

6 administrative officer, or the board of supervisors of any county from  
7 which the center receives public funds. The cost of the review shall be  
8 paid by the Iowa mental health authority.

1 SEC. 18. NEW SECTION. **Report of review and evaluation.** Upon  
2 completion of a review made pursuant to section seventeen (17) of this  
3 Act, the reviewing team shall submit its findings to the board of direc-  
4 tors and chief medical or administrative officer of the center in such  
5 manner as the team members deem most appropriate. If the reviewing  
6 team concludes that the center fails to meet any of the standards estab-  
7 lished pursuant to section sixteen (16), subsection one (1), of this Act  
8 and that the response of the center to this finding is unsatisfactory,  
9 these conclusions shall be reported to the committee on mental hygiene  
10 which may forward the conclusions to the board of directors of the  
11 center and request an appropriate response within a reasonable period  
12 of time. If no response is received within a reasonable period of time,  
13 or if the response is unsatisfactory, the committee may as its ultimate  
14 sanction call this fact to the attention of the board of supervisors of  
15 the county or counties served by the center, and in doing so shall indi-  
16 cate what corrective steps have been recommended to the center's  
17 board of directors.

1 SEC. 19. Section two hundred thirty point twenty-four (230.24),  
2 Code 1973, is amended by striking unnumbered paragraph two (2).

Approved April 10, 1974

## CHAPTER 1161

### FOSTER CARE FOR CHILDREN

H. F. 1430

AN ACT relating to authority of the department of social services to arrange foster care placements for children, permitting the department to pay foster care parents directly for foster care, relating to responsibility for cost of foster care services, and authorizing the department to maintain accounts in the names of such children in which the funds of the children may be placed.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section two hundred thirty-two point fifty-three  
2 (232.53), Code 1973, as amended by Acts of the Sixty-fifth General  
3 Assembly, 1973 Session, chapter one hundred five (105), section six  
4 (6), is amended to read as follows:

5 **232.53 Recovery of costs—from another county or from the state.**  
6 The county charged with the cost and expenses under sections 232.51  
7 and 232.52 may recover the costs and expenses from the county where  
8 the child has legal settlement by filing verified claims which shall be  
9 payable as are other claims against the county. A detailed statement  
10 of the facts upon which the claim is based shall accompany the claim.  
11 Any dispute involving the legal settlement of a child for which the  
12 court has ordered payment under authority of this section shall be  
13 settled in accordance with sections 252.22 and 252.23. ~~The county~~

14 charged with the cost of foster home care for a child may recover the  
 15 cost of such care from the general fund of the state if the child would  
 16 otherwise have been eligible for admission to the Iowa juvenile home  
 17 or The Annie Wittenmyer Home under the provisions of subsection 1  
 18 of section 244.3. The county shall make claim to the state department  
 19 of social services which shall audit the claim and certify it to the state  
 20 comptroller for payment.

1 SEC. 2. Chapter two hundred thirty-four (234), Code 1973, is  
 2 amended by adding the following new sections:

3 **NEW SECTION. When state to pay foster care costs.** The depart-  
 4 ment of social services shall be initially responsible for paying the cost  
 5 of foster care for a child under any of the following circumstances:

6 1. When a court has committed the child to the commissioner of  
 7 social services or his designee.

8 2. When a court has transferred legal custody of the child to the  
 9 department of social services.

10 3. When the department has agreed to provide foster care services  
 11 for the child on the basis of a signed placement agreement between the  
 12 department and the child's parent or guardian.

13 4. When the child has been placed in emergency care for a period of  
 14 not more than thirty days upon approval of the commissioner or his  
 15 designee.

16 **NEW SECTION. When county to pay foster care costs.** Each county  
 17 shall pay from the county mental health and institutions fund as pro-  
 18 vided by section eleven (11) of this Act the cost of foster care for a  
 19 child placed by a court as provided in section two hundred thirty-two  
 20 point thirty-three (232.33), subsection three (3) or four (4), or section  
 21 two hundred thirty-two point thirty-four (232.34), subsection three (3)  
 22 or four (4) of the Code. However, in any fiscal year for which the  
 23 general assembly appropriates state funds to pay for foster care for  
 24 children placed by courts under the statutes cited in this section, the  
 25 county shall become responsible for these costs only when the funds  
 26 so appropriated to the department for that fiscal year have been ex-  
 27 hausted. The rate of payment by the county or the state, as the case  
 28 may be, under this section shall be that fixed by the department of  
 29 social services pursuant to section four (4) of this Act.

1 SEC. 3. Chapter two hundred thirty-four (234), Code 1973, is  
 2 amended by adding the following new section:

3 **NEW SECTION. Department may establish accounts for certain chil-**  
 4 **dren.** The department of social services is authorized to establish an  
 5 account in the name of any child committed to the commissioner of  
 6 social services or his designee, or whose legal custody has been trans-  
 7 ferred to the department, or who is voluntarily placed in foster care  
 8 pursuant to section two (2), subsection three (3) of this Act. Any  
 9 money which the child receives from the United States government  
 10 or any private source shall be placed in the child's account, unless a  
 11 guardian of the child's property has been appointed and demands the  
 12 money, in which case it shall be paid to the guardian. The account  
 13 shall be maintained by the department as trustee for the child in an  
 14 interest-bearing account at a reputable bank or savings and loan associ-  
 15 ation, except that if the child is residing at an institution administered  
 16 by the department a limited amount of the child's funds may be main-

17 tained in a separate account, which need not be interest bearing, in the  
18 child's name at the institution. Any money held in an account in the  
19 child's name or in trust for the child under this section may be used,  
20 at the discretion of the department and subject to restrictions lawfully  
21 imposed by the United States government or other source from which  
22 the child receives the funds, for the purchase of personal incidentals,  
23 desires and comforts of the child. All of the money held for a child by  
24 the department under this section and not used in the child's behalf as  
25 authorized by law shall be promptly paid to the child or his parent or  
26 legal guardian upon termination of the commitment of the child to the  
27 commissioner or his designee, or upon transfer or cessation of legal  
28 custody of the child by the department.

1 SEC. 4. Chapter two hundred thirty-four (234), Code 1973, is  
2 amended by adding the following new section:

3 **NEW SECTION. Department may pay foster parents directly.** The  
4 department of social services is authorized to make payments directly  
5 to foster parents for services provided to children pursuant to Acts of  
6 the Sixty-fifth General Assembly, 1973 Session, chapter one hundred  
7 eighty-six (186), section fifteen (15), paragraph b, or section two (2)  
8 of this Act. The rate of payment by the department for foster care  
9 shall be fixed by the department by rules adopted pursuant to chapter  
10 seventeen A (17A) of the Code. Payments may be made from any  
11 money legally available to the department for that purpose, including  
12 but not limited to funds appropriated by the general assembly, money  
13 available under section three (3) of this Act, and money received from  
14 the parent or legal guardian of a child to pay for that child's foster  
15 care.

16 The department shall certify to the comptroller each month the  
17 number of children served in foster care during the preceding month  
18 who are the children of veterans as defined by applicable laws of the  
19 United States or of this state, and the extent to which the cost of  
20 foster care for them was paid from funds appropriated to the depart-  
21 ment by the general assembly. The comptroller shall reimburse the  
22 department for the appropriated funds so expended, from any money  
23 in the general fund of the state not otherwise appropriated, and the  
24 reimbursement shall be placed in the department's foster care account.

1 SEC. 5. Chapter two hundred thirty-four (234), Code 1973, is  
2 amended by adding the following new section:

3 **NEW SECTION. Responsibility for cost of services.** It is the intent  
4 of this Act that individuals served by the department of social services,  
5 and their respective parents or guardians, shall have primary responsi-  
6 bility for paying the cost of care and services provided by the depart-  
7 ment, to the extent consistent with their incomes and resources. The  
8 department shall establish a schedule of charges to be made for care  
9 and services provided, on a graduated scale related to the income and  
10 resources of the person responsible for payment, by rules adopted pur-  
11 suant to chapter seventeen A (17A) of the Code. The schedule of  
12 charges established and adopted under this section shall not be incon-  
13 sistent with the limitations on legal liability established under sections  
14 two hundred twenty-two point seventy-eight (222.78) and two hundred  
15 thirty point fifteen (230.15) of the Code, and by any other statute

16 limiting legal liability which may be imposed on any person for the  
17 cost of care and services provided by the department of social services.

1 SEC. 6. Section two hundred forty-two point seven (242.7), Code  
2 1973, is amended to read as follows:

3 **242.7 Placing in families.** All children committed to and received  
4 in the training schools may, ~~with the written approval of the state direc-~~  
5 ~~tor,~~ be placed by the ~~superintendent~~ department, under foster care  
6 arrangements, with any persons or in families of good standing and  
7 character where they will be properly cared for and educated. *The*  
8 *cost of foster care provided under these arrangements shall be paid as*  
9 *provided in section two (2) of this Act.*

1 SEC. 7. Section two hundred forty-two point ten (242.10), Code  
2 1973, is amended to read as follows:

3 **242.10 Unlawful interference.** It shall be unlawful for any parent  
4 or other person not a party to such placing of a child to interfere in  
5 any manner or assume or exercise any control over such child or his  
6 earnings. Said earnings shall be used, held, or otherwise applied for  
7 the exclusive benefit of such child, *in accordance with section three (3)*  
8 *of this Act.*

1 SEC. 8. Section two hundred forty-four point six (244.6), Code  
2 1973, is amended by striking the section and inserting in lieu thereof  
3 the following:

4 **244.6 Profits and earnings.** Any money earned by a child who is  
5 admitted to or placed in foster care from either of the homes shall be  
6 used, held or otherwise applied for the exclusive benefit of that child,  
7 in accordance with section three (3) of this Act.

1 SEC. 9. Section two hundred forty-four point ten (244.10), Code  
2 1973, is amended to read as follows:

3 **244.10 Placing child under contract.** Any child received in said  
4 homes, unless adopted, may, ~~under written contract approved by the~~  
5 ~~state director,~~ be placed by the ~~superintendent~~ department in the cus-  
6 ~~tody and foster care of~~ with any proper person or family. ~~Such con-~~  
7 ~~tract~~ *The foster-care arrangement* shall provide for the custody, care,  
8 education, maintenance, and earnings of the child for a fixed time  
9 which shall not extend beyond the age of majority, except that the  
10 time may extend beyond the child's eighteenth birthday until he is  
11 twenty-one years of age if he is regularly attending an approved school  
12 in pursuance of a course of study leading to a high school diploma or  
13 its equivalent, or regularly attending a course of vocational technical  
14 training either as a part of a regular school program or under special  
15 arrangements adapted to the individual person's needs. ~~Such contract~~  
16 ~~shall be signed by the superintendent and by the person taking the~~  
17 ~~child.~~

1 SEC. 10. Section four hundred forty-four point twelve (444.12),  
2 subsection one (1), paragraph f, Code 1973, is amended to read as  
3 follows:

4 f. Care of children admitted or committed to the Iowa juvenile home  
5 at Toledo or The Iowa Annie Wittenmyer home, ~~or placed in a foster~~  
6 ~~home from either of such institutions if the cost of foster home care~~  
7 ~~does not exceed the average cost of care of a child in the institution~~  
8 ~~from which the placement was made.~~

1 SEC. 11. Section four hundred forty-four point twelve (444.12),  
 2 subsection two (2), unnumbered paragraph one (1), Code 1973, is  
 3 amended to read as follows:

4 Any portion which the board of supervisors may deem advisable of  
 5 the cost of psychiatric examination and treatment of persons in need  
 6 thereof or of professional evaluation, treatment, training, habilitation,  
 7 and care of *persons who are mentally retarded persons or are afflicted*  
 8 *by any other developmental disability*, at any suitable public or private  
 9 facility providing inpatient or outpatient care in such county. *As used*  
 10 *in this subsection, "developmental disability" has the meaning assigned*  
 11 *that term by title forty-two (42), section two thousand six hundred*  
 12 *ninety-one (2691), subsection one (1), United States Code, as amended*  
 13 *to January 1, 1974.*

1 SEC. 12. Section four hundred forty-four point twelve (444.12),  
 2 Code 1973, is amended by inserting after subsection four (4), the fol-  
 3 lowing new subsection:

4 NEW SUBSECTION. Foster care and related services provided to any  
 5 child who is under the jurisdiction of the juvenile court, if provided  
 6 upon the order of the court.

Approved May 29, 1974

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## CHAPTER 1162

### CHILD ABUSE

S. F. 1225

AN ACT relating to child abuse, the creation of a bureau of the central registry for child abuse information and providing penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section two hundred thirty-five A point one (235A.1),  
 2 Code 1973, is amended by striking the section and inserting in lieu  
 3 thereof the following:

4 **235A.1 Legislative findings—purpose and policy.** Children in this  
 5 state are in urgent need of protection from physical abuse. It is the  
 6 purpose and policy of this Act to provide the greatest possible protec-  
 7 tion to victims or potential victims of abuse through encouraging the  
 8 increased reporting of suspected cases of such abuse, insuring the  
 9 thorough and prompt investigation of these reports, and providing  
 10 rehabilitative services, where appropriate and whenever possible to  
 11 abused children and their families which will stabilize the home en-  
 12 vironment so that the family can remain intact without further dan-  
 13 ger to the child.

1 SEC. 2. Section two hundred thirty-five A point two (235A.2),  
 2 Code 1973, is amended by striking the section and inserting in lieu  
 3 thereof the following:

4 **235A.2 Definitions.** As used in this chapter, unless the context  
 5 otherwise requires: