

SENATE FILE 2088
BY WARNSTADT

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing a preference for out-of-home placement of
2 children with relatives.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2088
HUMAN RESOURCES

1 Section 1. Section 232.52, subsection 2, paragraph d,
2 subparagraph (1), Code Supplement 2003, is amended to read as
3 follows:

4 (1) An adult relative or other suitable adult and placing
5 the child on probation. A person providing placement options
6 or recommendations to the court shall give first preference to
7 placement of the child with an adult relative before
8 considering other out-of-home placement options. If placement
9 of the child with an adult relative is not recommended as the
10 preferred option, based upon the child's best interest, the
11 person making the placement recommendation shall provide
12 reasons why placement with a relative is not recommended and
13 why another option is preferred.

14 Sec. 2. Section 232.58, subsection 3, paragraph d, Code
15 2003, is amended by adding the following new unnumbered
16 paragraph:

17 NEW UNNUMBERED PARAGRAPH. A person providing placement
18 options or recommendations to the court shall give first
19 preference to placement of the child with an adult relative
20 before considering other out-of-home placement options. If
21 placement of the child with an adult relative is not
22 recommended as the preferred option, based upon the child's
23 best interest, the person making the placement recommendation
24 shall provide reasons why placement with a relative is not
25 recommended and why another option is preferred.

26 Sec. 3. Section 232.79A, Code 2003, is amended to read as
27 follows:

28 232.79A CHILDREN WITHOUT ADULT SUPERVISION.

29 If a peace officer determines that a child does not have
30 adult supervision because the child's parent, guardian, or
31 other person responsible for the care of the child has been
32 arrested and detained or has been unexpectedly incapacitated,
33 and that ~~no~~ an adult who is legally responsible for the care
34 of the child ~~can~~ cannot be located within a reasonable period
35 of time, the peace officer shall first attempt to place the

1 child with an adult relative of the child, and then with an
2 adult person who cares for the child, or another adult person
3 who is known to the child. The person with whom the child is
4 placed is authorized to give consent for emergency medical
5 treatment of the child and shall not be held liable for any
6 action arising from giving the consent. Upon the request of
7 the peace officer, the department shall assist in making the
8 placement. The placement shall not exceed a period of twenty-
9 four hours and shall be terminated when a person who is
10 legally responsible for the care of the child is located and
11 takes custody of the child. If a person who is legally
12 responsible for the care of the child cannot be located within
13 the twenty-four hour period or a placement in accordance with
14 this section is unavailable, the provisions of section 232.79
15 shall apply. If the person with whom the child is placed
16 charges a fee for the care of the child, the fee shall be paid
17 from funds provided in the appropriation to the department for
18 protective child care.

19 Sec. 4. Section 232.102, subsection 1, paragraph a, Code
20 Supplement 2003, is amended to read as follows:

21 a. A parent who does not have physical care of the child,
22 other relative, or other suitable person. A person providing
23 placement options or recommendations to the court shall give
24 first preference to placement of the child with an adult
25 relative before considering other out-of-home placement
26 options. If placement of the child with an adult relative is
27 not recommended as the preferred option, based upon the
28 child's best interest, the person making the placement
29 recommendation shall provide reasons why placement with a
30 relative is not recommended and why another option is
31 preferred.

32 Sec. 5. Section 232.104, subsection 2, paragraph d, Code
33 2003, is amended by adding the following new unnumbered
34 paragraph:

35 NEW UNNUMBERED PARAGRAPH. A person providing placement

1 options or recommendations to the court shall give first
2 preference to placement of the child with an adult relative
3 before considering other out-of-home placement options. If
4 placement of the child with an adult relative is not
5 recommended as the preferred option, based upon the child's
6 best interest, the person making the placement recommendation
7 shall provide reasons why placement with a relative is not
8 recommended and why another option is preferred.

9 Sec. 6. Section 232.117, subsection 3, paragraph c, Code
10 Supplement 2003, is amended to read as follows:

11 c. A parent who does not have physical care of the child,
12 other relative, or other suitable person. A person providing
13 placement options or recommendations to the court shall give
14 first preference to placement of the child with an adult
15 relative before considering other placement options. If
16 placement of the child with an adult relative is not
17 recommended as the preferred option, based upon the child's
18 best interest, the person making the placement recommendation
19 shall provide reasons why placement with a relative is not
20 recommended and why another option is preferred.

21 EXPLANATION

22 This bill provides a preference for out-of-home placement
23 of children with relatives. The bill requires a person
24 providing placement options or recommendations to the court to
25 give first preference to placing the child with an adult
26 relative before considering other options.

27 If, based upon the child's best interest, placement of the
28 child with an adult relative is not recommended as the
29 preferred option, the person making the recommendation must
30 provide reasons why placement with a relative is not
31 recommended and why another option is preferred. The bill
32 inserts this requirement in these placement sections in Code
33 chapter 232, the juvenile justice code: Code section 232.52,
34 relating to disposition of a child found to have committed a
35 delinquent act; Code section 232.58, relating to permanency

1 hearings for adjudicated delinquent children in an out-of-home
2 placement; Code section 232.102, relating to transfer of legal
3 custody and placement of a child found to be in need of
4 assistance; Code section 232.104, relating to permanency
5 hearings for children adjudicated as a child in need of
6 assistance and placed in an out-of-home placement; and Code
7 section 232.117, relating to termination of parental rights.

8 In addition, the bill amends Code section 232.79A, relating
9 to placement of a child found without adult supervision, to
10 require a peace officer to first attempt placement of the
11 child with an adult relative, and then with an adult person
12 who cares for the child or another adult person who is known
13 to the child.

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