HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

The Human Services Department hereby rescinds Chapter 187, "Aftercare Services Program," Iowa Administrative Code, and adopts a new Chapter 187 with the same title.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 217.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 217.6.

Purpose and Summary

The Iowa Aftercare Services Program (Aftercare) is a service contracted by the Human Services Department, delivered by a network of child-serving agencies, that has been effectively transitioning youth to adulthood since 2004. The basic case management program was considerably improved with the passing of the Preparation for Adult Living (PAL) Program component (Iowa Code section 234.46) in 2006. Aftercare staff and youth have advocated for certain changes to align programming with youth development science (services extended up to the age of 23) and the Family First Act of 2018 (efforts to equalize preservices of children who age out of relative care with those of paid foster care leavers) and to ensure the safety of all involved (clearly defined termination and reentry guidelines). The Department and the Aftercare contractors believe these proposed amendments will improve services and outcomes of youth transitioning from foster care or juvenile justice to adulthood, without creating additional cost to the state.

Key changes in these proposed amendments include:

- Aftercare rules and PAL rules are merged into one division for clarity.
- The aftercare program goal is revised to a "path to" self-sufficiency.
- The maximum participant age for aftercare program eligibility is extended up to the age of 23.
- The maximum PAL stipend may change based on the age of the participant.
- Youth are required to meet "regularly" with the self-sufficiency advocate, and the specific frequency must be stated in the youth's plan.
- Case management services shall be provided in a "safe" and "convenient" location.
- Youth are expected to contribute to vendor purchases, if they are financially able.
- Reasons for termination are revised and include a focus on personal accountability and safety.
- Youth discharged, especially due to violence, may not immediately return to the program.
- Standards for proof of purchase are increased.
- The start-up funds to aftercare participants are expanded.
- A nonapproved living arrangement is removed as a condition for termination of the PAL stipend.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 27, 2019, as **ARC 4369C**.

The Department received comments from one respondent during the public comment period. The respondent's comments and the Department's responses regarding this rule making have been consolidated and are as follows:

Comment #1: The respondent was in support of the proposed revision to the administrative rules for Iowa's Aftercare Services program, and specifically stated:

- Streamlines the organization of the rules.
- Addresses implementation issues that have emerged in recent years.
- Allows the Iowa Aftercare program to expand and take advantage of opportunities to support young people.
- Minor rewording of a few specific sections are primarily for clarification and in no way reflect any disagreement with the general intent and direction of the proposed changes.

Department Response #1: The proposed revision was made in partnership with direct service providers and served youth. The Human Services Department is optimistic that it will see positive results. The Department will not change the proposed rule based on this comment from the respondent.

Comment #2: The respondent asked to re-word the purpose section to reflect that the primary goal of the program is for youth to "move toward" self-sufficiency, rather than "achieve" self-sufficiency.

Department Response #2: The Department agrees with the comment. Rule 441—187.1(234) will be amended in accordance with the change proposed by the respondent as follows:

441—187.1(234) Purpose. The purpose of the aftercare services program is to provide services and supports to youth who are transitioning from foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center to adulthood. The primary goal of the program is for youth to ~~achieve~~ move toward self-sufficiency and to recognize and accept their personal responsibility for the transition from adolescence to adulthood.

Comment #3: The respondent supported expanding eligibility for Aftercare services to age 23. This aligns the Iowa program with recent changes to the federal Chafee Act, reflects what is known about brain development into a person's twenties, and creates the opportunity for young people who may need additional time to be firmly on a path to economic stability and successful adulthood to receive support.

Department Response #3: The proposed rule changes are a response to young adults' need for additional time and support as they transition to adulthood. The Department will not change the proposed rule based on this comment from the respondent.

Comment #4: The best design for services needed by young adults at ages 21 and 22 has yet to be fully determined, and the proposed rule requiring youth to complete a full self-sufficiency plan and budget to receive may be overly prescriptive. The respondent suggested that this section be modified slightly to allow greater flexibility in the design of these services, while still holding the program and participants accountable for working toward self-sufficiency.

Department Response #4: The Department agrees with the comment. Subrule 187.3(3) will be amended as follows:

187.3(3) Post-services. Post-transition service may be provided to youth, as described in paragraph 187.2(3)"c," and may include, but is not limited to, life skills training, periodic check-in, referrals to needed services, and limited payments to youth. Funds, limited to an annual per-participant amount identified in the contract, may be provided to a former aftercare services participant ~~to meet needs as described in the former participant's individual self-sufficiency plan~~. Prior to receiving ~~services or~~ available funds, the youth ~~must complete an individual self-sufficiency plan with an advocate or have completed one within the last six months, and the youth must complete a budget.~~ is required to meet with the advocate, discuss the reason they are accessing funds and prior efforts to meet the need, and also may be asked to provide documentation of income.

Comment #5: Consistent with the intent of the Aftercare program, the respondent suggested that the rule include an expectation that to receive a vendor payment a youth "contribute toward the cost of meeting the identified need to the extent the youth is able."

Department Response #5: The Department agrees with the comment. Paragraph 187.3(5)"a" will be amended as follows:

a. To receive a vendor payment, the youth must demonstrate that there are no other means to meet the needs that would be covered by the vendor payment. <u>The youth shall contribute toward the cost of meeting the identified need, to the extent the youth is able.</u> A youth receiving a preparation for adult living (PAL) stipend, preservices or postservices is not eligible for a vendor payment.

Comment #6: The respondent stated the eligibility for Preparation for Adult Living (PAL) is established in Iowa Code (PAL Program Iowa Code 234.46), then goes on

to encourage the Legislature and the Department to consider removing the requirement for PAL eligibility that a youth be in "paid foster care" when they exit the foster care system. This is to align with efforts to equalize supports for youth who age out of relative caregiver placements with paid "stranger" placements, as is consistent with new federal policy, Family First Act.

Department Response #6: The Department does not have the authority to make this change. An extension of PAL support to children aging out of relative placements would require additional federal or state funds and legislative changes to Iowa Code 234.46, which describes eligibility for the program. The Department will not change the proposed rule based on this comment from the respondent.

Comment #7: The respondent strongly supported allowing the program to set the maximum PAL stipend based on age. This would allow the program to gradually reduce the stipend for youth as they approach age 21, encouraging employment and lessening the cliff effect when a participating youth reaches age 21. Further, a gradual reduction in stipends for youth ages 18 to 21, should allow for expansion of services to older youth,

Department Response #7: The Department agrees with the comment, which validates the Department's belief that a gradual reduction in stipend will result in less of a "cliff" and ultimately better outcomes. The Department will not change the proposed rule based on this comment from the respondent.

Comment #8: The respondent agreed with setting a cap on the funds available to youth receiving post-services, but thought that the wording was problematic. As written, a participant who received $600 while age 20, would have to wait a full 12 months from last

receiving funds before being eligible for any additional financial support. This would be challenging to track administratively, would be a disincentive to continue to receive services, and reduces the flexibility of the program to help meet short-term needs of youth accessing post services.

Department Response #8: The Department disagrees that a participant age 20 would have to wait 12 months before receiving post-services funds. Receiving other funds (pre-services or vendor payments) at age 20 will not limit post-services funds. The Department will not change the proposed rule based on this comment from the respondent.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on May 8, 2019.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly

meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on July 10, 2019.

The following rule-making action is adopted:

Rescind 441—Chapter 187 and adopt the following **new** chapter in lieu thereof:

CHAPTER 187

AFTERCARE SERVICES PROGRAM

PREAMBLE

These rules define and structure the aftercare services program, which assists youth leaving foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center in their successful transition to adulthood. The aftercare services program, including the preparation for adult living (PAL) program component, helps youth formerly in foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center to continue preparing for the challenges and opportunities presented by adulthood while receiving services and supports. The program offers services and financial benefits to eligible youth up to the age of 23. All services and supports are voluntary.

441—187.1(234) Purpose. The purpose of the aftercare services program is to provide services and supports to youth who are transitioning from foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center to adulthood. The primary goal of the program is for youth to move toward self-sufficiency and to recognize and accept their personal responsibility for the transition from adolescence to adulthood.

441—187.2(234) Aftercare services program eligibility requirements. To be eligible for aftercare services, a youth must meet the following requirements:

187.2(1) *Residence.* The youth must be a resident of Iowa.

187.2(2) *Age.* The youth must be at least 17 years of age but less than 23 years of age. Program supports and services vary by age.

187.2(3) *Out-of-home placement experience.*

a. Preservices. The youth must meet eligibility requirements for preservices as described below:

(1) The youth is at least 17 years of age; and

(2) The youth was placed in foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center; was adopted after reaching 16 years of age; or entered a subsidized guardianship arrangement after reaching 16 years of age; and

(3) The youth has access to funding for preservices provided in contract that has not been fully expended for the contract year.

b. Core services. The youth must meet eligibility requirements for core services as described below:

(1) The youth is 18, 19, or 20 years of age; and

(2) The youth exited foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center:

1. On or after the youth's eighteenth birthday; or

2. Between the ages of 17½ and 18 after having been in any combination of foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center for at least one day in at least 6 of the 12 calendar months prior to the youth leaving placement; or

(3) The youth was adopted from foster care on or after the youth's sixteenth birthday; or

(4) The youth entered a subsidized guardianship arrangement from foster care on or after the youth's sixteenth birthday.

c. Postservices. The youth must meet eligibility requirements for postservices as described below:

(1) The youth is 21 or 22 years of age; and

(2) The youth was served by the aftercare services program prior to the age of 21; and

(3) The youth has access to funding for postservices provided in contract that has not been fully expended for the contract year.

d. Definition of foster care. For purposes of this chapter, "foster care" is defined as 24-hour substitute care for a child who is placed away from the child's parents or guardians and for whom the department or juvenile court services has placement and care responsibility through either a court order or voluntary agreement.

(1) A placement may meet the definition of foster care regardless of whether:

1. The placement is licensed and the state or a local agency makes payments for the child's care;

2. Adoption subsidy payments are being made before the finalization of adoption; or

3. There is federal matching of any payments made.

(2) Foster care may include, but is not limited to, placement in:

1. A foster family home; or

2. A foster care group home; or

3. An emergency shelter; or

4. A preadoptive home; or

5. The home of a relative or suitable person; or

6. A psychiatric medical institution for children (PMIC).

187.2(4) *Responsibility.* The youth must:

a. Actively take part in developing and participating in an individual self-sufficiency plan; and

b. Indicate recognition and acceptance of personal responsibility in the transition toward self-sufficiency, which includes, but is not limited to, meeting with the self-sufficiency advocate regularly and as described in the youth's individual self-sufficiency plan, as described in subrule 187.3(2).

441—187.3(234) Services and supports provided. The aftercare services program shall provide the following services and supports to eligible youth:

187.3(1) *Preservices.* Planning, coordination of services, and trust building activities may be provided to a youth placed out of home, as described in paragraph 187.2(3)*"a,"* who is expected to participate in aftercare services at 18 years of age or older. The administrator may provide funds as described in paragraph 187.3(4)*"a."* However, funds provided to the youth in preservices will be deducted from available funds in the youth's first year of participation in core services.

187.3(2) *Core services.* Case management services shall be offered to youth, as described in paragraph 187.2(3)*"b,"* at a safe and convenient location. Activities shall include, but not be limited to, all of the following:

a. Development of an individual self-sufficiency plan, based on an assessment of the youth's strengths and needs. Each core services participant shall have a plan to identify:

(1) The youth's goals for achieving self-sufficiency;

(2) The target date for reaching the goals; and

(3) The tasks, responsible parties, time frames, and desired outcomes needed to reach the goals.

b. Services to develop a budget and money management skills training.

c. Services to assist the youth in establishing or reestablishing relationships with significant adults.

d. Services to facilitate the youth's access to community resources.

e. Life skills training, as identified in the youth's individual self-sufficiency plan. Life skills training shall include, but not be limited to, skills to help the youth in establishing and maintaining safe and stable housing; education goals; employment goals; health and health care coverage; and healthy relationships.

f. Additional case management activities necessary for youth to successfully transition to adulthood and as described in the individual self-sufficiency plan.

g. Individual face-to-face contact with the youth at the frequency defined in the youth's individual self-sufficiency plan and according to the youth's changing needs. If a youth is a resident of Iowa but is attending a postsecondary education program in another state, the program administrator or designee shall approve an alternative method for maintaining contact with the youth if and when it is a hardship for the youth to physically be in Iowa.

h. Ongoing assessment, including evaluation and coordination of the services,

supports, and life skills training being provided to assist the youth in reaching self-sufficiency goals and to determine if and what progress is being made. The case manager shall amend any goals, outcomes, tasks, responsible parties, and time frames in the plan along with services, supports, and life skills training provided as necessary to assist the youth in achieving self-sufficiency.

187.3(3) *Postservices.* Posttransition service may be provided to youth, as described in paragraph 187.2(3)*"c,"* and may include, but is not limited to, life skills training, periodic check-in, referrals to needed services, and limited payments to youth. Funds, limited to an annual per-participant amount identified in the contract, may be provided to a former aftercare services participant. Prior to receiving available funds, the youth is required to meet with the advocate, discuss the reason they are accessing funds and prior efforts to meet the need, and also may be asked to provide documentation of income.

187.3(4) *Start-up allowance.* When a youth between the ages of 17 and 21 is receiving or is expected to receive core services in accordance with subrule 187.3(2), and is actively participating in the program, the program administrator or designee may authorize and provide payment to a youth as described below:

a. The start-up allowance is intended to assist in covering the initial costs of establishing the youth's living arrangement, such as by paying rental or utility deposits, purchasing food, or purchasing necessary household items.

b. The start-up allowance is limited to $600 per youth.

187.3(5) *Vendor payments.* When a youth qualifies for core services in accordance with subrule 187.3(2), and is actively participating in the program, the program administrator or designee may authorize and provide payment to a youth as described

below:

a. To receive a vendor payment, the youth must demonstrate that there are no other means to meet the needs that would be covered by the vendor payment. The youth shall contribute toward the cost of meeting the identified need, to the extent the youth is able. A youth receiving a preparation for adult living (PAL) stipend, preservices or postservices is not eligible for a vendor payment.

b. Vendor payments may include, but are not limited to:

(1) Health care-related expenses;

(2) Transportation assistance;

(3) Costs related to employment and education;

(4) Clothing; and

(5) Room and board.

c. The amount available for a 12-month period of service shall not exceed $1,200 per youth.

187.3(6) *Preparation for adult living (PAL) stipend.* When an eligible youth is actively participating in the program, the administrator or designee shall deliver the preparation for adult living program as described in Iowa Code section 234.46 and as follows:

a. To be eligible for the PAL stipend, the youth must:

(1) Meet eligibility requirements in Iowa Code section 234.46 and rule 441—187.2(234); and

(2) Have been placed out of home in paid foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center as identified by Iowa Code chapter 232

on the youth's eighteenth birthday and have exited after having been in any combination of the same services in at least 6 of the 12 months before leaving placement; and

(3) Be ineligible for voluntary foster care placement, due to one of the following:

1. The youth has a high school diploma or equivalent, or

2. The youth has reached 20 years of age, or

3. The youth became eligible for aftercare services due to exiting the Iowa state training school or an Iowa detention center.

b. To be eligible for the PAL stipend, the youth must meet one or more of the following criteria:

(1) Be enrolled in or actively pursuing enrollment in postsecondary education, a training program or work training; or

(2) Be employed for 80 hours per month or be actively seeking that level of employment; or

(3) Be attending an accredited school full-time pursuing a course of study leading to a high school diploma; or

(4) Be attending an instructional program leading to a high school equivalency diploma.

c. The maximum monthly stipend shall be provided after completion of the youth's budget. The maximum amounts provided to a youth shall be stated in the contract and shall be based on program eligibility and guidelines, as follows:

(1) The monthly stipend shall be prorated based on the number of days of youth participation, for those entering and exiting the program during the month.

(2) When the monthly unearned income of the youth exceeds the overall maximum

monthly stipend offered in the preparation for adult living program, the youth is not eligible for payments under subrule 187.3(4) unless unused startup funds remain.

(3) When the net earnings of the youth exceed the overall maximum monthly stipend offered in the preparation for adult living program, the monthly stipend shall be reduced by 50 cents for every dollar earned by the youth over the overall monthly maximum stipend.

(4) All earned and unearned income received by the youth during the 30 days before the determination shall be used to project future income. If the 30-day period is not indicative of future income, income from a longer period or verification of anticipated income from the income source may be used to project future income.

(5) Nonrecurring lump-sum payments are excluded as income. Nonrecurring lump-sum payments include, but are not limited to, one-time payments received for such things as income tax refunds, rebates, credits, refunds of security deposits on rental property or utilities, and retroactive payments for past months' benefits such as social security, unemployment insurance, or public assistance.

(6) The youth shall timely report the beginning and ending of earned and unearned income. A report shall be considered timely when made within ten days from the receipt of income or the date income ended.

(7) When the youth timely reports a change in income, the youth's prospective eligibility and stipend amount for the following month shall be determined based on the change.

(8) Recoupment shall be made for any overpayment due to failure to timely report a change in income or for benefits paid during an administrative appeal if the department's

action is ultimately upheld. Recoupment may be made through a reasonable reduction of any future stipends.

(9) Recoupment shall not be made when a youth timely reports a change in income and the change is timely acted upon, but the timely notice policy in rule 441—7.7(17A) requires that the action be delayed until the second calendar month following the month of change.

(10) The stipend may be paid to the youth, the foster family, or another payee other than a department employee. The payee shall be agreed upon by the parties involved and specified in the individual self-sufficiency plan, described in subrule 187.3(2).

(11) The maximum stipend may be based on the age of the youth.

187.3(7) *Postservices allowance.* Youth 21 or 22 years of age who previously received aftercare services may receive postservices funds if they meet all of the following criteria:

a. The youth is participating in postservices as described in subrule 187.3(3).

b. A budget has been completed timely by the youth with a self-sufficiency advocate.

c. The need has been identified in the individual self-sufficiency plan.

d. The postservices funds approved for the youth have not exceeded $600 for the previous 12-month period.

441—187.4(234) Termination of aftercare services.

187.4(1) A youth may be discharged from the aftercare services program for any of the following reasons:

a. The youth fails to follow individual self-sufficiency plan components and

expectations as determined by the program administrator or designee.

b. The youth fails to meet regularly with the self-sufficiency advocate without good cause as determined by the program administrator or designee.

c. The youth voluntarily withdraws from the program.

d. The youth is no longer a resident of Iowa.

e. The youth reaches 23 years of age.

187.4(2) Aftercare services and supports may be terminated for up to six months as determined by the program administrator or designee when a youth intentionally physically threatens or injures program staff or an employee of an aftercare provider agency.

187.4(3) The PAL stipend may be terminated if the youth fails to meet work or education eligibility requirements for 30 consecutive days without good cause as determined by the program administrator or designee.

187.4(4) The PAL stipend may be terminated if the youth fails to maintain satisfactory progress as defined by the education or training program in which the youth is enrolled. A youth who is not making satisfactory progress may stay in the PAL program component of the aftercare services program by choosing the work option specified in subparagraph 187.3(6)*"b"*(2). A PAL stipend or allowance shall not be reinstated for at least 30 days if the stipend was terminated for the reason described in this subrule.

187.4(5) The youth intentionally misrepresents income or expenditures or spends funds in a manner inconsistent with their intended purpose. The program administrator may request receipts or acceptable evidence that funds went to the intended purpose.

187.4(6) There are insufficient funds.

187.4(7) Unless otherwise stated, a youth whose aftercare service is terminated in accordance with this rule may return to the program after the passing of at least 30 days. However, if the youth has received three or more notices of termination within a 12-month period, the youth may not return until at least three months have passed from the date of the third notification.

441—187.5(234) Waiting list. The program administrator or designee shall create a waiting list when all funds for the aftercare services program are committed for the fiscal year. Names shall be entered on the waiting list on a first-come, first-served basis once the youth is determined eligible. Due to funding, it may be necessary to create more than one waiting list.

441—187.6(234) Administration. The department may contract with another state agency or a private organization to perform the administrative and case management functions necessary to administer the aftercare services program. Agencies and organizations providing services or supports shall meet the standards in rules 441—108.2(238) through 441—108.6(238).

These rules are intended to implement Iowa Code section 234.46 and Public Law 106-169, the Foster Care Independence Act of 1999.

Iowa Department of Human Services

Information on Proposed Rules

Name of Program Specialist	Telephone Number	Email Address
Doug Wolfe	515-242-5452	dwolfe@dhs.state.ia.us

1.Give a brief purpose and summary of the rulemaking:

These rules implement Iowa Code Section 234.46 and Public Law 106-169, the Foster Care Program for Successful Transition to Adulthood of 1999.

The Iowa Aftercare Services Program (Aftercare) is a DHS contracted service, delivered by a network of child serving agencies, and has been effectively transitioning youth since 2004. The basic case management program was considerably improved with passing of the Preparation for Adult Living Program (234.46) in 2006. Aftercare staff and youth have advocated for certain changes to align programming with youth development science (services extended to age 23), the Family First Act of 2018 (efforts to equalize pre-services of children who age out of relative care with paid foster care leavers), and to ensure safety of all involved (clearly defined termination and re-entry). DHS and the Aftercare contractors believe these changes will improve services and outcomes of youth transitioning from foster care/juvenile justice to adulthood, without creating additional cost to the state.

Key changes below are in no special order:

- Merged aftercare rules and PAL rules into one division, for clarity.
- Revised goal to "path to" self-sufficiency.
- Extend program eligibility to a max participant's age 23
- PAL max may change with age of participant
- Require youth meet "regularly" and that the frequency be stated in the youth's plan
- Services shall be provided in a "safe" location
- Youth are expected to contribute to vendor purchases, if they are financially able
- Revised reasons for termination, including a focus on personal accountability and safety
- Youth discharged, especially due to violence, may not return to the program immediately
- Increased standards for proof of purchase
- Expanded the start-up funds to aftercare participants
- Remove approved living arrangement from termination of stipend

2.What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):

Family First Act (P.L. 115-123) created the opportunity for states to extend federal Chafee Foster Care Program for Successful Transitions funding to the youth's age 23. The HHS regional office, Children's Bureau, has provided necessary approvals to extend the services.

3.Describe who this rulemaking will positively or adversely impact.

Positive impact to youth transitioning from foster care to adulthood is expected. Iowa Aftercare has shown to positively affect outcomes in the areas of education, housing, employment, health care coverage, and relationships for this population.

4.Does this rule contain a waiver provision? If not, why?

No

5.What are the likely areas of public comment?

The public would likely support this change, due to strong public will to help children who have been abused or neglected.

6.Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee.)

No impact is expected to private sector jobs or employment opportunities in Iowa.

Administrative Rule Fiscal Impact Statement

Date: February 5, 2019

Agency: Human Services

IAC citation: 441 IAC 187

Agency contact: Doug Wolfe, Program Planner 3

Summary of the rule:

The purpose of aftercare services is to provide services and supports to youth aged 18, 19 or 20 who were formerly in foster care. The primary goal of the program is for participants to achieve self-sufficiency and to recognize and accept their personal responsibility for the transition from adolescence to adulthood.

Fill in this box if the impact meets these criteria:

☒ No fiscal impact to the state.

☐ Fiscal impact of less than $100,000 annually or $500,000 over 5 years.

☐ Fiscal impact cannot be determined.

Brief explanation:

The financial component of this rule change is related to start-up allowance of $600 per participant. The initial start up cost is expected to be about $59,000 and would be paid from the Iowa Aftercare Services Program. No state funds would be required and the funding only happens if the Program Planner determines if funds are available.

Fill in the form below if the impact does not fit the criteria above:

☐ Fiscal impact of $100,000 annually or $500,000 over 5 years.

Assumptions:

While there is potential to provide additional services to parcipants (startup) and to older youth (age 21-22), cost limiting language is included to ensure the program will operate within the existing state appropriation. Federal funding may be increased slightly to pay for the estimated $58,000/yr increase of "start up" funds for youth aging out of relative care. This change is consistent with the Family First Act of 2018, which incentivises kinship placements and discourages ineffective residential treatment.

Describe how estimates were derived:

The start up funds cost was calculated using the cost per child of youth in the program who are currently eligible, apportioned by estimated participation of the newly eligible group.

Estimated Impact to the State by Fiscal Year		
	Year 1 (FY 2019)	**Year 2 (FY 2020)**
Revenue by each source:		
General fund		
Federal funds		
Other (specify):		
TOTAL REVENUE	0.00	0.00
Expenditures:		
General fund		
Federal funds		
Other (specify):		
TOTAL EXPENDITURES		
NET IMPACT	0.00	0.00

☐ This rule is required by state law or federal mandate.
Please identify the state or federal law:
Identify provided change fiscal persons:

☐ Funding has been provided for the rule change.
Please identify the amount provided and the funding source:

☒ Funding has not been provided for the rule.
Please explain how the agency will pay for the rule change:
Funding, if available, for this rule would come from the Iowa Aftercare Services Program. Since this rule only applies as available funds permit, the program planner will determine if there are funds available for use. Additional funding may be available through the Chafee Independent Living grant, which will also be determined by the Program Planner for that grant.

Fiscal impact to persons affected by the rule:
Recipients of Aftercare stand to get slightly more financial support with first months rent, utility expenses, or transprotation expenses, for example.

Fiscal impact to counties or other local governments (required by Iowa Code 25B.6):
None

Agency representative preparing estimate: Phil Davis, Budget Analyst III

Telephone number: 515-281-6017

Comments and Responses on **ARC 4369C**

441-187 Iowa Aftercare Services Program
Received April 16, 2019

The following person/organization provided written comments, which are included in the summary below:

1. **Carol Behrer, Youth Policy Institute of Iowa**

Comment #1: The respondent is in support of the proposed revision to the administrative rules for Iowa's Aftercare Services program, and specifically stated:

- Streamlines the organization of the rules.
- Addresses implementation issues that have emerged in recent years.
- Allows the Iowa Aftercare program to expand and take advantage of opportunities to support young people.
- Minor rewording of a few specific sections are primarily for clarification and in no way reflect any disagreement with the general intent and direction of the proposed changes.

Department Response #1: The proposed revision was made in partnership with direct service providers and served youth. DHS is optimistic we will see positive results. The Department will not change the proposed rule based on this comment from the respondent.

Comment #2: The respondent asks for a re-wording of the purpose section to reflect that the primary goal of the program is for youth to "move toward" self-sufficiency, rather than "achieve" self-sufficiency.

Department Response #2: The Department agrees with the comment. The following rule will be amended in **ARC 4369C** and become part of the final rule change:

441—187.1(234) Purpose. The purpose of the aftercare services program is to provide services and supports to youth who are transitioning from foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center to adulthood. The primary goal of the program is for youth to ~~achieve~~ move toward self-sufficiency and to recognize and accept their personal responsibility for the transition from adolescence to adulthood.

Comment #3: The respondent specifically supports expanding eligibility for Aftercare services to age 23. This aligns the Iowa program with recent changes to the federal Chafee Act, reflects what is known about brain development into a person's twenties,

and creates the opportunity for young people who may need additional time to be firmly on a path to economic stability and successful adulthood to receive support.

Department Response #3: The proposed rule changes are a response to young adults' need for additional time and support as they transition to adulthood. The Department will not change the proposed rule based on this comment from the respondent.

Comment #4: The best design for services needed by young adults at ages 21 and 22 has yet to be fully determined, and the proposed rule requiring youth to complete a full self-sufficiency plan and budget to receive may be overly prescriptive. YPII suggests that this section be modified slightly to allow greater flexibility in the design of these services, while still holding the program and participants accountable for working toward self-sufficiency.

Department Response #4: The Department agrees with the comment. The following rule will be amended in **ARC 4369C** and become part of the final rule change:

187.3(3) Post-services. Post-transition service may be provided to youth, as described in paragraph 187.2(3)"c," and may include, but is not limited to, life skills training, periodic check-in, referrals to needed services, and limited payments to youth. Funds, limited to an annual per-participant amount identified in the contract, may be provided to a former aftercare services participant ~~to meet needs as described in the former participant's individual self-sufficiency plan~~. Prior to receiving ~~services or~~ available funds, the youth ~~must complete an individual self-sufficiency plan with an advocate or have completed one within the last six months, and the youth must complete a budget.~~ is required to meet with the advocate, discuss the reason they are accessing funds and prior efforts to meet the need, and also may be asked to provide documentation of income.

Comment #5: Consistent with the intent of the Aftercare program, the respondent suggests that the rule include an expectation that to receive a vendor payment a youth "contribute toward the cost of meeting the identified need to the extent the youth is able."

Department Response #5: The Department agrees with the comment. The following rule will be amended in **ARC 4369C** and become part of the final rule change:

a. To receive a vendor payment, the youth must demonstrate that there are no other means to meet the needs that would be covered by the vendor payment. <u>The youth shall contribute toward the cost of meeting the identified need, to the extent the youth is able.</u> A youth receiving a preparation for adult living (PAL) stipend, preservices or postservices is not eligible for a vendor payment.

Comment #6: The respondent states the eligibility for Preparation for Adult Living (PAL) is established in Iowa Code (PAL Program Iowa Code 234.46), then goes on to encourage the Legislature and the Department to consider removing the requirement for PAL eligibility that a youth be in "paid foster care" when they exit the foster care system. This is to align with efforts to equalize supports for youth who age out of relative caregiver placements with paid "stranger" placements, as is consistent with new federal policy, Family First Act.

Department Response #6: The Department does not have the authority to make this change. An extension of PAL support to children aging out of relative placements would require additional federal or state funds and legislative changes to Iowa Code 234.46, which describes eligibility for the program. The Department will not change the proposed rule based on this comment from the respondent.

Comment #7: The respondent strongly supports allowing the program to set the maximum PAL stipend based on age. This will allow the program to gradually reduce the stipend for youth as they approach age 21, encouraging employment and lessening the cliff effect when a participating youth reaches age 21. Further, a gradual reduction in stipends for youth ages 18 to 21, should allow for expansion of services to older youth,

Department Response #7: The Department agrees with the comment, which validates our belief a gradual reduction in stipend will result in less of a "cliff" and ultimately better outcomes. The Department will not change the proposed rule based on this comment from the respondent.

Comment #8: While the respondent agrees with setting a cap on the funds available to youth receiving post-services, the wording of this section is problematic. As written, a participant who received $600 while age 20, would have to wait a full 12 months from last receiving funds before being eligible for any additional financial support. This would be challenging to track administratively, would be a disincentive to continue to receive services, and reduces the flexibility of the program to help meet short-term needs of youth accessing post services.

Department Response #8: The Department disagrees that a participant age 20 would have to wait 12 months before receiving post-services funds. Receiving other funds (pre-services or vendor payments) at age 20 will not limit post-services funds. The Department will not change the proposed rule based on this comment from the respondent.

Rossander, Harry

From: no-reply@iowa.gov
Sent: Tuesday, April 16, 2019 10:44 AM
To: Rossander, Harry
Cc: cbehrer@ypii.org
Subject: Public Comment Received on ARC 4369C

A new public comment has been received on **ARC 4369C**. The comment and contact information are listed below.

The comment was made on paragraph **44**.

Document Content

These rules define and structure the aftercare services program, which assists youth leaving foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center in their successful transition to adulthood. The aftercare services program, including the preparation for adult living (PAL) program component, helps youth formerly in foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center to continue preparing for the challenges and opportunities presented by adulthood while receiving services and supports. The program offers services and financial benefits to eligible youth up to the age of 23. All services and supports are voluntary.

Comment

On behalf of the Youth Policy Institute of Iowa, we are commenting in support of the proposed revision to the administrative rules for Iowa's Aftercare Services program. The proposed language streamlines the organization of the rules and addresses implementation issues that have emerged over the last several years. Moreover, the changes will allow the Iowa Aftercare program to expand and take advantage of opportunities to support young people who are transitioning from foster care to adulthood longer and in developmentally appropriate ways. Specific comments and suggestions for minor rewording of a few specific sections are primarily for clarification and in no way reflect any disagreement with the general intent and direction of the proposed changes.

Contact Information

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Rossander, Harry

From: no-reply@iowa.gov
Sent: Tuesday, April 16, 2019 10:45 AM
To: Rossander, Harry
Cc: cbehrer@ypii.org
Subject: Public Comment Received on ARC 4369C

A new public comment has been received on **ARC 4369C**. The comment and contact information are listed below.

The comment was made on paragraph **45**.

Document Content

441—187.1(234) Purpose. The purpose of the aftercare services program is to provide services and supports to youth who are transitioning from foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center to adulthood. The primary goal of the program is for youth to achieve self-sufficiency and to recognize and accept their personal responsibility for the transition from adolescence to adulthood.

Comment

Recognizing that achieving complete self-sufficiency by one's early twenties is a challenge for all young people, we suggest rewording the purpose section to reflect that the primary goal of the program is for youth to "move toward" self-sufficiency, rather than "achieve" self-sufficiency.

Contact Information

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Rossander, Harry

From: no-reply@iowa.gov
Sent: Tuesday, April 16, 2019 10:47 AM
To: Rossander, Harry
Cc: cbehrer@ypii.org
Subject: Public Comment Received on ARC 4369C

A new public comment has been received on **ARC 4369C**. The comment and contact information are listed below.

The comment was made on paragraph **48**.

Document Content

187.2(2) Age. The youth must be at least 17 years of age but less than 23 years of age. Program supports and services vary by age.

Comment

YPII specifically supports expanding eligibility for Aftercare services to age 23. This aligns the Iowa program with recent changes to the federal Chafee Act, reflects what is known about brain development into a person's twenties, and creates the opportunity for young people who may need additional time to be firmly on a path to economic stability and successful adulthood to receive support.

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Rossander, Harry

From: no-reply@iowa.gov
Sent: Tuesday, April 16, 2019 10:49 AM
To: Rossander, Harry
Cc: cbehrer@ypii.org
Subject: Public Comment Received on ARC 4369C

A new public comment has been received on **ARC 4369C**. The comment and contact information are listed below.

The comment was made on paragraph **94**.

Document Content

187.3(3) Postservices. Posttransition service may be provided to youth, as described in paragraph 187.2(3)"c," and may include, but is not limited to, life skills training, periodic check-in, referrals to needed services, and limited payments to youth. Funds, limited to an annual per-participant amount identified in the contract, may be provided to a former aftercare services participant to meet needs as described in the former participant's individual self-sufficiency plan. Prior to receiving services or available funds, the youth must complete an individual self-sufficiency plan with an advocate or have completed one within the last six months, and the youth must complete a budget.

Comment

The best design for services needed by young adults at ages 21 and 22 has yet to be fully determined, and the proposed rule requiring youth to complete a full self-sufficiency plan and budget to receive may be overly prescriptive. YPII suggests that this section be modified slightly to allow greater flexibility in the design of these services, while still holding the program and participants accountable for working toward self-sufficiency.

Contact Information

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Rossander, Harry

From: no-reply@iowa.gov
Sent: Tuesday, April 16, 2019 10:50 AM
To: Rossander, Harry
Cc: cbehrer@ypii.org
Subject: Public Comment Received on ARC 4369C

A new public comment has been received on **ARC 4369C**. The comment and contact information are listed below.

The comment was made on paragraph **99**.

Document Content

a. To receive a vendor payment, the youth must demonstrate that there are no other means to meet the needs that would be covered by the vendor payment. A youth receiving a preparation for adult living (PAL) stipend, preservices or postservices is not eligible for a vendor payment.

Comment

Consistent with the intent of the Aftercare program, YPII suggests that the rule include an expectation that to receive a vendor payment a youth "contribute toward the cost of meeting the identified need to the extent the youth is able."

Contact Information

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Rossander, Harry

From: no-reply@iowa.gov
Sent: Tuesday, April 16, 2019 10:52 AM
To: Rossander, Harry
Cc: cbehrer@ypii.org
Subject: Public Comment Received on ARC 4369C

A new public comment has been received on **ARC 4369C**. The comment and contact information are listed below.

The comment was made on paragraph **110**.

Document Content

(2)Have been placed out of home in paid foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center as identified by Iowa Code chapter 232 on the youth's eighteenth birthday and have exited after having been in any combination of the same services in at least 6 of the 12 months before leaving placement; and

Comment

YPII recognizes that eligibility for PAL is, in part, established in Iowa Code. We encourage the Legislature and the Department to consider removing the requirement that a youth be in "paid foster care" to be eligible for PAL. As policies and practices are rightly shifting to prioritize placement with relatives as the best option for children and youth involved in the child welfare system, we should remove the disincentive to do so that is created by the current eligibility criteria for PAL.

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Rossander, Harry

From: no-reply@iowa.gov
Sent: Tuesday, April 16, 2019 10:56 AM
To: Rossander, Harry
Cc: cbehrer@ypii.org
Subject: Public Comment Received on ARC 4369C

A new public comment has been received on **ARC 4369C**. The comment and contact information are listed below.

The comment was made on paragraph **131**.

Document Content

(11)The maximum stipend may be based on the age of the youth.

Comment

YPII strongly supports allowing the program to set the maximum PAL stipend based on age. This will allow the program to gradually reduce the stipend for youth as they approach age 21, encouraging employment and lessening the cliff effect when a participating youth reaches age 21. Further, a gradual reduction in stipends for youth ages 18 to 21, should allow for expansion of services to older youth,

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Rossander, Harry

From:	no-reply@iowa.gov
Sent:	Tuesday, April 16, 2019 11:02 AM
To:	Rossander, Harry
Cc:	cbehrer@ypii.org
Subject:	Public Comment Received on ARC 4369C

A new public comment has been received on **ARC 4369C**. The comment and contact information are listed below.

The comment was made on paragraph **136**.

Document Content

d. The postservices funds approved for the youth have not exceeded $600 for the previous 12-month period.

Comment

While YPII agrees with setting a cap on the funds available to youth receiving post-services, the wording of this section is problematic. As written, a participant who received $600 while age 20, would have to wait a full 12 months from last receiving funds before being eligible for any additional financial support. This would be challenging to track administratively, would be a disincentive to continue to receive services, and reduces the flexibility of the program to help meet short-term needs of youth accessing postservices.

Contact Information

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