

## Red Tape Review Rule Report (Due: September 1, 2023)

<b>Department Name:</b>	Health & Human Services (HHS)	<b>Date:</b>	8/28/2023	<b>Total Rule Count:</b>	12
<b>IAC #:</b>	441	<b>Chapter/ SubChapter/ Rule(s):</b>	201	<b>Iowa Code Section Authorizing Rule:</b>	600.17 to 600.23
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**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

### What is the intended benefit of the rule?

This rule chapter seeks to increase access to adoptive arrangements for children with special needs, older children, and children otherwise hard to place in an adoptive home by implementing a subsidized adoption program. This program provides financial assistance to interested adoptive parents capable of providing suitable care but lacking in necessary economic resources.

To be eligible, a child under the guardianship of HHS must have been determined by a qualified health care professional to have met the definition of special needs included in this rule, or be aged five or over, or be a member of a sibling group of three or more children who are placed in the same adoptive home. A child in the guardianship of a licensed child-placing agency may be eligible for subsidy if the child is eligible to receive SSI based on a diagnosed disability or if the child has received a federally funded adoption subsidy in a prior adoption.

Subsidy payments to approved adoptive parents may include:

- Special Services Assistance: Compensation for medical, dental, therapeutic, educational, or other similar service or appliance required by an adopted child by reason of a disability.
- Monthly Maintenance Assistance: Monthly payment to assist with room, board, clothing, and spending money. The maximum monthly payment rate is pursuant to the foster family care maintenance rates.

### Is the benefit being achieved? Please provide evidence.

Figures below are actuals incurred in the fiscal years shown.

#### Identified Impacts\*

	SFY2018	SFY2019	SFY2020	SFY2021	SFY2022	5 Year Total
<b>Costs</b>						
Adoption Subsidy Payment	(\$75,241,000)	(\$75,736,000)	(\$77,291,000)	(\$77,957,000)	(\$77,680,000)	(\$383,905,000)
<b>Benefits</b>						
Federal Title IV-E Funding	\$35,369,000	\$37,093,000	\$41,359,000	\$44,998,000	\$45,726,000	\$204,545,000
Improved Outcomes for Adopted Children	Qualitative	Qualitative	Qualitative	Qualitative	Qualitative	Qualitative
<b>Net Value</b>	(\$39,872,000)	(\$38,643,000)	(\$35,932,000)	(\$32,959,000)	(\$31,954,000)	(\$179,360,000)

\*All monetary figures have been rounded to the nearest thousandth.

The amount of subsidy is negotiated between HHS and the qualified adoptive parent(s) based on the needs of the child and circumstances of the adoptive family. In SFY2022 10,600 children received an adoption subsidy payment. The rule chapter requires that other services available to meet the needs of an eligible child that are free of charge be explored and used prior to spending subsidy funds.

**What are the costs incurred by the public to comply with the rule?**

None identified.

**What are the costs to the agency or any other agency to implement/enforce the rule?**

Any implementation costs incurred by HHS for operation of the adoption program are reflected in the cost benefit analysis for chapter 441-200 and are not reflected here.

Federal funds received through the Title IV-E Federal Payments for Adoption Assistance Program are used to assist in funding subsidized adoptions. The federal participation rate varies; in SFY22 Iowa's participation rate was 86.26%. This is up from 80.88% in SFY2018. These funds are reflected in the table above as "Federal Title IV-E Funding".

**Do the costs justify the benefits achieved? Please explain.**

The cost benefit analysis above shows a net value of -\$179 million over the five years studied and improved outcomes for children in subsidized adoptive care. Eliminating the subsidy is likely to reduce the number of adoptive arrangements available to qualified children seeking adoption. A lack of available adoptive relationships increases the likelihood of adverse impact to the child.

**Are there less restrictive alternatives to accomplish the benefit?  YES  NO**

**If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.**

HHS implements the subsidy program in accordance with requirements of Iowa Code and federal regulations; overall, HHS implements the program as directed and has little flexibility in determining program elements. HHS does maintain flexibility in approach in identifying children eligible for adoption subsidy assistance.

Adoption subsidy assistance provides financial help and services for children with physical, mental, and developmental disabilities and their adoptive parents. HHS has expanded eligibility to also include children aged five or over and children that are part of a sibling group of three or more children who are placed in the same adoptive home. Alternative approaches might include eliminating this expanded eligibility or adjusting the expanded eligibility criteria detailed here. HHS believes the eligibility criteria described in this rule chapter is at the level necessary to provide for safe and stable adoptive arrangements for children under the guardianship of the department.

**Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]**

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201.1

201.2  
201.3  
201.4  
201.5  
201.6  
201.11

**RULES PROPOSED FOR REPEAL (list rule number[s]):**

None identified.

**\*RULES PROPOSED FOR RE-PROMULGATION\* (list rule number[s] or include text if available):**

201.1  
201.2  
201.3  
201.4  
201.5  
201.6  
201.7  
201.8  
201.9  
201.10  
201.11  
201.12

***\*For rules being re-promulgated with changes, please attach a document with suggested changes, if available.***

**METRICS**

<b>Total number of rules repealed:</b>	0
<b>Proposed word count reduction after repeal and/or re-promulgation</b>	687
<b>Proposed number of restrictive terms eliminated after repeal and/or re-promulgation</b>	11

**ARE THERE ANY RULES YOU WOULD RECOMMEND BE CODIFIED IN STATUTE?**

None identified.