the district. All applications for funding and subsequent contracts shall contain funding commitments from the local school district for the local school district's share of program costs.

a. The chief juvenile court officer may elect to develop an intergovernmental 28E agreement with the school district, or the school district may request that a contract be developed with an independent provider pursuant to a competitive bid.

b. The funding arrangements shall be described in the contract.

c. Each contract shall contain:

(1) A description of the school district and specific schools in which the supervision program shall be implemented, including a description of why these schools were targeted as needing the program.

(2) A description of the proposed school-based supervision program to be implemented, including the referral process for the child, eligibility determination, service denial, reduction, or termination, and appeal procedures. This description may be included in the contract or may be included as an attachment.

(3) A description of the number of staff to be employed in the program, including the job description, staff qualifications, procedures for training and supervising staff, and methods for monitoring the program. A minimum of a bachelor of arts or a bachelor of science degree in the behavioral sciences or related field is required unless the chief juvenile court officer and the school agree that an associate degree is acceptable.

(4) A description of the record-keeping and statistical reporting procedures to be used by the program.

151.31(7) *Provider progress reports.*

a. School-based supervision programs shall maintain information and statistics that shall include, at a minimum, the service and financial records used to support or substantiate claims for reimbursement and, for the individual children referred for service, the total number of children served as well as educational and behavioral outcomes including attendance, grades, and student conduct.

b. Each school with a school-based supervision program shall prepare a progress report summarizing information about the program and shall submit the report to the chief juvenile court officer. The format and time for submitting these reports shall be specified in the contract.

151.31(8) Outcome measures. Each contract shall contain a section to inform the provider that juvenile court services and the department shall track the outcome of the service provision for each child who is served through the contract and meets predetermined contact criteria.

a. Juvenile court services and the department shall collaborate to determine preservice and post-service measures needed to track and record outcomes such as attendance, truancy, tardiness, suspensions, law violations, and grade-point average.

b. The juvenile court school liaison shall report data as requested by juvenile court services.

c. Data collected on the children shall be used to establish or modify a baseline for the provider and for the service. The data shall be used to develop information to make decisions regarding service provision and contracting.

441—151.32(232) Supervised community treatment. “Supervised community treatment” means a program that provides supervised educational support and treatment during the day to children who are experiencing social, behavioral, or emotional problems that place them at risk of group care or state institutional placement. A supervised community treatment program for a child may be funded from multiple sources, but the funding sources for components of the service may not duplicate or overlap payment or service activities so as to pay for the same or parts of the same service twice or pay for overlapping services. A program whose components and activities are funded from multiple sources must be capable of tracking the receipt and expenditure of funds for the components and activities, and these funding streams must be described in the contract.

151.32(1) Service eligibility. Children shall be eligible for supervised community treatment services without regard to individual or family income when they are adjudicated delinquent or are determined by a chief juvenile court officer to be at risk and to be in need of service provided by a supervised community treatment program. Juvenile court services shall maintain documentation in the child’s case file of the adjudication or at-risk status as well as of the need for services.

a. The chief juvenile court officer shall establish written procedures for screening and approving referrals for supervised community treatment services and shall make the procedures available to the district’s juvenile court officers.

b. The juvenile court officer shall determine the child’s need for supervised community treatment and shall refer the child for service.

c. The child shall not require more extensive treatment than is provided in the supervised community treatment program.

d. The chief juvenile court officer may approve supervised community treatment services for up to six consecutive months at a time, except that service approval shall not extend beyond the current fiscal year unless a contract is in effect to assume the cost for the services provided in the next fiscal year. The officer shall reevaluate the child’s eligibility and need for these services in accordance with the procedures established by the chief juvenile court officer.

e. Referrals shall not be made or accepted when funds for the program are not available.

151.32(2) Service components. Supervised community treatment programs provide treatment to children as well as an opportunity for children to participate in state-funded educational programming. Supportive therapy or counseling and skill development services may be provided through this program to the child’s family.

a. Supervised community treatment programs may be co-located with school programs. Although the costs of the state-funded educational programming shall not be funded through the supervised community treatment appropriation, programs shall be developed so that there is close coordination between the treatment and the state-funded educational components.

b. Supervised community treatment programs shall include one or more of the following components:

(1) Skill-building services focusing on social skills, recreational activities, employment readiness, independent living, and other areas related to a child's treatment needs.

(2) Individual, group, and family therapy and counseling as determined appropriate by the program director and referral source. Staff that provide individual, group, or family therapy shall meet applicable state licensing standards.

(3) Snacks and meals as necessary during the non-state-funded educational portion of the program day.

(4) Supervision and support services, such as transportation to the non-state-funded educational program, family outreach, telephone contact, and electronic monitoring of children.

(5) Aftercare service planning upon admission, so that timely aftercare services are available upon discharge, if needed.

(6) Supervision and support services when necessary to help children transition out of the program.

c. The contract must specify the responsibilities of the provider.

151.32(3) *Service referral and follow-up.* The juvenile court officer shall:

a. Determine which service provider can best meet the child's needs.

b. Refer the child to the provider.

c. Assist in the child's transition to receive the service.

d. Follow up after the service has been provided.

151.32(4) *Monitoring of service delivery.* The juvenile court officer shall monitor the delivery of supervised community treatment services to children for whom the officer is responsible.

a. The juvenile court officer shall review provider progress reports and maintain contact with the child, the child's family, the provider, and other community agencies to adequately assess the child's progress and need for service.

b. The juvenile court officer shall report problems in service delivery to the chief juvenile court officer.

c. The provider, the child, or the child's representatives may report problems in service delivery to the chief juvenile court officer.

151.32(5) *Billable unit and rate setting.* Rates for supervised community treatment shall be established through an agreement between the provider and the chief juvenile court officer, based on the provider's proposed budget. The billable unit and costs shall be specified in the contract.

a. Supervised community treatment shall be billed on the basis of units of service provided to eligible children during specified time frames.

b. The supervised community treatment service may be provided on an individual or group basis. See paragraph 151.35(2) "c" for rate-setting requirements when more than one child is served at a time.

c. Rates shall be established and reimbursed based on delivery of one-half hour, one hour, or per diem of specified supervised community treatment service.

d. The rate for any supervised community treatment service delivered in the same room by staff with the same qualifications as any other comparable treatment or supportive service program shall be the applicable rate established for the other comparable treatment or supportive services program.

e. Different rates may be established for the different components of the supervised community treatment program, and different sources of payment may be used for the different components.

(1) Provision may be made in the contract for the billing and payment of telephone or transportation costs to be included in the unit cost, or the provider may, in an attachment to the contract, identify the expenses to be billed separately from the unit cost.

(2) Telephone calls may be reimbursed according to receipts or at a set rate per call.

151.32(6) *Provider standards.* Providers of supervised community treatment shall meet all of the following conditions. Agencies or organizations shall:

a. Have a current purchase of services or rehabilitative treatment and supportive services contract with the department.

b. Be selected by the chief juvenile court officer of the judicial district within the geographic area where the program is located to provide supervised community treatment services within all or a portion of the judicial district.

c. Agree to provide services in compliance with the programmatic standards established by the rules of this division.

d. Enter into a contract with juvenile court services and the department that establishes expectations, rates, and billing and payment procedures for the supervised community treatment program.

e. Agree to report supervised community treatment program costs separately on all cost reports.

f. Agree to comply with higher staff qualifications for specific components of these programs when the chief juvenile court officer outlines the expected qualifications in the request for proposal and program contract. In addition:

(1) The minimum standard for staff qualifications for staff employed to deliver services in a supervised community treatment program shall be graduation from high school or possession of a GED certificate and the equivalent of one year of full-time experience in the delivery of human services in a public or private agency.

(2) Providers shall ensure that staff has experience in working with the target population of children and shall provide planned opportunities for ongoing staff development and in-service training.

(3) Staff qualifications shall be monitored by juvenile court services as part of monitoring the contract.

151.32(7) *Provider progress reports.* Providers of supervised community treatment services shall prepare an initial treatment plan in consultation with the referral source within 30 days of the child's admission and shall prepare a minimum of quarterly progress reports on each child receiving services.

a. Additional reports may be prepared when requested by the juvenile judge or the child's juvenile court officer.

b. All reports shall be submitted to the juvenile court officer responsible for monitoring the child's progress. All reports shall, at a minimum, describe the child's attendance, adjustment, and progress in achieving the desired goals and objectives established in the treatment plan.

c. Rescinded IAB 11/9/05, effective 1/1/06.

151.32(8) *Outcome measures.* Each contract shall contain a section to inform the provider that juvenile court services and the department shall track the outcome of the service provision following each child's discharge from the service received through the contract.

a. Juvenile court services and the department shall collaborate to determine the criteria and data needed to track and record the outcomes.

b. The provider shall report data as requested by juvenile court services.

c. The department shall make a determination six months following each child's discharge as to whether the child is in foster family care, group care, or institutional placement. Service to a child shall be considered successful if:

(1) The child is living at home even when less intensive services are provided; or

(2) The child is in supervised apartment living.

d. Data collected on the children served and discharged shall be used to establish or modify a baseline for the provider and for the service. The data shall be used to develop information to make decisions regarding service provision and contracting.

441—151.33(232) Tracking, monitoring, and outreach. Tracking, monitoring, and outreach are undertaken to provide individualized and intensive one-to-one intervention to a child to help the child establish positive behavior patterns and to help the child maintain accountability in a community-based setting.

151.33(1) Service eligibility. Children shall be eligible for tracking, monitoring, and outreach services without regard to individual or family income when they are adjudicated delinquent or are determined by a chief juvenile court officer to be at risk and to be in need of assistance in maintaining accountability in a community-based setting. Juvenile court services shall maintain in the child's case record or case file documentation of the child's adjudication or at-risk status and need for services.

a. The chief juvenile court officer shall establish written procedures for screening and approving referrals for tracking, monitoring, and outreach services and shall make the procedures available to the district's juvenile court officers.

b. The juvenile court officer determines the child is in need of services as evidenced by one of the following situations:

(1) Schools, parents or community organizations, due to concerns or reports of delinquent activities, have completed reports that indicate the need for monitoring and guidance of a child.

(2) A petition has been filed alleging delinquent behavior.

(3) Juvenile court services action has been taken including, but not limited to, informal adjustment agreements, adjudication and disposition proceedings.

c. The chief juvenile court officer may approve tracking, monitoring, and outreach services for up to six consecutive months at a time, except that service approval shall not extend beyond the current fiscal year unless a contract is in effect to assume the cost for the services provided in the next fiscal year. The officer shall reevaluate the child's eligibility and need for these services in accordance with procedures established by the respective juvenile court services district.

d. Referrals shall not be made or accepted when funds for the program are not available.

151.33(2) Service components. Tracking, monitoring, and outreach services may be provided seven days a week, up to 24 hours a day, and may include multiple daily contacts with the child.

a. The service may include any one component or combination of tracking, monitoring, or outreach components as needed

(1) "Tracking" means observing and following a child's actions.

(2) "Monitoring" means using data from tracking activity to determine that the child's actions include preselected or approved destinations.

(3) "Outreach" means guidance and advocacy.

b. Tracking and monitoring activities are directed toward the child's maintaining accountability and may include multiple daily contacts with the child through direct personal contact, telephone, or electronic monitoring devices.

c. Outreach activities provide guidance and advocacy for the child and may include individualized interventions with the child's family as well as assistance in accessing the following types of resources:

(1) Referral to community organizations.

(2) Health services (physical and mental).

(3) Education.

(4) Employment.

(5) Legal.

(6) Case conferences and services planning.

(7) Diagnostic assessment services.

(8) Family competency-building services.

d. Outreach activities may also include recreation and transportation when guidance and advocacy are a part of the service component.

e. The provider may provide tracking, monitoring, and outreach activities or may provide tracking and monitoring information to the juvenile court officer, who then determines the need for outreach. The contract must specify what is required of the provider.

151.33(3) Service referral and follow-up. The juvenile court officer shall:

a. Determine which service provider can best meet the child's needs.

b. Refer the child to the provider.

c. Assist in the child's transition to receive the service.

d. Follow up after the service has been provided.

151.33(4) Monitoring of service delivery. The juvenile court officer shall monitor the delivery of tracking, monitoring, and outreach services to children for whom the officer is responsible.

a. The juvenile court officer shall review provider progress reports and maintain contact with the child, the child's family, the provider, and other community agencies to adequately assess the child's progress and need for service.

b. The juvenile court officer shall report problems in service delivery to the chief juvenile court officer.

c. The provider, the child, or the child's representatives may report problems in service delivery to the chief juvenile court officer.

151.33(5) Billable unit and rate setting. The unit of service shall be defined as a quarter-hour, half-hour, hour, or day of service to the child, as specified in the contract.

a. The reimbursement rate shall represent actual costs.

b. For telephone contact monitoring, juvenile court services may choose to reimburse providers according to receipts or at a set rate per call.

151.33(6) Provider standards. Providers of tracking, monitoring, and outreach shall meet all of the following conditions. Providers shall:

a. Have a current contract with juvenile court services and the department in which they agree to accept the unit rate and agree to provide services in compliance with the programmatic requirements for tracking, monitoring, and outreach services.

b. Be selected by the chief juvenile court officer of the judicial district within the geographic area where the program is located to provide tracking, monitoring, and outreach services within all or a portion of the judicial district.

c. Enter into a contract with juvenile court services and the department that establishes expectations, rates, and billing and payment procedures for the tracking, monitoring, and outreach services.

d. Agree to report tracking, monitoring, and outreach costs separately on all cost reports.

151.33(7) Provider progress reports.

a. Providers of tracking, monitoring, and outreach services shall prepare and provide written progress reports at least monthly for each child receiving services for three months or less.

b. Providers of tracking, monitoring, and outreach services shall:

(1) Prepare and provide an initial treatment plan in consultation with the referral source within 30 days of each child's admission for ongoing service activities; and

(2) Prepare and provide written progress reports at least quarterly.

c. Additional reports shall be prepared when requested by the juvenile judge or the child's juvenile court officer. All reports shall be submitted to the juvenile court officer responsible for monitoring the child's progress.

d. All reports for children who receive ongoing service activities shall, at a minimum, describe the child's compliance, adjustment, and progress in achieving the desired goals and objectives established in the treatment plan.

e. Rescinded IAB 11/9/05, effective 1/1/06.

151.33(8) Outcome measures. Each contract shall contain a section to inform the provider that juvenile court services and the department shall track the outcome of the service provision following each child's discharge from the service received through the contract.

a. Juvenile court services and the department shall collaborate to determine the criteria and data needed to track and record the outcomes.

b. The provider shall report data as requested by juvenile court services.

c. Juvenile court services shall determine whether the child has reoffended within the 12-month period following the date of discharge from tracking, monitoring and outreach. The service to a child shall be considered successful if the child has not been referred to juvenile court services for a law violation during the 12-month period following the child's discharge from tracking, monitoring and outreach.

d. Data collected on the children served and discharged shall be used to establish or modify a baseline for the provider and for the service. The data shall be used to develop information to make decisions regarding service provision and contracting.

441—151.34(232) Administration of graduated sanction services. The chief juvenile court officer shall purchase graduated sanction services for eligible children pursuant to a contract with juvenile court services and the department.

151.34(1) Requirements. Each chief juvenile court officer shall:

a. Establish minimum qualifications for providers of graduated sanction services;

b. Establish criteria and procedures for determining when and where to develop contracts with providers to best meet the service needs of the children in the judicial district; and

c. Require providers to comply with applicable professional standards.

151.34(2) Referrals. Each chief juvenile court officer shall develop procedures for eligible children to receive graduated sanction services.

a. Children who are adjudicated delinquent or who are at risk shall apply or be referred for graduated sanction services through the juvenile court services office.

b. School officials may refer adjudicated or at-risk children for school-based supervision services in schools where school-based supervision programs are established.

151.34(3) Adverse actions. Graduated sanction services shall be reduced or terminated when:

a. The court orders discontinuation of services; or

b. The juvenile court officer determines that there is no longer a need for service; or

c. The juvenile court officer determines that maximum benefit of service provision has been achieved; or

d. The funds allocated or appropriated for these services are exhausted.

441—151.35(232) Contract development for graduated sanction services. The chief juvenile court officer shall have the responsibility to purchase graduated sanction services (life skills; school-based supervision; supervised community treatment; or tracking, monitoring, and outreach).

151.35(1) Contracting process.

a. The chief juvenile court officer for each judicial district shall develop the process for contracting for graduated sanction services. The process shall include:

(1) The rationale for selecting which services to provide;

(2) The provider selection process, including bid solicitations;

(3) Vendor evaluation criteria; and

(4) A procedure for resolving appeals.

b. The chief juvenile court officer shall develop selection criteria for choosing providers to ensure that resources are targeted effectively within the district. Multiple providers may be selected to address the needs within the district.

c. The chief juvenile court officer shall develop a contract with each provider selected through the process.

(1) The chief juvenile court officer or designee shall prepare Form 470-0022, Pre-Contract Questionnaire, for each new contract.

(2) The chief juvenile court officer, the provider, and the department shall sign the contract.

(3) The chief juvenile court officer is responsible for distributing a copy of the signed contract or amendment to the provider.

d. The chief juvenile court officer shall have the authority to resolve provider appeals in accordance with procedures approved by the department.

e. Contract amendments shall be prepared whenever there is a change in the amount of contracted dollars, contract duration, program description, or any other terms of the contract.

(1) Any party to the contract may request an amendment to the contract. The provider may request a contract amendment through the chief juvenile court officer.

(2) The chief juvenile court officer, the provider, and the department shall sign a contract amendment.

(3) The chief juvenile court officer or designee shall prepare Form 470-0022, Pre-Contract Questionnaire, for each contract amendment.

f. The chief juvenile court officer may submit a claim for payment of juvenile court services' costs of printing, copying, distributing and advertising associated with the contracting process. The claim shall be submitted on Form GAX, General Accounting Expenditure. The cost shall be charged first to the administrative set-aside funds and second to the program fund, as funds are available.

151.35(2) Contract content. Contracts for purchasing graduated sanction services shall be developed using contract forms approved as to legal form by the assistant attorney general assigned to work with juvenile court services contracts. Contracts with providers shall incorporate all applicable requirements in Iowa Code section 8.47 as well as the administrative and program requirements of this chapter.

a. The contract shall:

(1) Note the unit cost or payment rate;

(2) State the interval for which the cost will be billed;

(3) Describe the process the provider shall follow to complete and submit claims for payment; and

(4) Specify any approved charges for curriculum materials or other expenses that are involved in the delivery of services but not included in the unit cost or payment rate.

b. Contracts with providers of life skills, supervised community treatment, or tracking, monitoring, and outreach services shall establish and define the unit of service and the cost of the unit of service to be provided and billed per child. The contract shall specify the payment amount for the unit of service and may specify a maximum number of units but shall not ensure a provider reimbursement for a specific rate of utilization. Payment shall be made only for units of service provided to and billed for specific children.

c. Contracts with providers of life skills, supervised community treatment, or tracking, monitoring, and outreach services may establish individual or group rates. The contract shall establish a group rate when the service is provided to more than one child at a time. A minimum and a maximum number of participants shall be established when a group rate is set.

(1) The group rate may be a set amount to be charged for each child who attends the group. The provider will receive payment for each child served.

(2) The group rate may be a set amount to be charged for the group. The provider will receive the same payment amount each time the provider serves the group. The provider must identify all attendees of each group for which payment is claimed.

d. Contracts with providers of supervised community treatment, or tracking, monitoring, and outreach may establish per diem rates when the intensity of service provision per child is variable but the total cost of the provision of the service is known. The range of coverage of the intensity of service provision shall be described in the contract.

These rules are intended to implement Iowa Code section 232.191.

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