

Topic 1: Definition of Terms Used in Case Planning and Management

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“Aggravated circumstances” means a condition or facts used by the court to determine whether waiving of reasonable efforts to prevent placement or to reunify the child with the parents is in the best interest of the child. (Iowa Code section 232.102(12))

“Aggrieved person” means a person:

- ◆ Whose claim for services has been denied;
- ◆ Whose application has not been acted upon with reasonable promptness; or
- ◆ Who has been notified that there will be a suspension, reduction, or discontinuation of services. (441 IAC 7.1(217))

“ASFA” means the federal Adoption and Safe Families Act, which requires states to establish permanency for children as quickly as possible after placement as a condition of federal funding under Title IV-E of the Social Security Act.

“Best interest of the child” under the Indian Child Welfare Act means:

- ◆ The use of practices in accordance with state and federal law that are designed to prevent the Indian child's voluntary or involuntary out-of-home placement, and
- ◆ Whenever such placement is necessary or ordered, placing the child, to the greatest extent possible, in a foster home, adoptive placement, or other type of custodial placement that:
 - Reflects the unique values of the child's tribal culture, and
 - Is best able to assist the child in establishing, developing, and maintaining a political, cultural, and social relationship with the Indian child's tribe and tribal community. (Iowa Code section 232B.3(2))

“Case closure measurable conditions” are specific outcomes that affect child safety, permanency, and well being. These conditions must be achieved in order for the family, the court, and service system practitioners to know and reasonably believe that the safety and well being of the children is both adequate and can be reasonably expected to continue without disruption following the completion of services.

“Case closure planning” is the process of setting measurable conditions or outcomes that must be achieved through the family change process in order for the family to exit the child welfare system. When the conditions for case closure are met, this event signals readiness for the family’s independence from the child welfare service system.

“Case permanency plan” means the plan identifying goals, needs, strengths, problems, services, time frames for meeting goals and for the delivery of services to the child and parents, objectives, desired outcomes, responsibilities for all parties involved and reviewing progress. The case permanency plan is documented on form 470-3453 or 470-3453(S), *Family Case Plan*, and has to meet state and federal legal requirements. (441 IAC 202.1(234), Iowa Code section 232.1)

“Child” means:

- ◆ For family-centered child welfare services and foster care, a person who is either less than 18 years of age or is 18 or 19 years of age and meets any of the following conditions:
 - Is in full time attendance at an accredited school pursuing a course of study leading to a high school diploma.
 - Is attending an instructional program leading to a high school equivalency diploma.
 - Has been identified by the director of special education of the area education agency as a child requiring special education.

A person over 18 years of age who has received a high school diploma or a high school equivalency diploma is not a child within this definition. (Iowa Code section 234.1(2))

- ◆ For the Interstate Compact on the Placement of Children, a person, by reason of minority, is legally subject to parental, guardianship, or similar control. (Iowa Code section 232.158(2))
- ◆ For adoption subsidy, a person under the age of 18 or a person with a physical or mental disability who has not attained age 21. (441 IAC 201.2(600))

“Child care” means a service that provides child care in the absence of parents for a portion of the day, but less than 24 hours. Child care:

- ◆ Supplements parental care by providing care and protection for children who need care in or outside their homes for part of the day.
- ◆ Provides experiences for each child’s social, emotional, intellectual, and physical development.
- ◆ May involve comprehensive child development care.
- ◆ May include special services for a child with special needs.

Components of child care include supervision, food services, program, and activities, and may include transportation. (441 IAC 170.1(234))

“Child custody proceeding” for the Indian Child Welfare Act means a voluntary or involuntary proceeding that may result in an Indian child’s:

- ◆ Foster care placement: Any action removing an Indian child from the child’s parents or Indian custodian for temporary placement in a foster home or institution or the home of a guardian or conservator where:
 - The parent or Indian custodian cannot have the child returned upon demand, but
 - Parental rights have not been terminated.
- ◆ Termination of parental rights: Action resulting in termination of the parent/child relationship.
- ◆ Pre-adoptive placement: The temporary placement of an Indian child in a foster home or institution after the termination of parental rights but before or instead of adoptive placement.
- ◆ Adoptive placement: Permanent placement of an Indian child for adoption, including any action resulting in the final decree of adoption. (Iowa Code section 232B.3(3))

“Child custody proceeding” does not include a placement:

- ◆ Based upon an act that, if committed by an adult, would be deemed a crime; or
- ◆ Based upon an award in a divorce proceeding of custody to one of the parents.

NOTE: An offense committed by a child must follow the provisions of Iowa Code Chapter 232 for the child adjudicated as “having committed a delinquent act” and is exempt from Indian child custody proceeding under the provisions of ICWA. Status offenses such as truancy and incorrigibility are covered by ICWA.

“Child placing agency” means any public, semipublic, or private agency which represents itself as placing children permanently or temporarily in private family homes or as receiving children for such placement, or which actually engages in such placement, for gain or otherwise and is licensed under 441 IAC Chapter 108. (441 IAC 203.1(232), Iowa Code section 238.2)

“Child welfare services” for foster care means age-appropriate activities to maintain a child’s connections to the child’s family and community, to promote reunification or other permanent placement, and to facilitate a child’s transition to adulthood. (441 IAC 156.1(234))

“Child welfare procurement card” means a method of purchasing tangible goods and supports for children and families in the child welfare system who are not receiving safety plan services or family safety, risk, and permanency services.

“Claim” means each record received by the Department or its fiscal agent that tells the amount of requested payment and the service rendered by a provider to a child and family. (441 IAC 152.1(234))

“Concurrent planning” means establishing one or more alternative permanency plan options. When a child is in foster care, it means working towards reunification of the child with the parents while at the same time establishing one or more alternative permanency plan options.

Concurrent planning is a child-focused strategy and an effective tool to expedite permanency that requires individualized assessment and decision making. It is based on full disclosure, which requires open and honest discussions with all parties at all steps in the process.

“Conditionally safe child” means that a safety concern is identified on form 470-4132 or 470-4132(S), *Safety Assessment*, for which a safety plan is required. (441 IAC 172.1(234))

“Contract monitor” means a Department employee who is assigned to assist in developing, monitoring, and evaluating a contract and to provide related technical assistance. (441 IAC 152.1(234))

“Date the child enters foster care” means the date the child is physically removed from the home. (42 CFR 1355.34)

“Department” means the Iowa Department of Human Services (DHS).

“Department worker” means the Department of Human Services worker who is responsible for providing social casework. (441 IAC 182.1(234))

“Episode of out-of-home care” means the period of time a child spends in temporary placements away from the child’s permanent home. An episode of out-of-home care starts when a child is removed from the home of the child’s parent or guardian by order of the court or through a voluntary placement agreement. An episode ends when:

- ◆ The child is returned to the parent or guardian and the court relieves the state of the responsibility to supervise the placement; or
- ◆ Guardianship is transferred to another person, the child is placed in another home that is intended to be a permanent home for the child, and the court relieves the state of the responsibility to supervise the placement; or
- ◆ Six months have elapsed since the child was returned to the parent or guardian or since guardianship was transferred to another person, even if the court has not relieved the state of the responsibility for supervision.

NOTE: If the child is removed from the home of the parent or guardian during the time the child is on a trial home visit (the earlier of six months or the date the court relieves the state of the responsibility for supervision), then the episode of care continues.

“Escrow account” means an interest bearing account in a bank or savings and loan association that is maintained by the Department in the name of a particular child. (441 IAC 201.2(600))

“Evaluate” means to assess the appropriateness of services provided under the case permanency plan periodically (including social casework services) and to continue or terminate them as appropriate according to 441 IAC Chapter 130 and the specific service chapters. (441 IAC 131.1(234))

“Extended family member” for the Indian Child Welfare Act means as defined by the law or custom of the Indian child’s tribe. In the absence of such law or custom, an “extended family member” is a person who has reached the age of 18 and is the Indian child’s grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent. (Iowa Code section 232B.3(7))

“Family” means:

- ◆ For family-centered child welfare services, persons who have a blood or legal relationship with the child and persons who have an interest in the child, such as godparents, clan or tribal members, and other persons who have a significant relationship with the child. (441 IAC 172.1(234))
- ◆ For determining financial eligibility for services, the following persons:
 - Legal spouses (including common law) who reside in the same household.
 - Natural, adoptive, or stepmother or stepfather and children who reside in the same household.
 - A child who lives alone or who resides with a person, or persons, not legally responsible for the child’s support. (441 IAC 130.1(234))

“Family-centered child welfare services” means services that use a comprehensive approach to address the problems of children within the context of their family. These services are intended to improve overall family functioning.

“Family change process” means the combination and sequence of strategies, supports, and services used to engage a child and family that lead to independence from the service system and case closure.

“Family foster care supervision” means the support, assistance, and oversight provided to children in family foster care that is directed towards achievement of the child’s permanency plan goals. (441 IAC 156.1(234))

“Family safety, risk, and permanency service” or **“FSRP”** means a service that uses strategies and interventions designed to achieve safety and permanency for a child with an open Department child welfare case regardless of the setting in which the child resides. FSRP is the primary family-centered child welfare service intervention purchased by the Department. FSRP services provide family–focused interventions and supports to improve parents’ capacity to keep their children safe. (441 IAC 172.1(234))

“Family team” means people identified by the client or family as collectively possessing the technical skills, knowledge of the family, authority, and access to the resources necessary to organize effective services to build on the strengths and meet the needs of the client or family.

"Family team decision-making meeting" means a gathering of family members and extended family, social work case manager, friends, providers, community professionals, and other interested people who plan for safety, permanency, and well-being of a family through development and review of a individualized case permanency plan.

"Foster family care" means foster care provided by a foster family licensed by the Department according to 441 IAC Chapter 113 or licensed or approved by the family's home state. The care includes the provision of food, lodging clothing, transportation, recreation, and training that is appropriate for the child's age and mental and physical capacity. (441 IAC 156.1(234))

"Foster family home" means a home in which an individual or a married couple is licensed to provide room, board, and care for a child in a single family living unit for a period exceeding 24 consecutive hours. (441 IAC 112.2(237))

"Functional assessment" means identification of current, obvious, and substantial strengths, needs, and risks of the child and family through formal and informal evaluation, to gain an understanding of the child and family and how to provide effective services. Functional assessment of children and families includes critical underlying issues that must be resolved for the child to achieve permanency.

"Group care maintenance" means food, clothing, shelter, school supplies, personal incidentals, daily care and supervision of children to ensure their well being and safety, and administration of maintenance items provided in a group care facility. (441 IAC 156.1(234))

"ICAMA" means the Interstate Compact on Adoption and Medical Assistance.

"ICJ" means the Interstate Compact on Juveniles.

"ICPC" means the Interstate Compact on the Placement of Children.

"ICPC 100A" is the national form entitled *Interstate Compact Placement Request*.

"ICPC 100B" is the national form entitled *Interstate Compact Report on Child's Placement Status*.

"Illegal placement" means sending, bringing, or causing a child to be sent or brought into any other state without complying with ICPC and obtaining approval for the placement from the appropriate public authorities (the Interstate Unit).

"Imminent risk" means there is an immediate threat or likelihood that the child will suffer maltreatment. When assessing "imminent risk" consider the three safety constructs of threats of maltreatment, child's vulnerability to maltreatment, and the caretaker's protective capacities and determine if the child would be unsafe without in-home services in place.

"Implement" means to arrange for the activities described in the case plan to begin and to advocate for the client when necessary so that services can begin. (441 IAC 131.1(234))

"Interstate Compact on the Placement of Children" or **"ICPC"** means a uniform law that has been enacted in all 50 states, the District of Columbia, and the U.S. Virgin Islands. The ICPC establishes a contract among the states and jurisdictions that ensures orderly procedures for the interstate placement and postplacement supervision of children and fixes responsibilities for those involved in placing the child.

"Indian" means any person who is a member of an Indian tribe, or is eligible for membership in an Indian tribe, or who is an Alaskan native and a member of a regional corporation as defined in Section 7 of the Alaskan Native Claim Settlement Act. (Iowa Code section 232B.3(5))

"Indian child" means an unmarried person who is under age 18 and either:

- ◆ Is a member of an Indian tribe, or
- ◆ Is the biological child of a member of an Indian tribe and is eligible for membership in an Indian tribe.

NOTE: The Iowa statute has a broader definition of "Indian child" than the federal statute. Under the Iowa ICWA, an Indian child is "an unmarried Indian person under 18 years of age, or a child who is under 18 years of age that an Indian tribe identifies as a child of the tribe's community."

"Indian Child Welfare Act" or **"ICWA"** means Public Law 95-608, the Indian Child Welfare Act of 1978 (25 U.S.C.A. sections 1901-1923). ICWA is the legislation that covers the jurisdiction, custody, placement, and welfare of Native American children. Similar requirements have been enacted at the state level as Iowa Code Chapter 232B, titled the "Iowa Indian Child Welfare Act" (Iowa ICWA).

"Indian child's tribe" means the Indian tribe in which an Indian child is a member or eligible for membership. (Iowa Code section 232B.3(8)) When an Indian child is a member of or eligible for membership in more than one tribe, the child's Indian tribe is the one to which the Indian child has the more significant contacts.

"Indian custodian" means any Indian person:

- ◆ Who has legal custody of an Indian child by tribal law or custom or under state law;
or
- ◆ To whom temporary physical care, custody, and control has been transferred by the parent of the child. (Iowa Code section 232B.3(9))

"Indian organization" means any group, association, partnership, corporation, or other legal entity that is owned or controlled by Indians or a majority of whose members are Indians. (Iowa Code section 232B.3(10))

"Indian tribe" means any Indian tribe or Indian nation or any other organized group or community of Indians recognized as eligible for services provided to Indians by the Secretary of the Interior because of their status as Indians. This includes any Alaskan native village as defined in Section 3C of the Alaskan Native Claim Settlement Act. (Iowa Code section 232B.3(11))

"Kinship care" means a placement with a relative or suitable person, the full-time nurturing and protection of children by relatives, members of their tribes or clans, godparents, stepparents, or other adults who have a kinship bond with the child.

"Juvenile court officer" means a juvenile court officer or chief juvenile court officer appointed under Iowa Code section 602. (441 IAC 152.1(234))

"Level of care" means a type of foster group care service that is differentiated by the ratio of staff to children. There are three levels of purchased group care services:

- ◆ Community-level group care (service code D1), which requires a minimum staff-to-child ratio of 1 to 8 during prime programming time.
- ◆ Comprehensive-level group care (service code D2), which requires a minimum staff-to-child ratio of 1 to 5 during prime programming time.
- ◆ Enhanced comprehensive-level group care (service code D3), which requires a minimum staff-to-client ratio during prime programming time as follows:
 - 1 staff person for facilities serving up to 4 children.
 - 2 staff persons for facilities serving 5 to 7 children.
 - 3 staff persons for facilities serving 8 to 10 children.
 - 4 staff persons for facilities serving 11 to 13 children.
 - 5 staff persons for facilities serving 14 to 16 children.
 - 6 staff persons for facilities serving 17 to 19 children.
 - 1 staff person for every 3 children for facilities serving 20 or more children.

“Mediation” is a formally facilitated, confidential process that assists parents and other involved adults in developing cooperative solutions for children and families. Mediation has been effective in resolving permanency issues for children.

“Medicaid referral” means referral of a family to the income maintenance unit of the local Department office for determination of Medicaid eligibility.

“Mexican national minor” means any unmarried person who is under the age of 18 and was born in Mexico.

“Multiple nationality minor” means any unmarried person who is under the age of 18 and is a national of two or more countries, one of which is Mexico.

“Need” means the lack of a something required to assure safety, permanency, and well being for a child and family.

“Out-of-home care” means that the Department has placement and care responsibility for a child.

“Parent” means:

- ◆ In the Iowa juvenile court, a biological or adoptive mother or father of a child but does not include a mother or father whose parental rights have been terminated. (Iowa Code section 232.2(39))
- ◆ In the Indian Child Welfare Act, any biological parent or parents of an Indian child or any Indian person who has lawfully adopted an Indian child including adoptions under Tribal Law or custom. It does not include the unwed father where paternity has not been acknowledged or established. (Iowa Code section 232B.3(12))

“Permanency” means a child has a safe, stable, custodial environment in which to grow up, and a lifelong relationship with a nurturing caregiver. (441 IAC 172.2(234) and Public Law 105-89)

“Permanency hearing” means the hearing where the court makes a determination based on the permanency plan that will best serve the child’s individual interest. Upon completion of the hearing, the court shall order that the child either be:

- ◆ Returned to the parent;
- ◆ In placement for six months to achieve reunification;
- ◆ Placed for adoption;
- ◆ Referred for legal guardianship;
- ◆ Placed permanently with a fit and willing relative; or

- ◆ Placed in another planned permanent living arrangement, but only in cases where the Department has documented to the court that there is a compelling reason that it would not be in the best interests of the child to reunify with the parents, place with a relative, or refer for adoption or guardianship.

A full permanency hearing is required no later than:

- ◆ 12 months after the date the child is considered to have entered foster care,
- ◆ 6 months after the court orders continued effort to reunify the child with the parents, or
- ◆ Within 30 days of a judicial determination that reasonable efforts to reunify the child and family are not required. (Iowa Code section 232.102(10)"a," 45 CFR 1355.20)

"Placement and care responsibility" means court-ordered authority or the authority conveyed through a voluntary placement agreement to provide supervision of a child and a child's placement. Having placement and care responsibility includes, but is not limited to, responsibility to make placement recommendations and the authority to make plans for a child, create permanency goals for the child, and arrange for services towards those goals.

Placement and care responsibility may be given to the Department when a child is placed in out-of-home care, including placements in a licensed foster care facility, in the custody of a relative or suitable person, or in the custody of a child-placing agency. Responsibility for placement and care may or may not include the transfer of custody to the Department or to Juvenile Court Services.

Children whose custody has been transferred from one parent to another parent are not considered as being in an out-of-home placement even if the Department has been ordered to provide supervision, except when the placement is made on a trial basis.

"Priority placement" means placement under ICPC Regulation 7, which establishes procedures for the out-of-state priority placement of children and sets forth limited circumstances under which this procedure may be used.

"Protective capacities" means the family strengths or resources that reduce, control, or prevent risks from arising or from having an unsafe impact on a child. (441 IAC 172.1(234))

“Provider” means a public or private agency or organization authorized to do business in Iowa that has entered into a contract with the Department to provide one or more of services. The provider is also known as the claimant. (441 IAC 172.1(234))

“Purchase of service system” means the system within the Department for contracting and payment for services, including contracts for funding and contracts for technical assistance. (441 IAC 150.1(234))

“Reasonable efforts” means the diligent attempt made to:

- ◆ Preserve and unify a family before the out-of home placement of a child in foster care;
- ◆ Eliminate the need for removal of the child;
- ◆ Make it possible for the child to safely return to the family home; or
- ◆ Make and finalize alternate permanency plans in a timely manner when reunification is not appropriate or possible.

The juvenile court determines whether reasonable efforts have been made. In making this determination, the court considers:

- ◆ The type, duration, and intensity of services or support offered or provided to the child and the child’s family.
- ◆ The relative risk to the child of remaining in the home versus removal.

A child’s health and safety shall be the paramount concern in making reasonable efforts. Reasonable efforts may include intensive family preservation services or family-centered services if the child’s safety in the home can be maintained during the time services are provided. The Department does not need to demonstrate reasonable efforts to the court when there are aggravated circumstances. (Iowa Code section 232.102(10), 45 CFR 1356.21(b))

“Receiving agency” under the Interstate Compact on the Placement of Children means any state agency, officer, or employee; any court; or any person, corporation, association, or other entity to which the child is sent.

“Receiving state” under the Interstate Compact on the Placement of Children means the state to which the child is sent, or caused to be sent or brought. (Iowa Code section 232.158(2))

“Relative placement” means placement of a child in the home of an adult who is a member of the child’s extended family.

“Reservation” means:

- ◆ Any Indian country as defined in Title XVIII United States Code Section 1151, and
- ◆ Any land not covered under any such Section, title to which is either:
 - Held by the United States in trust for the benefit of Indian tribe or individual, or
 - Held by an Indian tribe or individuals subject to a restriction by the United States against alienation.

“Respite care” means support services that provide temporary care to children. In family foster care, respite care provides temporary relief for foster parents and foster children. A licensed foster family must provide respite care. All children placed in family foster care are eligible for respite up to 24 days per calendar year. (441 IAC 156.8(7))

“Risk” means the probability or likelihood that a child will suffer maltreatment in the future. (441 IAC 172.1(234))

“Safe child” means that there are no present or impending dangers to the child or that existing dangers are controlled by the caregiver’s protective capacities. (441 IAC 172.1(234))

“Safety plan service” means a service that is designed to monitor the safety of a child during the Department’s child protective assessment or child in need of assistance assessment process. (441 IAC 172.1(234))

“Safety threat” means present or impending danger from maltreatment that requires immediate action.

“Service area manager” means the Department official responsible for managing the Department’s programs, operations, and budget within one of the Department service areas. (441 IAC 172.1(234))

“Sending agency” under the Interstate Compact on the Placement of Children means any state agency, officer, or employee; any court; any person, corporation, association or other entity which sends, brings or causes to be sent a child for placement. (Iowa Code section 232.158(2))

"Sending state" under the Interstate Compact on the Placement of Children means the state from which the original referral comes and which the child is sent from or caused to be sent from.

"Social work case management" is a method of providing services whereby a professional DHS social work case manager assesses the strengths and needs of the child and family and arranges, coordinates, monitors, evaluates, and advocates for a package of multiple services to meet the specific child and family's needs.

"Social work case manager" is a person in the social worker II classification of the Department who administers social work case management.

"Special immigrant juvenile status" or **"SIJS"** is a specific term used to describe an immigration status under which foreign national minors who come under jurisdiction of a U.S. juvenile court may become permanent residents of the U.S. (in essence, get a "green card"), and then, after five years, apply for U.S. citizenship.

"State custody" means that custody of the child has been placed with the Department for purposes of placement outside of the child's own home.

"Strengths" means those forces and factors which promote the development of the resources and potential of family members and which contribute to the family's ability to meet children's needs and provide a safe and nurturing environment.

"Supervised apartment living" means a foster care arrangement that provides an environment in which the youth can experience living independently in the community with minimum supervision. This arrangement prepares the youth for self support and self care. The child lives in an apartment unit, shops for food, prepares individual meals, and manages time for cleaning and laundry. (441 IAC 202.9(234))

"Supportive services" means:

- ◆ Drug testing
- ◆ Family team meeting facilitation
- ◆ Legal services for permanency
- ◆ Service-area-specific services (441 IAC 172.30(234))

“Trial home visit” means that a child who has been in out-of-home care has returned home to a parent, to the home from which the child was removed, or to another home, when placement in that home is intended to become a permanent home for the child, but the child remains under the Department’s responsibility for placement and care.

A trial home visit extends the episode of out-of-home care for up to six months when the trial home visit is considered temporary and a step towards the child’s permanent plan. A trial home visit does not include:

- ◆ Regular visitation between a parent and a child who is in out-of-home care,
- ◆ A return home that is intended to be permanent, or
- ◆ A return home when the court terminates the Department supervision.

“Tribal court” means a court that has jurisdiction over child custody proceedings and is either:

- ◆ A court of Indian offenses,
- ◆ A court established and operated under the Code or custom of an Indian tribe, or
- ◆ Any other administrative body of a tribe that is vested with authority over child custody proceedings. (Iowa Code section 232B.3(17))

“Uniform Child Custody Act” means federal legislation intended to assist in determining which of two or more state court systems is appropriate to determine custody of a child in a particular case. The act establishes rules and procedures for determining custody of the child and cooperation of the courts involved.

“Unit of service” means

- ◆ One day for group care. (441 IAC 152.1(234))
- ◆ One hour or any portion thereof for supervised apartment living services (with monthly cumulative units rounded up or down to the nearest whole unit). (441 IAC 156.12(2) and 202.9(4))