FILED
DEC 02 2022
CLERK SUPREME COURT

CHAPTERS 64 TO 69

Reserved

CHAPTER 70
IOWA RULES OF JUVENILE COURT SERVICES DIRECTED PROGRAMS

PREAMBLE

[1] Iowa Code section 232.192 (as enacted by HF 2507, effective July 1, 2023) provides that juvenile court services shall administer "early intervention and follow-up programs." Historically, the legislature has appropriated funds for such programs using the term "juvenile delinquent graduated sanctions services." These rules are intended to effectuate Iowa Code section 232.192 and apply to the appropriation historically termed "juvenile delinquent graduated sanctions services."

[2] These rules prescribe services for eligible children from funds appropriated specifically for juvenile court services directed programs. The state court administrator, the director of juvenile court services, and chief juvenile court officers have primary responsibility for the administration of early intervention and follow-up programs/graduated sanctions and noncontracted/court-ordered services for eligible children. These funds may also be used to enhance the education and performance of those employees who are directly involved with the clients and their programs.

[3] These rules, pursuant to the authority granted in the Iowa Code and annual appropriations acts, prescribe the relationship between the state court administrator, the director of juvenile court services, and the chief juvenile court officer from each judicial district in the administration of the funds for the juvenile court services directed programs. These rules establish the criteria for the allocation of funds and the procedures for the administration, eligibility, contracting, billing and payment, application, and service delivery for early intervention and follow-up programs/graduated sanctions and noncontracted/court-ordered services. In addition, these rules detail expenses that are eligible for reimbursement from the noncontracted/court-ordered service allocation as well as the expenses that are ineligible for reimbursement. The lists are intended to be exhaustive.

[4] The early intervention and follow-up programs/graduated sanctions services are services to be provided to children adjudicated delinquent and to children who have been referred to juvenile court services for a delinquency violation or who have exhibited behaviors that put them at risk of a juvenile delinquency referral. The services are directed to enhance personal adjustment

to help the children transition into productive adulthood and to prevent or reduce criminal charges, out-of-home placement, and recidivism. The services are provided in the child's home community whenever feasible. These services may be provided in an individual or group setting and can include, but are not limited to, supervised educational support and treatment and outreach services to eligible children who are experiencing social, behavioral, or emotional problems that put them at risk of involvement with the juvenile justice system. This mix of services allows the flexibility to tailor treatment and services to meet the specific needs of the child. A program for a child may be funded from multiple sources, but the funding sources may not duplicate or overlap. The components and activities shall be outlined in the contract. Services offered may provide individualized and intensive interventions to assist a child in establishing positive behavior patterns and to help the child maintain accountability in a community-based setting.

DIVISION I
DEFINITIONS

Rule 70.101 Definitions.

70.101(1) *At risk.* "At risk" means that a child has been referred to juvenile court services for a delinquency violation or has exhibited behaviors likely to result in a juvenile delinquency referral.

70.101(2) *Audit.* "Audit" means an official examination and verification of financial accounts and records by the auditor of state's office.

70.101(3) *Case file.* "Case file" means an electronic file that includes referral information, information generated during assessment, documentation of court proceedings, other eligibility determinations, case plans, and case reports, including quarterly progress reports. Case files of providers also include records of provider–child contact that document provision of services.

70.101(4) *Chief juvenile court officers.* "Chief juvenile court officers" are defined under Iowa Code section 602.1217.

70.101(5) *Child.* "Child" means a person under 18 years of age. "Child" also includes a person up to 19 1/2 years of age when (1) the person is adjudicated delinquent and the dispositional order is entered while the person is 17 years of age (in which case, the order terminates 18 months after the date of disposition), or (2) the person, as an adult, has been transferred to the jurisdiction of the

juvenile court and is adjudicated as having committed a delinquent act before becoming an adult (in which case, the dispositional order automatically terminates 18 months after the last date upon which jurisdiction could attach). Also included is a juvenile who has been adjudicated by the court to have committed a delinquent act upon the child reaching 18 years of age until the child is 21 years of age if the child and juvenile court services determine the child should remain under the guidance of juvenile court services.

70.101(6) *Contract compliance review.* "Contract compliance review" means official examination and verification of contractual and financial records conducted virtually and asynchronously. A virtual contract compliance review meets the annual contract review requirements so long as client records are available to be securely reviewed.

70.101(7) *Director of juvenile court services.* "Director of juvenile court services" means the position responsible for the day-to-day management of juvenile court services statewide initiatives, including federal programs; this position serves as a liaison with other departments and agencies.

70.101(8) *Early intervention and follow-up programs/graduated sanctions services.* "Early intervention and follow-up programs/graduated sanctions services" means services to be provided to children adjudicated delinquent and to children who have been referred to juvenile court services for a delinquency violation or who have exhibited behaviors that put them at risk of a juvenile delinquency referral. The services are directed to enhance personal adjustment to help the children transition into productive adulthood and to prevent or reduce criminal charges, out-of-home placement, and recidivism and to ensure community safety.

70.101(9) *Eligible child.* "Eligible child" means a child who has been adjudicated delinquent, is at risk, or has been identified by the chief juvenile court officer as eligible for early intervention and follow-up programs/noncontracted/court-ordered or juvenile delinquent graduated sanction services.

70.101(10) *Juvenile court officer.* "Juvenile court officer" means a person appointed as a juvenile court officer or a chief juvenile court officer under Iowa Code section 602.7202.

70.101(11) *Juvenile justice service plan.* "Juvenile justice service plan" means an annual plan developed by each chief juvenile court officer which accounts for

expenditure of the district's annual allocation and provision for service to the eligible children in their district.

70.101(12) *Noncontracted/court-ordered services.* "Noncontracted/court-ordered services" means the defined or specific care and treatment ordered by the court for an eligible child and for which no other payment source is available to cover the cost or the defined or specific care and treatment for an eligible child for which a service contract does not otherwise exist.

70.101(13) *On-site review.* "On-site review" means an official examination and verification of contractual and financial records conducted at the location where the clients are served, where the client and financial records are stored, or both.

70.101(14) *Provider.* "Provider" means a public agency, including a school district or government unit, or a private agency, organization, or eligible individual authorized to do business in the state. The provider is also known as the "claimant."

70.101(15) *State court administration.* "State court administration" refers generally to positions responsible for various statewide functions, including, but not limited to, the state court administrator, director of finance, and director of juvenile court services.

70.101(16) *State court administrator.* "State court administrator" is defined under Iowa Code section 602.1101.

70.101(17) *Supportive enhancements.* "Supportive enhancements" means a category of services, real goods, or incentives matched to the risk needs of a child that support a child to reduce or eliminate delinquent or at-risk behavior.

DIVISION II
GENERAL PROVISIONS

Rule 70.201 Appropriation and allocation of funds.

70.201(1) Pursuant to the authority granted in Iowa Code chapters 232 and 602 and the annual appropriations acts, the judicial branch, represented by the state court administrator, the director of juvenile court services, and the chief juvenile court officers, are each charged with specific responsibilities for funding, administering, and ensuring the provision of juvenile court services directed programs.

a. The funds shall be appropriated to the judicial branch for allocation by the state court administrator and the director of juvenile court services for the

payment of the expenses of juvenile court services directed programs, including administration of these services.

(1) The state court administrator and director of juvenile court services shall base the allocation of each district's respective portion of funds on the statewide population of children as reported in current census data.

(2) The source of the census data shall be determined and agreed upon by the state court administrator and the director of juvenile court services.

b. State court administration shall allocate a set-aside amount up to, but not to exceed, 20% of the total appropriation for early intervention and follow-up programs/graduated sanctions services for state court administration to pay the administrative costs related to administering these allocated funds.

c. The annual budget tracking form, with estimated or actual transfers outside the judicial branch, shall be updated a minimum of twice annually.

d. The ongoing budget tracking form shall be updated monthly for all obligated costs and expenditures by the end of the succeeding month.

Rule 70.202 Allocation of Title IV-E Prevention Service reimbursement funds. Funds received as reimbursement for Title IV-E Prevention Service Programs shall be allocated to the judicial districts in the same ratio as the expenditure of funds for prevention services within each district after the maintenance of effort requirement has been met.

Rule 70.203 Availability of funds. The judicial branch shall monitor the availability of funds throughout the state fiscal year.

70.203(1) The state court administrator, the director of juvenile court services, and the chief juvenile court officers shall reallocate funds as needed to ensure the availability of services on a statewide basis throughout the state fiscal year.

70.203(2) If funding for early intervention and follow-up programs/graduated sanctions and noncontracted/court-ordered services are exhausted in any district, the respective services within that district shall be discontinued.

70.203(3) The chief juvenile court officer shall be responsible for communicating this information.

Rule 70.204 Transfer of funds. Allocated funds may be transferred to a decategorization governance board or to other government agencies or departments.

70.204(1) The state court administrator and the director of juvenile court services will determine transfers for state-level projects.

70.204(2) Each chief juvenile court officer may transfer funds from their own district allocation.

70.204(3) All transfers are dependent upon availability of funds.

70.204(4) Fund transfers will identify any specific usage, and reporting requirements, as well as any limitations related to the funds. The receiving entity must agree to the usage, and reporting requirements, as well as any spending limitations prior to acceptance of any funds transfer.

Rule 70.205 Administration of juvenile court services programs within each judicial district. Each chief juvenile court officer is responsible for the administration of the early intervention and follow-up programs/graduated sanctions and noncontracted/court-ordered service funds within their judicial district. The chief juvenile court officer shall purchase services on behalf of eligible children within their judicial district.

70.205(1) *Planning for service needs.*

a. Each chief juvenile court officer shall develop a process for determining:

(1) The service needs of the children within their district.

(2) The mix of services to be provided to best meet the identified needs within the district.

b. Each chief juvenile court officer shall develop a draft juvenile justice service plan for their judicial district that accounts for the expenditure of their annual allocation for the new state fiscal year.

(1) The draft annual plan must be submitted to the state court administrator by September 15th for the current state fiscal year.

(2) The state court administrator shall approve or recommend changes to each district's draft annual plan by September 30th for the current state fiscal year.

c. The chief juvenile court officers, in conjunction with the director of juvenile court services, shall develop the juvenile justice service plan guidance and shall review and make adjustments to this guidance annually. At a minimum, this guidance shall address:

(1) Community safety.

(2) Matching service type and dosage to risk level.

(3) Recidivism.

(4) Evidence based services.

(5) Promising practices.

(6) Racial and ethnic disparities.

(7) Reentry.

(8) Cross-over practices.

d. The JCS Quality Improvement staff shall evaluate and ensure the quality and effectiveness of the services being provided.

e. The chief juvenile court officer shall make recommendations concerning changes that are needed to ensure that children and families receive the services necessary to meet the unique needs of their judicial district.

70.205(2) *Eligible providers.*

a. The chief juvenile court officer shall purchase services from public or private agencies, organizations, or eligible individuals.

b. To be eligible to provide services, an organization or individual shall meet the following criteria:

(1) Submit a completed W9; and

(2) Have a federal identification number; or

(3) Have a social security number for which the state accounting enterprise has determined that an employee–employer relationship with the state does not exist; or

(4) Be paid an amount during a state fiscal year that does not exceed $1,000 plus allowable expenses such as meals, lodging, and mileage per state fiscal year as determined according to state accounting enterprise procedure 240.102.

70.205(3) *Allowable costs.*

a. The administrative and program requirements of these court rules include those costs specified below:

(1) Reimbursement for mileage, meals, and lodging expenses involved in the transportation of the child shall not exceed the lower of the rates set by the judicial branch, or the provider's customary rate, unless the transportation is provided by a public officer or employee.

(2) A public officer or employee, other than a state officer or employee, is entitled to be reimbursed for expenses.

(3) As specified in Iowa Code section 331.655, when the court order specifies that the public officer or employee shall provide transportation. The allowable expenses for which sheriffs may be reimbursed are found in Iowa Code section 70A.9.

(4) Expenses approved by the chief juvenile court officer when the court order does not specify that the public officer or employee shall provide transportation.

b. A provider with a service contract for a similar service shall be reimbursed at the rate of the purchase of service contract. A provider that does not have a service contract shall be reimbursed at a rate comparable to the rate reimbursed to providers that have service contracts.

c. Funds for early intervention and follow-up programs/graduated sanctions and noncontracted/court-ordered services shall not be used in lieu of private insurance.

70.205(4) *Contract development.* The chief juvenile court officer shall have the responsibility to initiate contracts for services.

a. Contracting process. All service contracts must follow the Judicial Branch Procurement Policy.

(1) Each chief juvenile court officer shall be responsible to develop contracts within their judicial district with each provider selected through the process.

(2) The chief juvenile court officer, the provider, and state court administration shall sign the contract.

(3) The chief juvenile court officer or designee is responsible for distributing a copy of the signed contract, amendment, or renewal letter to the provider.

(4) Contract amendments shall be prepared whenever there is a change in the amount of contracted dollars, contract duration, program description, or any other terms of the contract.

1. Any party to the contract may request an amendment to the contract. The provider may request a contract amendment through the chief juvenile court officer.

2. The chief juvenile court officer, the provider, and state court administration shall sign all contract amendments.

(5) Prior to signing a contract, DAS-SAE must determine that no employer–employee relationship with the state exists. A vendor must either:

1. have a valid, assigned SAE number; or

2. follow the steps to be assigned an SAE number as outlined in state accounting enterprise procedure 240.102.

70.205(5) *Contract content.*

a. Contracts for purchasing services shall be developed using contract forms approved as to legal form by state court administration.

b. The contract shall:

(1) Note the deliverables, performance measures, and payment methodology.

(2) Describe the process the provider shall follow to complete and submit claims for payment.

c. The contract shall not guarantee a specific amount of utilization.

d. A minimum and a maximum number of participants may be established.

Rule 70.206 Billing and payment. The chief juvenile court officer shall ensure that billing and payment are in compliance with judicial branch requirements and the requirements of the accounting policies and procedures manual of the department of administrative services, state accounting enterprise. A claim that meets the requirements of these rules becomes a state liability on the date of the claim's accrual. The date of a claim's accrual is the date the service was provided, the end of the agreed-upon billing interval specified in the contract, or the date of a determination of liability for the claim.

70.206(1) *Claim forms and instructions.* The instructions and forms used for billing shall be available to all providers electronically.

a. For claims for noncontracted/court-ordered services:

(1) The provider shall prepare a claim for noncontracted/court-ordered services on Form GAX, General Accounting Expenditure. An original, itemized invoice may accompany a Form GAX in lieu of a claimant's original signature.

(2) The provider shall ensure receipt of a referral from juvenile court services for all noncontracted/court-ordered services and the applicable court order prior to commencement of services as required. The provider shall submit the noncontracted/court-ordered service referral, as applicable, and court order, as applicable, with the GAX form, and/or itemized invoice for payment.

b. For claims for contracted services:

(1) The provider shall prepare a claim for contracted services on Form GAX, General Accounting Expenditure. An original, itemized invoice may accompany a Form GAX in lieu of a claimant's original signature.

(2) The provider shall ensure receipt of a referral from juvenile court services for all contracted services, as applicable. The provider shall also submit the referral along with an approved invoice and a copy of the provider's list of the eligible children for whom the claim is made. The document submitted shall include the name of each child and the number of units of service provided to that child each month, as required by the individual contract.

70.206(2) *Preparation of a claim.* The Form GAX, General Accounting Expenditure, with an original claimant signature or an original, itemized invoice, shall be submitted with all claims.

a. The Form GAX submitted shall not include claims for more than one state fiscal year.

b. The provider, as vendor, must enter on the Form GAX:

(1) The vendor code.

(2) The vendor's name and mailing address.

(3) The vendor's service month(s).

(4) A short description of the item or service that was purchased.

(5) A claimant original signature of the provider unless an original invoice is submitted.

70.206(3) *Support of a claim.*

a. The provider bears ultimate responsibility for the completeness and accuracy of each claim submitted.

b. The provider must maintain a record of the dates and times during which each service was provided for each eligible child.

c. The provider's record must correspond to the units billed, as applicable.

70.206(4) *Submittal of claims to juvenile court services.*

a. Providers shall submit claims to the contract administrator responsible for each contract. The provider shall submit the original Form GAX or original invoice and any required documented support of the claim.

(1) Claims shall be submitted timely to allow the contract administrator to submit the claim for payment within 90 calendar days of the date of the claim's accrual.

(2) To ensure payment from funds appropriated for the state fiscal year, claims shall be submitted timely to allow the contract administrator to submit the claim for payment within 45 calendar days of state fiscal year end, June 30.

70.206(5) *Review and approval of claims.*

a. The chief juvenile court officer is responsible for accuracy and disposition of claims. The contract administrator shall verify the accuracy of the provider's billings and submit the claims to the chief juvenile court officer for review and approval.

(1) Juvenile court services staff may complete the Form GAX when the provider submits an original invoice or may enter any required missing information to the Form GAX.

(2) To approve the claim, the chief juvenile court officer or designee shall sign the Form GAX in the space titled, "order approved by." The signature shall be deemed as certification that the billed expenses were incurred, amounts are correct, and payment should be made.

70.206(6) *Claim records.* The chief juvenile court officer or approved administrator shall have the responsibility for retention of records, maintenance of records, and authorized access to records. Electronic record retention is acceptable.

a. Juvenile court services shall retain one copy of the claim and supporting documentation as submitted for payment as well as any additional required supporting documentation submitted to juvenile court services by the provider. The copy of the Form GAX and supporting documentation, as well as any additional required supporting documentation submitted to juvenile court services by the provider, are subject to audit.

b. During the required retention period, all records and knowledgeable personnel must be accessible and available for the review or audit. All documents related to each other must be appropriately attached and organized in a manner that provides easy access.

70.206(7) *Claim payment.*

a. The judicial branch shall reimburse providers for costs when claims are submitted according to the required procedures.

b. The judicial branch shall process a claim through the state appeal board's processes for approving outdated invoices when the judicial branch receives the claim after August 31 for the previous state fiscal year.

Rule 70.207 Record keeping. The provider and juvenile court services shall maintain financial and service records for a period of seven years following termination of services. The records are subject to review and/or audit.

70.207(1) *Record keeping requirements.*

a. Each provider shall maintain all the financial and service records used to submit or substantiate claims for reimbursement, including court orders as required and lists of the children served. The provider bears the ultimate responsibility for the completeness and accuracy of the claim submitted as set forth in these rules.

b. Each provider shall maintain all the corresponding service and financial information necessary to document the provision of the service as agreed upon in

the contract. Each provider shall maintain a case file that documents the provision of the contracted service for each individual child for whom a claim is made.

c. Each juvenile court officer shall maintain within the case file all referrals for both noncontracted/court-ordered and contracted services as required. Each juvenile court officer shall ensure provider updates are recorded within the case file. Each juvenile court officer shall ensure the case file includes all the corresponding service information necessary to document that the contracted service was provided.

d. Each chief juvenile court officer shall ensure that a court order supports the payment of any claim paid for noncontracted/court-ordered services as required by these court rules.

e. Each chief juvenile court officer shall ensure that the district is accountable for payments, receipts, and retention of records as established by these court rules.

70.207(2) *Access to records.* Each provider of these services shall make available upon request to juvenile court services, the department of inspections and appeals, or the office of the auditor of state the service and financial records used to support or substantiate claims for reimbursement, including court orders and lists of children served. The records shall be subject to review and audit by juvenile court services, the department of inspections and appeals, or the office of the auditor of state.

Rule 70.208 Annual contract compliance review.

70.208(1) *General requirements.*

a. The contract administrators shall complete annual contract compliance reviews of all service contracts which meet the minimum thresholds to ensure contractual and fiscal requirements are met.

b. The contract administrator that oversees each contract shall not conduct the annual contract compliance review on any contracts they administer.

70.208(2) *Schedule.* The contract administrator shall notify each chief juvenile court officer of the contracts which meet the threshold for which a review must be conducted. The contract administrators shall coordinate to determine the list of providers which require a review for those services shared across multiple districts.

a. Annual contract compliance reviews are required for any provider having one or more contracts with one or more judicial districts when the total annual value of all contracts is $100,000 or more.

b. Annual contract compliance reviews are required for each new provider who has not previously contracted with the judicial district during the first year of the provider's contract with the district when the total annual value of the provider's contracts with the judicial district is $50,000 or more.

c. Additional contract compliance reviews are optional but may be required or requested by state court administration or the chief juvenile court officer for the providers, other than those described in rule 70.208(1)–(2), based on factors such as:

(1) Length of time the provider has been in business.

(2) Amount of time the provider has offered the services being purchased.

(3) Type of service or program being purchased.

(4) Amount of money involved in the contract.

(5) Whether other governmental entities contract with the provider.

(6) Findings from previous contract compliance review by the district or other entities such as the auditor of state's office.

70.208(3) *Location.* A virtual contract compliance review meets the annual contract compliance review requirements so long as client records are available to be securely reviewed. Alternately, on-site reviews may take place at the sites where the program is operated if deemed necessary by the contract administrator, the chief juvenile court officer, or state court administration.

70.208(4) *Scope.*

a. The contract compliance review shall include review of the provider's service and financial records, including the client case files, to ensure that the records contain the required documentation of the provision of the contracted service.

b. At a minimum, the reviews shall include:

(1) Documentation of direct contact with the client.

(2) Review of referral for service, service billings, payments, and documentation of delivery of service.

(3) Documentation that the provider meets contract requirements.

(4) Solicitation and incorporation of input from juvenile court officers referring to service contracts to determine if needs are being met.

70.208(5) *Repayment.* The judicial branch may seek repayment of claims paid for noncovered services or for services for which documentation is not established.

a. The chief juvenile court officer shall notify the provider in writing that a repayment is due. The written notice shall identify:

(1) The claims.

(2) The amounts of the claims that are not documented or substantiated.

(3) The amount of the repayment requested.

b. The provider shall repay the judicial branch the difference between the amount received and the amount established through the review, not to exceed the amount paid by the state, when:

(1) The provider, upon review, fails to verify or document the provision of covered services or costs in the amount for which a claim was paid or when the review confirms claims paid for noncovered services.

(2) Juvenile court services or the judicial branch makes a request for repayment.

c. If the provider does not make payment within 60 days, the chief juvenile court officer shall submit to state court administration a copy of the notice to the provider for state court administration's review and further action, if necessary.

70.208(6) *Reporting.* Each contract administrator shall submit the standardized annual contract compliance review form for each contract they have reviewed to the chief juvenile court officer for the district of the assigned contract and to state court administration.

a. The annual reports shall be submitted by December 31, following the end of the state fiscal year. This date may be extended upon the written request of the chief juvenile court officer to state court administration.

b. The annual report shall include a summary of the findings of the reviews conducted during the state fiscal year.

70.208(7) *Formal audit by the auditor of state's office.* All judicial branch employees must report any suspected fraud to state court administration immediately. The state court administrator or the judicial branch director of finance may request a formal audit by the auditor of state.

DIVISION III

NONCONTRACTED/COURT-ORDERED SERVICES

Rule 70.301 Juvenile court services responsibilities. The chief juvenile court officer shall purchase noncontracted/court-ordered services for eligible children.

70.301(1) The chief juvenile court officer shall ensure the services fall within the defined allowable services and that there are sufficient funds in the district's allocation to pay for all noncontracted/court-ordered services.

70.301(2) Any services that are provided without the signed approval of the chief juvenile court officer or approved administrator may be denied payment unless there is an emergency or after-hours situation and no other provision exists for handling the emergency or after-hours situation or transport.

70.301(3) A district or juvenile court shall not order any service that is a charge upon the state pursuant to Iowa Code section 232.141 if there are insufficient noncontracted/court-ordered services funds available in the district allocation to pay for the service.

70.301(4) The chief juvenile court officer shall encourage responsible use of noncontracted/court-ordered service funds such that there are sufficient funds during the entire year to pay for all noncontracted/court-ordered services.

a. The chief juvenile court officer shall establish service priorities for spending the noncontracted/court-ordered services funds allocated to the district.

b. The chief juvenile court officer shall inform state court administration of potential shortfalls in the district's allocation and shall request a transfer of funds between the districts as prudent.

70.301(5) The chief juvenile court officer shall notify the state court administrator and the chief judge of the district in the event that the noncontracted/court-ordered services funds for the judicial district are exhausted.

Rule 70.302 Noncontracted/court-ordered service application process. The chief juvenile court officer or approved administrator shall determine the need for each service.

70.302(1) Any party intending to request noncontracted/court-ordered service funds shall complete an application and receive approval for the funding request from the chief juvenile court officer or approved administrator, with the exception of drug testing, drug testing supplies, court-ordered transportation, and GPS monitors.

70.302(2) If an application for noncontracted/court-ordered services and/or a court order is not available, a consent decree, GPS agreement, condition of

supervision agreement, or informal or formal probation agreement must be contained within the case file.

70.302(3) The application form with instructions shall be available upon request from the office of each chief juvenile court officer.

70.302(4) The chief juvenile court officer or approved administrator shall approve or disapprove the request for funds and shall sign and return the application to the referring juvenile court officer.

a. If the request is disapproved, the decision is final.

b. If the request is approved, the service plan may be presented to the court for a court order to be issued for the services.

70.302(5) The applicant shall have verified that there are no other alternative funding sources for the service.

70.302(6) The chief juvenile court officer or approved administrator may establish procedures for handling emergency or after-hours situations and for the handling of transports.

70.302(7) *Use of other funding sources.*

a. The chief juvenile court officers shall ensure that the funds allocated for noncontracted/court-ordered services are spent only after all other reasonable actions have been taken to use other funding sources.

b. Services are not eligible for reimbursement when another payment source is available.

c. Medical cost sharing for the one-time payment per court order of a deductible amount or a coinsurance amount for treatment specified in a court order is an allowable expense that may be paid through the noncontracted/court-ordered services fund when insurance or Medicaid is then available to pay the remainder of the cost.

d. The date of a medical claim's accrual for reimbursement through noncontracted/court-ordered services is the date the claim becomes a state liability. For example, a claim becomes a state liability on:

(1) the date of a court order for a contested claim; or

(2) the date of a determination by Medicaid or private insurance that Medicaid or private insurance denies partial or full payment for care and treatment for which an application has been approved.

70.302(8) *Allowable rates.* The chief juvenile court officer or approved administrator shall negotiate a reimbursement rate with the provider to obtain the service at a reasonable cost based on available community or statewide rates.

Rule 70.303 Expenses. The following lists of expenses are either eligible or ineligible for reimbursement from the noncontracted/court-ordered services fund and are intended to be exhaustive. Billings for services not listed below shall not be paid except as provided in rule 70.303(3).

70.303(1) *Reimbursable expenses.* The expenses for which reimbursement shall be made include:

a. Transportation expenses, including those incurred in transporting a child to or from a place designated by the court, including mileage, lodging, and meals.

b. Medical cost sharing for payment of deductibles or coinsurance when Medicaid or private insurance is then available to pay the remainder of the cost.

c. The expense of care or treatment ordered by the court whenever the minor is placed by the court with someone other than the parents or whenever a minor is given a physical or mental examination or treatment under order of the court, including treatment referenced under a consent decree. Care and treatment expenses for which no other provision for payment is made by law that shall be reimbursable include:

(1) Individual services for the child separate from a family's treatment plan.

(2) Diagnosis and evaluation on an outpatient basis unless the diagnosis and evaluation are provided by a person or agency with a contract with the judicial branch for that service for which the child is eligible.

(3) An evaluation of a child in a residential facility.

(4) Inpatient (hospital) evaluation of a child previous to disposition.

(5) Medical treatment for a child when the medical treatment is court-ordered, except when the child is in a detention facility.

(6) Drug treatment, testing, testing supplies, and care for a child.

(7) In-home supervision and monitoring, including GPS monitoring, and alternatives to shelter care unless a person or agency has a contract with the judicial branch to provide the service for which the child is eligible.

(8) One-to-one supervision of a child not in a detention facility unless the service is provided by a person or agency with a contract with the judicial branch for that service for which the child is eligible.

(9) Physical or mental examinations ordered pursuant to Iowa Code section 232.49, except those set forth in rule 70.303(2)(*b*) or those eligible for payment pursuant to Iowa Code chapter 249A.

d. Expenses for educational testing or programs related to a High School Equivalency Test (HiSET), or equivalent, or for credit hours when the expenses are not required to be paid by the state.

e. Expenses for a child meant to serve as a diversionary tool for children at risk of further involvement with the juvenile justice system, which may include:

(1) Drug treatment, testing, testing supplies, and care for a child.

(2) Educational programming, used as a deterrent for at-risk and delinquent children, unless the service is provided by a person or agency with a contract with the judicial branch for that service for which the child is eligible.

(3) In-home supervision and monitoring, including GPS monitoring, and alternatives to shelter care, unless a person or agency has a contract with the judicial branch to provide the service for which the child is eligible.

70.303(2) *Expenses not eligible for reimbursement.* Expenses that are excluded from reimbursement from noncontracted/court-ordered service funds because another source is available to pay for the service include:

a. Foster care (including shelter care). Payment provision is Iowa Code section 234.35.

b. All charges for which the county is obligated by statute to pay including:

(1) Care and treatment of patients by any state mental health institute. Payment provision is Iowa Code section 230.20(5).

(2) Care and treatment of patients by either of the state resource centers or by any other facility established under Iowa Code chapter 222. Payment provision is Iowa Code section 222.60.

(3) Care and treatment of patients by the psychiatric hospital in Iowa City. Payment provision is Iowa Code chapter 225.

(4) Care and treatment of persons at the alcoholic treatment center in Oakdale or any other facility as provided in Iowa Code chapter 125. Payment provision is Iowa Code section 125.44.

(5) Care of children admitted or committed to the Iowa juvenile home in Toledo. Payment provision is Iowa Code section 233B.14.

(6) Clothing and medical or other service provided to persons attending the Iowa Braille and Sight Saving School, the Iowa School for the Deaf, or the University of Iowa Stead Family Children's Hospital for which the county becomes obligated to pay pursuant to Iowa Code sections 263.12, 269.2, and 270.4.

(7) Expenses for detention in a facility used for detention. Payment provision is Iowa Code section 232.142.

(8) Care and treatment of persons placed in a county hospital, county care facility, a health care facility as defined in Iowa Code section 135C.1(6), or any other public or private facility in lieu of admission or commitment to a state mental health institute, resource center, or other facility established pursuant to Iowa Code chapter 222. Payment provisions are Iowa Code sections 222.50, 230.1, and 233B.14.

(9) Child abuse photos and x-rays. Payment provision is Iowa Code section 232.77.

(10) Any expenses set forth in Iowa Administrative Code rule 441—151.22(1) which qualify for payment pursuant to Iowa Code chapter 249A.

(11) Expense of a child sexual abuse examination. Payment provision is Iowa Code section 915.41.

(12) Expense of child daycare. Payment provision is Iowa Code section 234.6.

(13) Expense of in-home treatment services. Payment provision is Iowa Administrative Code rule 441—chapters 78–79, 83.

(14) Expense of homemaker-home health aide services. Payment provision is Iowa Administrative Code rule 641—chapter 80.

(15) Expenses for all educational testing or programming required to be paid by the state, except for juveniles who attend an on-campus school in an out-of-state facility and who are not weighted as special education students. The payment provision is Iowa Code chapter 256.

(16) Expenses, except for the allowable medical cost sharing, for all court-ordered counseling and treatment for adults, including individual, marital, mental health, substance abuse, and group therapy. The payment provision is private insurance, Medicare, Medicaid, or other resources consistent with Medicaid and social services eligibility and Iowa Code chapter 249A.

(17) Expenses, except for the allowable medical cost sharing, for psychiatric medical institutions for children (PMIC). The payment provision is private insurance, Medicare, Medicaid, or other resources consistent with Medicaid and social services eligibility and Iowa Code chapter 249A.

70.303(3) *Services not listed.* If a court orders a service not currently listed in rule 70.303(1), the chief juvenile court officer or approved administrator shall review the order and shall consult with state court administration. If reimbursement for the service expense is not in conflict with current law and meets the criteria for payment by noncontracted/court-ordered service funding, the chief juvenile court officer or approved administrator shall authorize reimbursement to the provider.

70.303(4) *Appeals.* If services are court-ordered, children who have been adversely affected by decisions made by the juvenile court and their parents or guardians may appeal through procedures established pursuant to Iowa Code section 232.133.

DIVISION IV

EARLY INTERVENTION AND FOLLOW-UP PROGRAMS/GRADUATED SANCTIONS SERVICES

Rule 70.401 Service eligibility. Children shall be eligible for services without regard to individual or family income when they are adjudicated delinquent or a juvenile court officer or other approved referral entity determines they are at risk and in need of contracted services.

70.401(1) Juvenile court services shall maintain in the child's case file documentation of the child's adjudication or at-risk status as well as the child's need for services, as applicable.

70.401(2) The chief juvenile court officer shall establish written procedures for screening and approving referrals for services and make the procedures available to the district's juvenile court officers and other approved referral entities.

a. The juvenile court officer shall determine the child to be in need of services as evidenced by one or more of the following situations:

(1) Schools, parents, or community organizations, due to complaints of delinquent activities or activities that put a child at risk of involvement in the juvenile justice system, indicate the need for intervention and guidance of the child.

(2) A petition has been filed alleging delinquent behavior.

(3) Juvenile court services action has been initiated including, but not limited to, diversion, informal adjustment agreements, and adjudication and disposition proceedings, including consent decrees.

70.401(3) The chief juvenile court officer may approve services for up to six consecutive months at a time, except that service approval shall not extend beyond the current state fiscal year unless a contract is in effect to assume the cost for the services provided in the next state fiscal year. The referring officer shall reevaluate the child's eligibility and need for these services in accordance with procedures established by the respective juvenile court services district.

70.401(4) Referrals shall not be made or accepted when funds for the program are not available; the chief juvenile court officer shall inform referring entities when program funds are no longer available.

70.401(5) Each chief juvenile court officer may approve follow-up services for a child adjudicated to have committed a delinquent act upon the child reaching 18 years of age until the child is 21 years of age, as indicated in Iowa Code section 232.8(5)(*a*).

70.401(6) *Service components.*

a. Services may include, but are not limited to, the following components:

(1) Cognitive-behavioral therapy.

(2) Group counseling.

(3) Mentoring.

(4) Behavioral contracting or contingency management.

(5) Family counseling, including child and parent relationships and parenting skills.

(6) Family crisis counseling.

(7) Mixed counseling.

(8) Social skills training.

(9) Challenge programs.

(10) Mediation.

(11) Restitution or community service.

(12) Remedial academic program.

(13) Individual counseling.

(14) Job-related training, including job-seeking skills, as well as training for specific jobs and on-the-job training experiences.

(15) Personal skills, including anger management, stress reduction, and self-esteem.

(16) Problem solving.

(17) Accountability and acceptance of responsibility.

(18) Victim empathy and self-advocacy.

(19) Activities of daily living and time management.

(20) School attendance and truancy issues.

(21) Violence prevention.

b. The contract must specify what is required of the provider, including transportation services, as needed.

c. Services may be co-located with school programs. Although the costs of the state-funded educational programming shall not be funded through the early intervention and follow-up programs/graduated sanctions appropriation, programs shall be developed so that there is close coordination between the treatment and the state-funded educational components.

Rule 70.402 Reporting requirements.

70.402(1) Providers of services shall submit all reports on each child receiving services to the assigned juvenile court officer, or other juvenile court services staff, at intervals specified in the contract. All required reports may be electronic, including, but not limited to, treatment plans, case updates, and progress reports, and shall include all required components specified in the contract.

70.402(2) The juvenile court officer shall file provider reports in the child's electronic case file.

70.402(3) Additional reports may be required when requested by the juvenile court judge or the child's juvenile court officer.

70.402(4) Any school-based program shall have established procedures for communication and for maintaining records on individual children receiving assistance. The procedure shall include methods for the timely communication of critical information to juvenile court services and school officials, assurances that child abuse allegations shall be reported promptly in accordance with applicable Iowa statutes, and systems to safeguard the confidentiality of the child's records.

Rule 70.403 Contracted services referral process.

70.403(1) *Referral requirements.* The juvenile court officer or other approved referral source shall:

a. Determine which service provider can best meet the child's needs.

b. Complete the referral form, as applicable, and follow the district's referral approval process.

c. Assist in the child's transition to receive the service.

d. Follow up after the service has been provided.

70.403(2) *Monitoring of service delivery.* The juvenile court officer, or other approved referral source, shall monitor the delivery of services to children for whom the referral was made.

a. The juvenile court officer, or other approved referral source, shall review provider progress reports and maintain contact with the child, the child's family, the provider, and other community agencies to adequately assess the child's progress and need for service.

b. The referring juvenile court officer, the provider, the child, or the child's representatives may report problems in service delivery to the chief juvenile court officer or designee.

70.403(3) *Payment methodology.* Rates for services shall be established through a service contract between the provider and the chief juvenile court officer based on the provider's proposed budget. Rates may vary among providers for various types of services. The payment methodology and contract maximum shall be specified in the contract.

70.403(4) *Provider standards.* Providers shall have a contract with juvenile court services for services and agree to abide by all contract requirements, including, but not limited to, reporting, payment methodology, record retention, and billing and payment procedures. Providers of these services shall meet all of the following conditions:

a. Be selected and approved by the chief juvenile court officer or designee within each judicial district to provide the contracted services.

b. Use staff who, in the opinion of the chief juvenile court officer, have the necessary training and qualifications to provide quality services.

c. Make any changes to curriculum as requested by the chief juvenile court officer or designee.

d. Provide services to eligible children in the settings most suited to each child's needs.

70.403(5) *Performance and outcome measures.*

a. Each contract shall detail expected performance measures for the services provided.

b. Each contract shall detail expected outcomes of the service requirements for each child.

c. The provider shall report data as required in the service contract.

d. Juvenile court services shall determine preservice and postservice measures needed to track and record outcomes.

Rule 70.404 Supportive enhancements. A funding application or referral for services or goods shall be completed by the referring juvenile court officer and

include language to indicate how the services or goods reduce the risk factors of the eligible child. See monitoring of service delivery, provider standards, and outcome measures in rules 70.403(2), (4), (5).

70.404(1) *Types of supportive enhancements.* Supportive enhancements are individualized to address the child's needs, including:

a. Living environment.

b. Accountability.

c. Basic needs.

d. Safety.

e. Social needs.

f. Educational needs.

g. Cultural needs.

70.404(2) *Service eligibility.* The eligible child shall be qualified for supportive enhancements without regard to individual or family income when they are adjudicated delinquent or are determined by a juvenile court officer, or other approved referral entity, to be at-risk and to be in need of the services or goods.

a. Juvenile court services shall maintain in the child's case file documentation, including the funding application or referral for services or goods, including language to indicate how the services or goods shall reduce the risk factors of the child, as well as the child's adjudication or at-risk status.

b. The chief juvenile court officer shall establish written procedures for screening and approving funding applications or referrals for supportive enhancements and make the procedures available to the district's juvenile court officers or other approved referring entities.

c. The chief juvenile court officer may approve supportive enhancements for up to six consecutive months at a time, except that service approval shall not extend beyond the current state fiscal year unless a contract is in effect to assume the cost for the services provided in the next state fiscal year. The referring officer shall reauthorize the child's eligibility and need for these services in accordance with the procedures established by the respective juvenile court services district.

d. Referrals shall not be made or accepted when funds for the program are not available; the chief juvenile court officer shall inform referring entities when program funds are no longer available.

70.404(3) *Service components.* Supportive enhancements are to complement other services or interventions for a child served by the juvenile court services or

other provider. These supports allow juvenile court services to intervene immediately with a support or incentive that is expected to reduce misbehavior or truancy and will lead to improved outcomes.

a. Alternative funds or services shall be utilized prior to supportive enhancements, when available.

b. Supportive enhancements may include, but are not limited to:

(1) Education-related services.

(2) Restitution.

(3) Crisis intervention.

(4) Transportation.

(5) Clothing and grooming supplies.

(6) Enrollment for prosocial activities.

(7) Other expenses as approved by the chief juvenile court officer.

70.404(4) *Application process.* An application for supportive enhancements is required and must state all of the following:

a. Purpose of the purchase.

b. Benefit to the child.

c. Intent to reduce criminogenic risk factors.

d. A statement that there is no other funding source available for these goods or services.

e. Verification that the child meets eligibility requirements defined in these rules.

70.404(5) *Program requirements.*

a. For purchases valued over $10, the chief juvenile court officer or designee must approve an application prior to purchase of the goods or services.

b. For purchases valued $10 or under, it is strongly encouraged to have the application approved prior to receipt of the goods or services by the child. It is allowable to have only verbal or written approval by a supervisor and obtain formal approval of the application after the child receives the goods or services in certain situations.

c. All gift cards must be tracked using a tracking number and linked to the child receiving the card.

d. Recipient signoff is required and may consist of email, letter, note, or other documents signed by the child or the child's guardian confirming receipt of the goods or services.

e. The hourly reimbursement rate for community service restitution is set by the chief juvenile court officers and reviewed annually.

f. A maximum annual cap for restitution for any one child is set by the chief juvenile court officers and reviewed annually. The referring juvenile court officer must request an exception to this policy for each child, as applicable.

70.404(6) *Rate setting.* Rates for supportive enhancements shall be established through a contract between the provider and the chief juvenile court officer. Rates may vary.

These rules are intended to implement Iowa Code section 232.192.