

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 156
“Payments for Foster Care”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 232.143, 234.35 and 234.38
State or federal law(s) implemented by the rulemaking: Iowa Code section 234.39

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 21, 2025
10 a.m.

Microsoft Teams
Meeting ID: 286 319 808 076 0
Passcode: tX6ck6P8

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This chapter underwent a fulsome review as a part of the Red Tape Review process laid out in Executive Order 10. As a result of this review, restrictive terms were removed, areas that were duplicative were combined or eliminated, and editorial updates were made to reflect current policies and procedures. This proposed chapter establishes policies and procedures for the computation and collection of parental liability by the Department, as laid out in Iowa Code section 234.39.

In addition, this rulemaking implements, in part, 2025 Iowa Acts, House File 1049. Section 22 of the bill appropriates \$308,765 to increase foster care rates by 5 percent.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs associated with this proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

This proposed rulemaking benefits Iowans by collecting the parental liability costs associated with having children in foster care.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

These proposed rule changes increase financial support provided to kinship caregivers to align with the rates received by foster parents. This is an increase from \$310 per month currently to approximately \$555 per month. These proposed rule changes also increase the base daily foster care

maintenance payment by 5 percent and increase the lowest age tier daily rate from \$17.62 to \$18.50. Each additional age tier increases the daily rate by 5 percent pursuant to 2025 Iowa Acts, House File 1049, section 22.

- **Qualitative description of impact:**

The Kinship Caregiver Payment Program allows for kinship caregivers to receive financial support that begins 14 days after court-ordered placement of a child in their care due to an open child welfare case. This financial support provides the ability for the caregiver to further meet the child's needs and increase placement stability. The 5-percent increase to the daily foster care maintenance payment increases financial support to foster parents and kinship caregivers to better align with changing economic conditions, such as cost of living, to provide adequate care to meet the needs of children placed in out-of-home care.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

The majority of implementation costs stem from the administrative work required for the computation, review, and collection of parental liability costs.

- **Anticipated effect on State revenues:**

The collection of parental liability costs helps to recover some of the costs associated with providing for children in foster care. The State recovers about \$150,000 per year from parental liability in regard to the costs associated with providing for children in foster care.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Recovery of parental liability is required by the Iowa Code.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Recovery of parental liability costs is required by the Iowa Code.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Recovery of parental liability costs is required by the Iowa Code.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking is not expected to have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 156 and adopt the following **new** chapter in lieu thereof:

CHAPTER 156
PAYMENTS FOR FOSTER CARE

441—156.1(234) Definitions.

“Child welfare services” means age-appropriate activities to maintain a child’s connection to the child’s family and community, to promote reunification or other permanent placement, and to facilitate a child’s transition to adulthood.

“Cost of foster care” means the maintenance and supervision costs of foster family care, the maintenance costs and child welfare service costs of group care, and the maintenance and service costs of supervised apartment living and shelter care. The cost for foster family care supervision and for supervised apartment living services provided directly by the department caseworker is \$250 per month. When using this average monthly charge results in unearned income or parental liability being collected in excess of the cost of foster care, the excess funds will be placed in the child’s escrow account. The cost for supervised apartment living services purchased from a private provider are to be the actual costs paid by the department.

“Earned income” means income in the form of a salary, wages, tips, bonuses, commissions earned as an employee, income from job corps or profit from self-employment.

“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.

“Family foster care supervision” means the support, assistance, and oversight provided by department caseworkers to children in family foster care and directed toward achievement of the child’s permanency plan goals.

“Foster care” means substitute care furnished on a 24-hour-a-day basis to an eligible child in a licensed or approved facility by a person or agency other than the child’s parent or guardian but does not include care provided in a family home through an informal arrangement for a period of 20 days or less. Child foster care includes but is not limited to the provision of food, lodging, training, education, supervision and health care.

“Foster family care” means foster care provided by a foster family licensed by the department according to 441—Chapter 113, approved by the department according to Iowa Code chapter 237, or licensed or approved by the placing 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.

“Group care maintenance” means food, clothing, shelter, school supplies, personal incidentals, daily care, general parenting, discipline, and supervision of children to ensure their well-being and safety, and administration of maintenance items provided in a group care facility.

“Income” means earned and unearned income.

“Inflation factor” means the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31 that preceded the contractor’s fiscal year end.

“Intellectual disabilities professional” means a psychologist, physician, registered nurse, educator, social worker, physical or occupational therapist, speech therapist or audiologist who meets the educational requirements for the profession, as required in the state of Iowa, and has at least one year of experience working with persons with an intellectual disability.

“Kinship caregiver” means, for this chapter only, a person to whom a child is related by blood, marriage, or adoption, or a person who has a significant, committed, positive relationship with the child, who is caring for a child in foster care, pursuant to Iowa Code chapter 232.

“Kinship foster care approval” means the authorization granted to the caregiver by the department to provide child foster care through an expedited process according to Iowa Code chapter 237 and allows the kinship caregiver to receive maximum financial support and to obtain the information and

resources necessary to meet the needs of a child under a court-ordered placement with the kinship caregiver.

“Mental health professional” means a person who meets all of the following conditions:

1. Holds at least a master’s degree in a mental health field, including but not limited to psychology, counseling and guidance, psychiatric nursing and social work; or is a doctor of medicine or osteopathic medicine; and
2. Holds a current Iowa license when required by the Iowa professional licensure laws (such as a psychiatrist, a psychologist, a marital and family therapist, a mental health counselor, an advanced registered nurse practitioner, a psychiatric nurse, or a social worker); and
3. Has at least two years of postdegree experience supervised by a mental health professional in assessing mental health problems, mental illness, and service needs and in providing mental health services.

“Parent” means the biological or adoptive parent of the child.

“Parental liability” means a parent’s liability for the support of a child during the period of foster care placement. Liability is determined pursuant to 441—Chapter 99.

“Physician” means a licensed medical or osteopathic doctor as defined in Iowa Code section 135.1(4).

“Prevailing rate” means the maximum combined service and maintenance reimbursement rate the department pays to contracted shelter care providers as authorized by the legislature.

“Provider” means the entity that has executed a contract with the department to provide services.

“Service area manager” means the department employee or designee responsible for managing department offices and personnel within the service area and for implementing policies and procedures of the department.

“Special needs child” means a child with needs for emotional care, behavioral care, or physical and personal care that require additional skills, knowledge, or responsibility on the part of the foster parents, as measured by Form 470-4401, the Foster Child Behavioral Assessment form.

“Unearned income” means any income that is not earned income and includes supplemental security income (SSI) and other funds available to a child residing in a foster care placement.

This rule is intended to implement Iowa Code section 234.39.

441—156.2(234) Foster care recovery. The department will recover the cost of foster care provided by the department pursuant to the rules in this chapter and the rules in 441—Chapter 99, which establishes policies and procedures for the computation and collection of parental liability by child support services.

156.2(1) Funds are to be applied to the cost of foster care in the following order and each source exhausted before utilizing the next funding source:

- a. Unearned income of the child.
- b. Parental liability of the noncustodial parent.
- c. Parental liability of custodial parent(s).

156.2(2) The department serves as payee to receive the child’s unearned income. When a parent or guardian is not available or is unwilling to do so, the department is responsible for applying for benefits on behalf of a child placed in the care of the department. Until the department becomes payee, the payee shall forward benefits to the department. For voluntary foster care placements of children aged 18 and over, the child is the payee for the unearned income. The child shall forward these benefits, up to the actual cost of foster care, to the department.

156.2(3) The custodial parent shall assign child support payments to the department.

156.2(4) Unearned income of a child and parental liability of the noncustodial parent is placed in an account from whence it is applied toward the cost of the child’s current foster care and the remainder placed in an escrow account.

156.2(5) When a child has funds in escrow, these funds may be used by the department to meet the current needs of the child not covered by the foster care payments and not prohibited by the source of the funds.

156.2(6) When the child leaves foster care, funds in escrow are paid to the custodial parent(s) or guardian or to the child when the child has attained the age of majority, unless a guardian has been appointed.

156.2(7) When a child who has unearned income returns home after the first day of a month, the remaining portion of the unearned income (based on the number of days in the particular month) is made available to the child and the child's parents, guardian or custodian, if the child is eligible for the unearned income while in the home of a parent, guardian or custodian.

This rule is intended to implement Iowa Code section 234.39.

441—156.3(234) Rate of maintenance payment for foster family care.

156.3(1) *Basic rate.* A monthly payment for care in a foster family home licensed in Iowa will be made to the foster family based on the following schedule:

<u>Age of child</u>	<u>Daily rate</u>
0 through 5	\$18.50
6 through 11	\$19.24
12 through 15	\$21.06
16 or over	\$21.34

156.3(2) *Out-of-state rate.* A monthly payment for care in a foster family home licensed or approved in another state will be made to the foster family based on the rate schedule in effect in Iowa, except that the service area manager or designee may authorize a payment to the foster family at the rate in effect in the other state if the child's family lives in that state and the goal is to reunite the child with the family.

156.3(3) *Mother and child in foster care.* When the child in foster care is a mother whose young child is in placement with her, the rate paid to the foster family is based on the daily rate for the mother according to the rate schedule in subrules 156.6(1) and 156.6(4) and for the child according to the rate schedule in subrule 156.6(1). The foster parents shall provide a portion of the young child's rate to the mother to meet the partial maintenance needs of the young child as defined in the case permanency plan.

156.3(4) *Kinship foster care.* When the child in foster care is court-ordered to placement with an approved kinship caregiver to provide child foster care, the rate paid to the approved kinship caregiver is based on the daily amount according to the rate schedule in subrule 156.6(1).

a. When a foster family provides care to a sibling group of three or more children, an additional payment of \$1 per day per child may be authorized for each nonspecial needs child in the sibling group.

b. When the foster family's responsibilities in the case permanency plan include providing transportation related to family or preplacement visits outside the community in which the foster family lives, the department caseworker may authorize an additional maintenance payment of \$1 per day. Expenses over the monthly amount may be reimbursed with prior approval by the department caseworker. Eligible expenses include the actual cost of the most reasonable passenger fare or gas.

c. A supervisor may approve an additional maintenance payment above the basic rate in subrule 156.6(1) to meet the child's special needs as identified by the child's score on Form 470-4401, Foster Child Behavioral Assessment. The department caseworker will complete Form 470-4401, Foster Child Behavioral Assessment, within 30 days of the child's initial entry into foster care.

(1) Additional maintenance payments made under this paragraph can begin no earlier than the first day of the month following the month in which Form 470-4401, Foster Child Behavioral Assessment is completed and will be awarded as follows:

1. Behavioral needs rated at level 1 qualify for a payment of \$4.81 per day.

2. Behavioral needs rated at level 2 qualify for a payment of \$9.62 per day.
3. Behavioral needs rated at level 3 qualify for a payment of \$14.44 per day.
- (2) The department will review the child's need for this difficulty of care maintenance payment using Form 470-4401, Foster Child Behavioral Assessment:
 1. Whenever the child's behavior changes significantly;
 2. When the child's placement changes;
 3. After termination of parental rights, in preparation for negotiating an adoption subsidy or pre-subsidy payment; and
 4. Before a court hearing on guardianship subsidy.
- d. All maintenance payments, including difficulty of care payments, are to be documented on Form 470-0716, Foster Family Placement Contract.

156.3(5) *Payment method.* All foster family maintenance payments shall be made directly to the foster family.

156.3(6) *Return of overpayments.* When a foster family has received payments in excess of those allowed under this chapter, the department caseworker shall ask the foster family to return the overpayment. If the foster family is returning the overpayment to the department, the department caseworker shall note the monthly amount the foster family agrees to pay in the family's case file. The amount returned cannot be less than \$50 per month.

This rule is intended to implement Iowa Code section 234.38 and chapter 237.

441—156.4(234) Kinship caregiver payment.

156.4(1) A kinship caregiver payment is a monthly payment to financially support the care of a child in a kinship caregiver's home. If approved by the department, kinship caregiver payment will be provided for a period of up to four months.

156.4(2) All of the following conditions apply:

- a. For each eligible child living in a kinship placement, a caregiver will receive a monthly payment according to the basic rate schedule in subrule 156.6(1) as a result of a court-ordered placement.
- b. The payment will begin after 14 days of the child's placement in the kinship caregiver's home. The 14-day requirement is waived if the child enters the kinship caregiver's home immediately following a paid placement for at least 30 days.
- c. The payment will continue for up to four months.
- d. The kinship caregiver payment will be terminated if the child no longer resides in the home.
- e. Kinship caregivers who receive a foster care payment are not eligible to receive a kinship caregiver payment.

This rule is intended to implement Iowa Code section 232.102.

441—156.5(234) Additional payments.

156.5(1) *Clothing allowance.*

a. When, in the judgment of the department caseworker, clothing is needed at the time the child is removed from the child's home and placed in foster care and annually thereafter as needed based on the date the child entered foster care, an allowance may be authorized, not to exceed \$500 for the child through the age of 12 and \$750 for the child aged 13 and older, to purchase clothing.

b. When clothing is purchased by the foster family, the foster family shall submit receipts to the department caseworker within 30 days of purchase for auditing purposes, using Form 470-1952, Foster Care Clothing Allowance.

156.5(2) *Supervised apartment living.* When a child is initially placed in supervised apartment living, the service area manager or designee may authorize an allowance not to exceed \$630 if the child does not have sufficient resources to cover initial costs.

156.5(3) *Medical care.* When a child in foster care needs medical care or examinations that are not covered by the Medicaid program and no other source of payment is available, the cost may be

paid from foster care funds with the approval of the service area manager or designee. Eligible costs include emergency room care, medical treatment by out-of-state providers who refuse to participate in the Iowa Medicaid program, and excessive expenses for nonprescription drugs or supplies. Requests for payment for out-of-state medical treatment and for nonprescription drugs or supplies shall be approved prior to the care being provided or the drugs or supplies purchased. Claims shall be submitted to the department on Form GAX, General Accounting Expenditure, within 90 days after the service is provided. The rate of payment will be the same as allowed under the Iowa Medicaid program.

156.5(4) *Transportation for medical care.* When a child in foster family care has expenses for transportation to receive medical care that cannot be covered by the Medicaid program, the expenses may be paid from foster care funds, with the approval of the service area manager. The claim for all the expenses shall be submitted to the department on Form GAX, General Accounting Expenditure, within 90 days after the trip. This payment cannot duplicate or supplement payment through the Medicaid program. The expenses may include the actual cost of meals, parking, child care, lodging, passenger fare, or mileage at the rate granted state employees.

156.5(5) *Funeral expense.* When a child under the guardianship of the department dies, the department will pay funeral expenses not covered by the child's resources, insurance or other death benefits, the child's legal parents, or the child's county of legal settlement, not to exceed \$650. The claim shall be submitted by the funeral director to the department on Form GAX, General Accounting Expenditure, and approved by the service area manager. Claims shall be submitted within 90 days after the child's death.

156.5(6) *School fees.* Payment for required school fees of a child in foster family care or supervised apartment living that exceed \$5 may be authorized by the department caseworker in an amount not to exceed \$50 per calendar year if the child does not have sufficient escrow funds to cover the cost. Required school fees include:

- a. Fees required for participation in school or extracurricular activities; and
- b. Fees related to enrolling a child in preschool when a mental health professional or an intellectual disabilities professional has recommended school attendance.

156.5(7) *Respite care.* Respite care for a child in family foster care shall be for up to 24 days per calendar year per placement. Except for a certified respite provider, respite shall be provided by a licensed foster family. The payment rate to the respite foster family is the rate authorized under rule 441—156.6(234) to meet the needs of the child. Certified respite providers deliver foster child respite services in the foster family home for at least five hours a day at \$20 per day.

156.5(8) *Tangible goods, child care, and ancillary services.* To the extent that a foster child's escrow funds are not available, the service area manager or designee may authorize reimbursement to foster parents for the following:

- a. Tangible goods for a special needs child, including but not limited to building modifications, medical equipment not covered by Medicaid, specialized educational materials not covered by educational funds, and communication devices not covered by Medicaid.
- b. Child care services when the foster parents are working, the child is not in school, and the provision of child care is identified in the child's case permanency plan.

(1) Child care services shall be provided by a licensed foster parent or a licensed or registered child care provider when available.

(2) When foster parents elect to become child care providers, they shall be registered pursuant to 441—Chapter 110.

c. Ancillary services needed by the foster parent to meet the needs of a special needs child, including but not limited to specialized classes when directed by the case permanency plan.

d. Ancillary services needed by the special needs child, including but not limited to recreation fees, in-home tutoring and specialized classes not covered by education funds.

e. Requests for tangible goods, child care, and ancillary services shall be submitted to the service area manager for approval on Form 470-3056, Request for Tangible Goods, Child Care, and

Ancillary Services. Payment rates for tangible goods and ancillary services will be comparable to prevailing community standards. Payment rates for child care are established pursuant to 441—subrule 170.4(7).

f. Prior payment authorization will be issued by the service area manager before tangible goods, child care, and ancillary services are purchased by or for foster parents.

This rule is intended to implement Iowa Code section 234.38.

441—156.6(234) Rate of payment for foster group care.

156.6(1) *In-state reimbursement.* Contracted foster group care facilities licensed or approved in the state of Iowa will be paid for group care maintenance and child welfare services in accordance with contracted terms.

a. Additional payment for group care maintenance may be authorized if a facility provides care for a mother and her young child according to subrule 156.9(4).

b. No less than annually, the department will redetermine the allocation of the combined child welfare service per diem rate between the maintenance and service portions plus the inflation factor based on review of the verified Form 470-5421, Combined Cost Report. If the new allocation differs from the current allocation, the department will:

(1) Reallocate the combined child welfare service per diem for foster group care between the maintenance and service portions plus the inflation factor of the combined rate; and

(2) Notify all providers of any change in the allocation between maintenance and service rates.

156.6(2) *Out-of-state group care payment rate.* When the department determines that appropriate care is not available in Iowa and a licensed or approved contractor outside Iowa is used, the payment rate for contracted foster group care services will be the Iowa rate unless the director grants an exception. The rate cannot exceed the rate paid for clients from that state.

156.6(3) *Out-of-state placement determination.*

a. Placement. When determining whether appropriate care is available within the state, the director will consider each of the following:

(1) Whether the child's treatment needs are exceptional.

(2) Whether appropriate in-state alternatives are available.

(3) Whether an appropriate in-state alternative could be developed by using juvenile court-ordered service funds or wrap-around funds.

(4) Whether the placement and additional payment are expected to be time-limited with anticipated outcomes identified.

(5) If the placement has been approved by the service area manager or chief juvenile court officer.

b. Procedure. The service area manager or chief juvenile court officer will submit the request for director's exception to the department. This request will be made in advance of placing the child and should allow a minimum of two weeks for a response. The request should contain documentation addressing the criteria for director's approval listed in paragraph 156.6(3) "a."

156.6(4) *Mother-young child rate.* When a group foster care facility provides foster care for a mother and her young child, an additional maintenance rate will cover the maintenance needs of the young child. No additional amount is allowed for service needs of the child.

a. The rate is set in the provider contract. The young child maintenance rate is limited to the costs associated with food, clothing, shelter, personal incidentals, and supervision for each young child and cannot exceed the maintenance rate for the mother. Costs for day care cannot be included in the maintenance rate.

b. Unless the court has transferred custody from the mother, the mother shall have primary responsibility for providing supervision and parenting for the young child. The facility shall provide services to the mother to assist her to meet her parenting responsibilities and monitor her care of the young child.

c. The provider shall provide services to the mother to assist her to:

- (1) Obtain a high school diploma or high school equivalency.
 - (2) Develop preemployment skills.
 - (3) Establish paternity for her young child whenever appropriate.
 - (4) Obtain child support for the young child whenever paternity is established.
 - d. The provider shall maintain information in the mother's file on:
 - (1) The involvement of the mother's parents or of other adults.
 - (2) The involvement of the father of the minor's child, including steps taken to establish paternity, if appropriate.
 - (3) A decision of the minor to keep and raise her young child.
 - (4) Plan for the minor's completion of high school or a high school equivalency program.
 - (5) The parenting skills of the minor parent.
 - (6) Child care and transportation plans for education, training or employment.
 - (7) Ongoing health care of the mother and child.
 - (8) Other services as needed to address personal or family problems or to facilitate the personal growth and development toward economic self-sufficiency of the minor parent and young child.
 - e. The provider designates \$35 of the young child rate as an allowance to the mother to meet the maintenance needs of her young child, as defined in her case permanency plan.
- This rule is intended to implement Iowa Code sections 234.6 and 234.38.

441—156.7(234) Payment for reserve bed days.

156.7(1) *Group care facilities.* The department will provide payment for group care maintenance and child welfare services according to the following requirements.

a. *Family visits.* Reserve bed payment will be made for days a child is absent from the facility for family visits when the absence is in accord with the following:

- (1) The visits shall be consistent with the child's case permanency plan.
- (2) The facility shall notify the department caseworker of each visit and its planned length prior to the visit.
- (3) The intent of the department and the facility will be for the child to return to the facility after the visit.
- (4) Staff from the facility shall be available to provide support to the child and family during the visit.
- (5) Payment will be canceled and payments shall be returned if the facility refuses to accept the child back.
- (6) If the department and the facility agree that the return would not be in the child's best interest, payment will be canceled effective the day after the joint decision not to return the child.
- (7) Payment will be canceled effective the day after a decision is made by the court or parent in a voluntary placement not to return the child.
- (8) Payment will not exceed 14 consecutive days, except upon prior written approval of the service area manager. In no case can payment exceed 30 consecutive days.
- (9) The provider shall document the use of reserve bed days in the daily log and report the number of reserve bed days claimed in the quarterly report.

b. *Hospitalization.* Reserve bed payment will be made for days a child is absent from the facility for hospitalization when the absence is in accord with the following:

- (1) The facility shall contact the department caseworker at least 48 hours in advance of a planned hospitalization and within 24 hours after an unplanned hospitalization.
- (2) The intent of the department and the facility shall be for the child to return to the facility after the hospitalization.
- (3) Staff from the facility shall be available to provide support to the child and family during the hospitalization.
- (4) Payment will be canceled and payments shall be returned if the facility refuses to accept the child back.

(5) If the department and the facility agree that the return would not be in the child's best interest, payment will be canceled effective the day after the joint decision not to return the child.

(6) Payment will be canceled effective the day after a decision is made by the court or parent in a voluntary placement not to return the child.

(7) Payment will not exceed 14 consecutive days, except upon prior written approval of the service area manager. In no case can payment exceed 30 consecutive days.

(8) The provider shall document the use of reserve bed days in the daily log and report the number of reserve bed days claimed in the quarterly report.

c. Runaways. Reserve bed payment will be made for days a child is absent from the facility after the child has run away when the absence is in accord with the following:

(1) The facility shall notify the department caseworker within 24 hours after the child runs away.

(2) The intent of the department and the facility will be for the child to return to the facility once the child is found.

(3) Payment will be canceled and payments shall be returned if the facility refuses to accept the child back.

(4) If the department and the facility agree that the return would not be in the child's best interest, payment will be canceled effective the day after the joint decision not to return the child.

(5) Payment will be canceled effective the day after a decision is made by the court or parent in a voluntary placement not to return the child.

(6) Payment will not exceed 14 consecutive days, except upon prior written approval of the service area manager. In no case will payment exceed 30 consecutive days.

(7) The provider shall document the use of reserve bed days in the daily log and report the number of reserve bed days claimed in the quarterly report.

d. Preplacement visits. Reserve bed payment will be made when a child is making a planned preplacement visit to another foster care placement or an adoptive placement when the absence is in accord with the following:

(1) The visits shall be consistent with the child's case permanency plan.

(2) The intent of the department and the facility will be for the child to return to the facility.

(3) Staff from the facility shall be available to provide support to the child and provider during the visit.

(4) Payment will be canceled and payment shall be returned if the facility refuses to accept the child back.

(5) Payment will not exceed two consecutive days.

(6) The provider shall document the use of reserve bed days in the daily log and report the number of reserve bed days claimed in the quarterly report.

156.7(2) Foster family care.

a. Family visits. Reserve bed payment will be made for days a foster child is absent from the foster family home for family visits when the absence is in accord with the following:

(1) The visits shall be consistent with the child's case permanency plan.

(2) The intent of the department and the foster family will be for the child to return to the foster family home after the visit.

(3) Payment will be canceled and payments shall be returned if the foster family refuses to accept the child back.

(4) If the department and the foster family agree that the return would not be in the child's best interest, payment will be canceled effective the day after the joint decision not to return the child.

(5) Payment will be canceled effective the day after a decision is made by the court or parent in a voluntary placement not to return the child.

(6) Payment will not exceed 14 consecutive days, except upon prior written approval of the service area manager. In no case will payment exceed 30 consecutive days.

b. Hospitalization. Reserve bed payment will be made for days a foster child is absent from the foster family home for hospitalization when the absence is in accord with the following:

(1) The intent of the department and the foster family will be for the child to return to the foster family home after the hospitalization.

(2) Payment will be canceled and payments shall be returned if the foster family refuses to accept the child back.

(3) If the department and the foster family agree that the return would not be in the child's best interest, payment will be canceled effective the day after the joint decision not to return the child.

(4) Payment will be canceled effective the day after a decision is made by the court or parent in a voluntary placement not to return the child.

(5) Payment will not exceed 14 consecutive days, except upon prior written approval of the service area manager. In no case shall payment exceed 30 consecutive days.

c. Runaways. Reserve bed payment will be made for days a foster child is absent from the foster family home after the child has run away when the absence is in accord with the following:

(1) The foster family shall notify the department caseworker within 24 hours after the child runs away.

(2) The intent of the department and the foster family will be for the child to return to the foster family home once the child is found.

(3) Payment will be canceled and payments shall be returned if the foster family refuses to accept the child back.

(4) If the department and the foster family agree that the return would not be in the child's best interest, payment will be canceled effective the day after the joint decision not to return the child.

(5) Payment will be canceled effective the day after a decision is made by the court or parent in a voluntary placement not to return the child.

(6) Payment cannot exceed 14 consecutive days, except upon prior written approval of the service area manager. In no case will payment exceed 30 consecutive days.

d. Preplacement visits. Reserve bed payment will be made when a foster child is making a planned preplacement visit to another foster care placement or an adoptive placement when the absence is in accord with the following:

(1) The visits shall be consistent with the child's case permanency plan.

(2) The intent of the department and the foster family home will be for the child to return to the foster family home.

(3) Payment will be canceled and payment shall be returned if the foster family home refuses to accept the child back.

(4) Payment cannot exceed two consecutive days.

156.7(3) Shelter care facilities.

a. Hospitalization. Reserve bed payment will be made for days a child is absent from the facility for hospitalization when the absence is in accord with the following:

(1) The facility shall contact the department caseworker at least 48 hours in advance of a planned hospitalization and within 24 hours after an unplanned hospitalization.

(2) The intent of the department and the facility will be for the child to return to the facility after the hospitalization.

(3) Staff from the facility shall be available to provide support to the child and family during the hospitalization.

(4) Payment will be canceled and payments shall be returned if the facility refuses to accept the child back.

(5) If the department and the facility agree that the return would not be in the child's best interest, payment will be canceled effective the day after the joint decision not to return the child.

(6) Payment will be canceled effective the day after a decision is made by the court or parent in a voluntary placement not to return the child.

(7) Payment cannot exceed 14 consecutive days, except upon prior written approval of the service area manager. In no case will payment exceed 30 consecutive days.

(8) The provider shall document the use of reserve bed days in the daily log and report the number of reserve bed days claimed in the quarterly report.

b. Preplacement visits. Reserve bed payment will be made when a child is making a planned preplacement visit to another foster care placement or an adoptive placement when the absence is in accord with the following:

- (1) The visits shall be consistent with the child's case permanency plan.
- (2) The intent of the department and the facility will be for the child to return to the facility.
- (3) Staff from the facility shall be available to provide support to the child and provider during the visit.
- (4) Payment will be canceled and payment shall be returned if the facility refuses to accept the child back.

(5) Payment will not exceed two consecutive days.

(6) The provider shall document the use of reserve bed days in the daily log and report the number of reserve bed days claimed in the quarterly report.

c. Family visits. Reserve bed payment will be made for days a child is absent from the facility for family visits when the absence is in accord with the following:

- (1) The visits shall be consistent with the child's case permanency plan.
- (2) The facility shall notify the department caseworker of each visit and its planned length prior to the visit.
- (3) The intent of the department and the facility will be for the child to return to the facility after the visit.
- (4) Staff from the facility shall be available to provide support to the child and family during the visit.

(5) Payment will be canceled and payments shall be returned if the facility refuses to accept the child back.

(6) If the department agrees that the return would not be in the child's best interest, payment will be canceled effective the day after the joint decision not to return the child.

(7) Payment will be canceled effective the day after a decision is made by the court or parent in a voluntary placement not to return the child.

(8) Payment cannot exceed seven consecutive days, except upon prior written approval of the service area manager. In no case will payment exceed 14 consecutive days.

(9) The provider shall document the use of reserve bed days in the daily log and report the number of reserve bed days claimed in the quarterly report.

d. Runaways. Reserve bed payment will be made for days a child is absent from the facility after the child has run away when the absence is in accord with the following:

- (1) The facility shall notify the department caseworker within 24 hours after the child runs away.
- (2) The intent of the department and the facility will be for the child to return to the facility once the child is found.
- (3) Payment will be canceled and payments shall be returned if the facility refuses to accept the child back.

(4) If the department agrees that the return would not be in the child's best interest, payment will be canceled effective the day after the joint decision not to return the child.

(5) Payment will be canceled effective the day after a decision is made by the court or parent in a voluntary placement not to return the child.

(6) Payment cannot exceed seven consecutive days, except upon prior written approval of the service area manager. In no case can payment exceed 14 consecutive days.

(7) The provider shall document the use of reserve bed days in the daily log and report the number of reserve bed days claimed in the quarterly report.

This rule is intended to implement Iowa Code sections 234.6 and 234.35.

441—156.8(234) Emergency juvenile shelter care payment. Contracted juvenile shelter care facilities approved or licensed in Iowa will be paid in accordance with contracted terms, not to exceed the allowable costs as permitted by Iowa Code section 232.141(8).

This rule is intended to implement Iowa Code sections 234.6 and 234.39.

441—156.9(234) Supervised apartment living.

156.9(1) *Child monthly stipend.* For each eligible child living in a supervised apartment living situation, the monthly stipend payment for the child is \$787.50. This payment may be paid to the child or another payee, other than a department employee, for the child's living expenses.

156.9(2) *Service.* When services for a youth in supervised apartment living are purchased, the service components and any special provisions shall be specified by the service worker in the youth's case permanency plan.

This rule is intended to implement Iowa Code section 234.35.

441—156.10(234,252C) Voluntary placements. When placement is made on a voluntary basis, the parent or guardian shall complete and sign Form 470-0715, Voluntary Placement Agreement.

This rule is intended to implement Iowa Code section 234.39.

441—156.11(234) Child's earnings. Earned income of a child who is in foster care shall be reported to the department, and the earned income's use shall be part of the child's plan for service, but the income cannot be used towards the cost of the child's care as established by the department.

This rule is intended to implement Iowa Code section 234.39.

441—156.12(234) Trust funds and investments.

156.12(1) When the child is a beneficiary of a trust and the proceeds therefrom are not currently available, or are not sufficient to meet the child's needs, the worker will assist the child in having a petition presented to the court requesting release of funds to help meet current requirements. When the child and responsible adult cooperate in necessary action to obtain a ruling of the court, income cannot be considered available until the decision of the court has been rendered and implemented. When the child and responsible adult do not cooperate in the action necessary to obtain a ruling of the court, the trust fund or investments will be considered as available to meet the child's needs immediately. When the child or responsible adult does not cooperate within 90 days in making the income available, the maintenance payment is terminated.

156.12(2) The department is the payee for income from any trust funds or investments unless limited by the trust.

156.12(3) Savings accounts from any income and proceeds from the liquidation of securities shall be placed in the child's account maintained by the department and any amount in excess of \$1,500 is applied towards cost of the child's maintenance.

This rule is intended to implement Iowa Code section 234.39.

441—156.13(234) Preadoptive homes. Payment for a foster child placed in a preadoptive home is limited to the amount negotiated pursuant to rule 441—201.5(600) and cannot exceed the foster care maintenance amount paid in family foster care.

This rule is intended to implement Iowa Code section 234.38.

441—156.14(234) Eligibility for foster care payment.

156.14(1) *Client eligibility.* Foster care payment is limited to the following populations.

a. Youth under the age of 18 are eligible based on legal status, subject to certain limitations.

(1) Legal status. The youth's placement will be based on one of the following legal statuses:

1. The court has ordered foster care placement pursuant to Iowa Code section 232.52(2) "d," 232.102(1), or 232.117.

2. The child is placed in shelter care pursuant to Iowa Code section 232.20(1) or 232.21.

3. The department has agreed to provide foster care under a voluntary placement agreement pursuant to rule 441—202.3(234).

(2) Limitations. Department payment for group care is limited to placements that have been authorized by the department and that conform to the service area group care plan developed pursuant to rule 441—202.17(232). Payment for an out-of-state group care placement shall be limited to placements approved pursuant to 441—subrule 202.8(2).

b. Youth aged 18 and older who meet the definition of child in rule 441—202.1(234) are eligible based on age, a voluntary placement agreement pursuant to 441—subrule 202.3(3), and type of placement.

(1) Except as provided in subparagraph 156.14(1)“b”(3), payment for a child who is 18 years of age is limited to family foster care or supervised apartment living.

(2) Except as provided in subparagraph 156.14(1)“b”(3), payment for a child who is 19 years of age will be limited to supervised apartment living.

(3) Exceptions. An exception to subparagraphs 156.14(1)“b”(1) and “b”(2) will be granted for all unaccompanied refugee minors. The child’s eligibility for the exception will be documented in the case record. The service area manager or designee will grant an exception for other children when the child meets all of the following criteria.

1. The child does not have an intellectual disability. Funding for services for persons with an intellectual disability is the responsibility of the county or state pursuant to Iowa Code section 222.60.

2. The child is at imminent risk of becoming homeless or of failing to graduate from high school or obtain a general equivalency diploma. “At imminent risk of becoming homeless” means that a less restrictive living arrangement is not available.

3. The placement is in the child’s best interests.

4. Funds are available in the service area’s allocation. When the service area manager has approved payment for foster care pursuant to this subparagraph, funds that may be necessary to provide payment for the time period of the exception, not to exceed the current fiscal year, will be considered encumbered and no longer available. Each service area’s funding allocation will be based on the service area’s portion of the total number of children in foster care on March 31 preceding the beginning of the fiscal year, who would no longer be eligible for foster care during the fiscal year due to age, excluding unaccompanied refugee minors.

c. A young mother is eligible for the extra payment for her young child living with her in care as set forth in subrules 156.3(3) and 156.6(4) and if all of the following apply:

(1) The mother is placed in foster care.

(2) The mother’s custodian determines, as documented in the mother’s case permanency plan, that it is in her best interest and the best interest of the young child that the child remain with her.

(3) A placement is available.

(4) The mother agrees to refund to the department any child support payments she receives on behalf of the child and to allow the department to be made payee for any other unearned income for the child.

156.14(2) *Provider eligibility for payment.* Providers of foster care services shall have a foster care services contract under 441—Chapter 152 in force.

This rule is intended to implement Iowa Code sections 232.143, 234.35 and 234.38.