

**CHAPTER 1233**  
**FOSTER CARE REVIEW**  
*H.F. 2170*

**AN ACT** relating to foster care review, providing for the continued existence of the state and local foster care review boards, providing for the establishment of local foster care review boards throughout the state, providing for review in cases of children involuntarily hospitalized for mental illness, revising provisions relating to confidentiality and access to certain information, providing additional requirements for case permanency plans, providing other procedural revisions, and providing properly related matters.

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

Section 1. Section 237.15, subsection 3, Code 1987, is amended to read as follows:

3. "Child receiving foster care" means a child defined in section 234.1 whose foster care placement is the financial responsibility of the state pursuant to section 234.35, ~~subsection 1, 2, or 4 or 234.36, or who is under the guardianship of the department, or who has been involuntarily hospitalized for mental illness pursuant to chapter 229.~~

Sec. 2. Section 237.15, subsection 6, Code 1987, is amended by adding the following new paragraphs:

NEW PARAGRAPH. e. The efforts to place the child with a relative.

NEW PARAGRAPH. f. The rationale for an out-of-state placement, and the efforts to prevent such placement, if the child has been placed out-of-state.

NEW PARAGRAPH. g. Time frames to meet the stated permanency goal and short-term objectives.

Sec. 3. Section 237.16, unnumbered paragraphs 2 and 3, Code 1987, are amended to read as follows:

The members of the state board shall annually select a chairperson, vice chairperson, and other officers the members deem necessary. The members are entitled to receive reimbursement for actual and necessary expenses incurred in the performance of their duties. Each member of the board may also be eligible to receive compensation as provided in section 7E.6. The state board shall meet at least twice a year.

An employee of the department or of the department of inspections and appeals, the department, an employee or board member of a child-placing agency, an employee of an agency with which the department contracts for services for children under foster care, a foster parent providing foster care, or an employee of the district court is not eligible to serve on the state board.

Sec. 4. Section 237.17, Code 1987, is amended to read as follows:  
237.17 FOSTER CARE REGISTRY.

The state board shall establish a registry of the placements of all children receiving foster care ~~in the two judicial districts with local boards.~~ The department shall notify the state board of each placement within ~~three~~ five working days of the department's notification of the placement. The notification to the state board shall include information identifying the child receiving foster care and placement information for that child.

Within thirty days of the placement or two days after the dispositional hearing the agency responsible for the placement shall submit the case permanency plan to the state board. All subsequent revisions of the case permanency plan shall be submitted when the revisions are developed. ~~In cases where the agency responsible for the placement is not the department, the case permanency plan shall also be submitted to the department.~~

Sec. 5. Section 237.18, subsection 2, paragraph a, Code 1987, is amended to read as follows:

a. Establish a central recordkeeping facility system for the files of local review boards including individual case reviews.

Sec. 6. Section 237.18, subsection 2, paragraph b, subparagraph (4), Code 1987, is amended by striking the subparagraph.

Sec. 7. Section 237.18, subsection 3, Code 1987, is amended to read as follows:

3. Assign the case of each child receiving foster care within the judicial district ~~selected in section 237.19, subsection 1,~~ to the appropriate local board.

Sec. 8. Section 237.18, unnumbered paragraph 2, Code 1987, is amended to read as follows:

The state board shall make recommendations to the general assembly, the department, to child-placing agencies, the governor, the supreme court, the chief judge of each judicial district, and to the judicial department. The recommendations shall include, but are not limited to, identification of systemic problems in the foster care and the juvenile justice systems, specific proposals for improvements that assist the systems in being more cost-effective and better able to protect the best interests of children, and necessary changes relating to the data collected and the annual report made under subsection 2, paragraph "b".

Sec. 9. Section 237.19, subsection 1, Code 1987, is amended to read as follows:

1. The state board shall establish local foster care boards ~~in two judicial districts in the state to review cases of children receiving foster care. These districts shall be selected to allow comparison of the effectiveness of local boards in different types of counties in the state.~~ The department shall discontinue its foster care review process for those children reviewed by local boards ~~in at least one of these districts when the local foster care review as local boards are established and operating.~~ The state board shall select five members and two alternate members to serve on each local board in consultation with the chief judge of each judicial district. The actual number of local boards needed and established shall be determined by the state board. However, the state board shall seek to establish a sufficient number of boards to ensure no board must evaluate more than one hundred cases annually. The members of each local board shall consist of persons of the various social, economic, racial, and ethnic groups and various occupations of their district. A person employed by the state board or the department, the department of inspections and appeals, the district court, an employee of an agency with which the department contracts for services for children under foster care, a foster parent providing foster care, or a child-placing agency shall not serve on a local board. The state board shall provide the names of the members of the local boards to the department.

Sec. 10. Section 237.20, subsection 1, unnumbered paragraph 3, Code 1987, is amended to read as follows:

The review shall include issues pertaining to the permanency plan and shall not include issues that do not pertain to the permanency plan. Each review shall include written testimony of any person notified pursuant to subsection 4, and may include oral testimony from those persons when determined to be relevant and material to the child's placement. Oral testimony may, upon the request of the testifier or upon motion of the local board, be given in a private setting when to do so would facilitate the presentation of evidence. Local board questions shall pertain to the permanency plan and shall not include issues that do not pertain to the permanency plan.

Sec. 11. Section 237.20, subsection 1, Code 1987, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 3:

NEW UNNUMBERED PARAGRAPH. A person who gives oral testimony has the right to representation by counsel at the review.

Sec. 12. Section 237.20, subsection 1, unnumbered paragraph 5, Code 1987, is amended by striking the unnumbered paragraph.

Sec. 13. Section 237.20, subsection 2, Code 1987, is amended to read as follows:

2. Submit to the appropriate court within ~~ten~~ fifteen days after the review under subsection 1, the findings and recommendations of the review. The report to the court shall include information regarding the permanency plan and the progress in attaining the permanency goals. The report shall not include issues that do not pertain to the permanency plan. The findings and recommendations shall include the proposed date of the next review by the local board. The local board shall notify the persons specified in subsection 4 of the findings and recommendations.

Sec. 14. Section 237.20, subsection 4, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The notice shall include a statement that the person notified has the right to representation by counsel at the review.

Sec. 15. Section 237.20, subsection 4, paragraphs d and e, Code 1987, are amended to read as follows:

d. The child receiving foster care if the child is fourteen years of age or older. The child shall be informed of the review's purpose and procedure, and of the right to have a guardian ad litem present.

e. The guardian ad litem of the foster child. The guardian ad litem shall be eligible for compensation through section 232.141, subsection 1, paragraph "b".

Sec. 16. Section 237.21, subsection 2, Code Supplement 1987, is amended to read as follows:

2. Information and records relating to a child receiving foster care shall be provided to a local board or the state board by the department or child-care agency upon request by either board. A court having jurisdiction of a child receiving foster care shall release the information and records the court deems necessary to determine the needs of the child, if the information and records are not obtainable elsewhere, to a local board or the state board upon request by either board. If confidential information and records are distributed to individual members in advance of a meeting of the state board or a local board, the information and records shall be clearly identified as confidential and the members shall take appropriate steps to prevent unauthorized disclosure.

Sec. 17. Section 237.21, subsection 3, Code Supplement 1987, is amended to read as follows:

3. Members of the state board and local boards and the employees of the department and the department of inspections and appeals are subject to standards of confidentiality pursuant to sections 217.30, 228.6, subsection 1, 235A.15, and 600.16. Members of the state and local boards and employees of the department and the department of inspections and appeals who disclose information or records of the board or department, other than as provided in subsection 2, are guilty of a simple misdemeanor.

Sec. 18. Section 237.22, Code 1987, is amended by adding the following new subsection after subsection 1, and renumbering the subsequent subsections:

NEW SUBSECTION. 2. Time frames to meet the stated permanency goal and short-term objectives;

Sec. 19. Section 237.22, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 6. The efforts to place the child with a relative.

NEW SUBSECTION. 7. The rationale for an out-of-state placement, and the efforts to prevent such placement, if the child has been placed out-of-state.

Sec. 20. 1984 Iowa Acts, chapter 1279, section 44, is amended to read as follows:

SEC. 44. Sections 26 through 33 of this Act are enacted as a new division of chapter 237 entitled "Foster Care Review". Sections 26 through 33 of this Act are repealed July 1, 1988.

Sec. 21. TIME SCHEDULE FOR ADDITIONAL LOCAL BOARDS. The state foster care review board, in establishing local foster care review boards throughout the state as required by this Act, shall establish local boards in additional judicial districts as moneys become available for that purpose.

Approved May 12, 1988

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## CHAPTER 1234

### AIDS TESTING

*H.F. 2294*

**AN ACT** relating to testing for and confidentiality of human immunodeficiency virus-related matters and providing penalties.

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

Section 1. **NEW SECTION. 135I.1 DEFINITIONS.**

As used in this chapter, unless the context otherwise requires:

1. "AIDS" means acquired immune deficiency syndrome as defined by the centers for disease control of the United States department of health and human services.
2. "ARC" means an AIDS-related complex as defined by the centers for disease control of the United States department of health and human services.
3. "Department" means the Iowa department of public health.
4. "Health care provider" means a person providing health care services of any kind.
5. "Health facility" means a hospital, health care facility, clinic, blood bank, blood center, sperm bank, laboratory organ transplant centers and procurement agencies, or other health care institution.
6. "HIV" means the human immunodeficiency virus identified as the causative agent of AIDS.
7. "HIV-related test" means a test for the antibody or antigen to HIV.
8. "Legal guardian" means a person appointed by a court pursuant to chapter 633. In the case of a minor, "legal guardian" also means a parent or other person responsible for the care of the minor.
9. "Release of test results" means a written authorization for disclosure of HIV-related test results which is signed and dated, and which specifies to whom disclosure is authorized and the time period during which the release is to be effective.

Sec. 2. **NEW SECTION. 135I.2 TESTING.**

1. Prior to withdrawing blood for the purpose of performing an HIV-related test, the subject of the test or the subject's legal guardian, except when the provisions of section 135I.2, subsection 6, apply, shall be provided with preliminary counseling which shall include but is not limited to the following:

- a. An explanation of the test, including the test's purposes, potential uses, limitations, and the meaning of both positive and negative results.
- b. An explanation of the nature of AIDS and ARC, including the relationship between the test results and the diseases.