

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

<b>Department Name:</b>	Health & Human Services (HHS)	<b>Date:</b>	8/29/2023	<b>Total Rule Count:</b>	10
<b>IAC #:</b>	441	<b>Chapter/ SubChapter/ Rule(s):</b>	204	<b>Iowa Code Section Authorizing Rule:</b>	234.6
<b>Contact Name:</b>	Joe Campos	<b>Email:</b>	Joe.campos@ldph.iowa.gov	<b>Phone:</b>	515-304-0963

**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 guardianship arrangements by implementing a subsidized guardianship program to provide financial assistance to guardians of eligible children who are in foster care but are not able to be adopted and are not able to return home. Eligible children include those aged ten years or older or part of a sibling group with a child aged ten years or older, who have been previously under the custody of the department, with a documented permanency goal of guardianship or another planned permanent arrangement. Prospective guardians must be licensed, have a significant relationship with the child, and seek a long-term commitment.

Payments to approved guardians may include:

- Monthly maintenance payments with the maximum monthly rate made pursuant to the foster family care maintenance rates.
- Guardianship subsidy at a rate negotiated with HHS, not to exceed the state's current daily basic foster care rate plus any eligible daily special needs allowance or sibling allowance.
- Reimbursement for non-recurring expenses necessary to finalize a guardianship up to \$2,000.
- Reimbursement for special services for the child such as outpatient medical care, travel expenses for family therapy, or equipment required to accommodate a special need.

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

Figures below are actuals incurred in the fiscal years shown.

#### Identified Impacts\*

	SFY2020	SFY2021	SFY2022	3 Year Total
<b>Costs</b>				
Subsidy Payments to Guardians	(\$53,000)	(\$299,000)	(\$570,000)	(\$858,000)
<b>Benefits</b>				
Child Support Debt Incurred	Unknown	Unknown	Unknown	Unknown
Federal Title IV-E Funding	\$13,000	\$58,000	\$121,000	\$163,000
Improved Outcomes for Children under Guardianship	Qualitative	Qualitative	Qualitative	Qualitative
<b>Net Value</b>	(\$40,000)	(\$241,000)	(\$449,000)	(\$695,000)

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

The amount of subsidy is negotiated between HHS and the qualified guardian based on the needs of the child and circumstances of the family providing guardianship. Guardianship is a safe alternative to adoption, providing permanency for the youth without requiring formal termination of parental rights. HHS has continued to increase the number of children in the subsidized guardianship program since its inception in 2019. In SFY2023 139 children received a guardianship 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?**

Legally responsible parents may incur a support debt under the child support recovery program for foster care payments made. Subsidy payments are considered foster care payments for purpose of child support recovery. This is reflected in the table above as “Child Support Debt Incurred”.

**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 guardianships. The federal participation rate varies; in SFY22 Iowa’s participation rate was 21.51%. 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 -\$695,000 over the three fiscal years studied and improved outcomes for children in subsidized guardianship care. These costs may also be offset by support debt under the child support recovery program. The alternative to a child exiting the child welfare system through the subsidized guardianship program is the child remaining in the child welfare system. Should a child remain in the child welfare system, the state would incur costs to maintain a child in need of assistance case which may continue until the child reaches the age of 18.

**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 identifying children eligible for guardianship subsidy assistance.

HHS has defined eligible children as those aged ten years or older or part of a sibling group with a child aged ten years or older, who have been previously under the custody of the department. HHS believes the eligibility criteria described in this rule chapter is at the level necessary to provide for safe and stable guardianship arrangements for children in need of guardianship. Alternative approaches might include expanding or reducing the eligibility criteria detailed here.

**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]**

**PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE**

204.1  
204.2  
204.3  
204.4  
204.6

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

None identified.

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

204.1  
204.2  
204.3  
204.4  
204.5  
204.6  
204.7  
204.8  
204.9  
204.10

***\*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>	327
<b>Proposed number of restrictive terms eliminated after repeal and/or re-promulgation</b>	4

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

None identified.