

Reprinted 2/79

FILED MAR 20 1979

SENATE FILE 432

By COMMITTEE ON HUMAN RESOURCES
approved 2/19 (p 872)

Passed Senate, Date 3-26-79 (p. 952) Passed House, Date _____
Vote: Ayes 47 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to licensing and regulation of child foster
2 care facilities, and prescribing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SENATE FILE 432

S-3277

- 1 Amend Senate File 432 as follows:
- 2 1. Page 1, line 34, by striking the words
- 3 "a person" and inserting in lieu thereof the words
- 4 "an individual or an agency".
- 5 2. Page 3, line 17, by inserting after the
- 6 words "facilities" the words "with child foster
- 7 care provided by agencies".

S-3277 FILED
MARCH 26, 1979
DIVISIONS A & B - ADOPTED (p. 951)

BY JULIA GENTLEMAN

1 Section 1. NEW SECTION. DEFINITION. As used in this
2 Act:

3 1. "Agency" means a person, as defined in section four
4 point one (4.1), subsection thirteen (13) of the Code, which
5 provides child foster care and which does not meet the
6 definition of an individual in subsection seven (7) of this
7 section.

8 2. "Child" means child as defined in section two hundred
9 thirty-four point one (234.1), subsection four (4), of the
10 Code.

11 3. "Child foster care" means the provision of parental
12 nurturing, including but not limited to the furnishing of
13 food, lodging, training, education, supervision, treatment
14 or other care, to a child on a full-time basis by a person
15 other than a relative or guardian of the child, but does not
16 include:

17 a. Care furnished by an individual person who receives
18 the child of a personal friend as an occasional and personal
19 guest in the individual person's home, free of charge and
20 not as a business.

21 b. Care furnished by an individual person with whom a
22 child has been placed for lawful adoption, unless that adoption
23 is not completed within two years after placement.

24 4. "Department" means the department of social services.

25 5. "Director" means the director of that division of the
26 department designated by the commissioner of social services
27 to administer this Act or the director's designee.

28 6. "Facility" means the personnel, program, physical
29 plant, and equipment of a licensee.

30 7. "Individual" means an individual person or a married
31 couple who provides child foster care in a single-family home
32 environment and which does not meet the definition of an
33 agency in subsection one (1) of this section.

34 8. "Licensee" means a person licensed by the director
35 under this Act.

1 Sec. 2. NEW SECTION. PURPOSE. It is the policy of this
2 state to provide appropriate protection for children who are
3 separated from the direct personal care of their parents,
4 relatives, or guardians and, as a result, are subject to dif-
5 ficulty in achieving appropriate physical, mental, emotional,
6 educational, or social development. This Act shall be con-
7 strued and administered to further that policy by assuring
8 that child foster care is adqutely provided by competently-
9 staffed and well-equipped child foster care facilities.

10 Sec. 3. NEW SECTION. RULES.

11 1. Except as otherwise provided by subsections three (3)
12 and four (4) of this section, the director shall promulgate,
13 after their adoption by the council on social services, and
14 enforce in accordance with chapter seventeen A (17A) of the
15 Code, administrative rules necessary to implement this Act.
16 Formulation of the rules shall include consultation with
17 representatives of child foster care providers, and other
18 persons affected by this Act. The rules shall encourage
19 the provision of child foster care in a single-family, home
20 environment, exempting the single-family, home facility from
21 inappropriate rules.

22 2. Rules applicable to licensees shall include but are
23 not limited to:

24 a. Types of facilities, including but not limited to
25 single-family, home facilities with child foster care provided
26 by individuals and other public and private facilities with
27 child foster care provided by agencies, and other categories
28 of child foster care for which licenses are issued.

29 b. The number, qualifications, character, and parenting
30 ability of personnel necessary to assure the health, safety
31 and welfare of children receiving child foster care.

32 c. Programs for education and in-service training of per-
33 sonnel.

34 d. The physical environment of a facility.

35 e. Policies for intake, assessment, admission and dis-

1 charge.

2 f. Housing, health, safety, and medical-care policies
3 for children receiving child foster care.

4 g. The adequacy of programs available to children receiv-
5 ing child foster care, including but not limited to:

6 (1) Dietary services.

7 (2) Social services.

8 (3) Activity programs.

9 (4) Behavior management procedures.

10 (5) Educational programs, including special education
11 as defined in section two hundred eighty-one point two (281.2),
12 subsection two (2) of the Code where appropriate, which are
13 approved by the state board of public instruction.

14 h. Policies for involvement of natural parents.

15 i. Records a licensee is required to keep, and reports
16 a licensee is required to make to the director.

3277-17 3. Rules governing fire safety in facilities shall be
18 promulgated by the state fire marshal pursuant to section
19 one hundred point one (100.1), subsection five (5) of the
20 Code after consultation with the director.

21 4. Rules governing sanitation, water and waste disposal
22 standards for facilities shall be promulgated by the state
23 department of health pursuant to section one hundred thirty-
24 five point eleven (135.11), subsection fifteen (15) of the
25 Code after consultation with the director.

26 5. In case of a conflict between rules promulgated pursu-
27 ant to subsections three (3) and four (4) of this section
28 and local rules, the more stringent requirement applies.

29 Sec. 4. NEW SECTION. LICENSE REQUIRED. An individual
30 or an agency, as defined in section one (1) of this Act, shall
31 not provide child foster care unless the individual or agency
32 obtains a license issued by the director under this Act.

33 However, a hospital licensed under chapter one hundred thirty-
34 five B (135B) of the Code, a health care facility licensed
35 under chapter one hundred thirty-five C (135C) of the Code,

1 or an institution listed in section two hundred eighteen point
2 one (218.1) of the Code, is not required to obtain a license
3 under this Act.

4 Sec. 5. NEW SECTION. LICENSE APPLICATION AND ISSUANCE-
5 -DENIAL, SUSPENSION OR REVOCATION--PROVISIONAL LICENSES.

6 1. An individual or an agency shall apply for a license
7 by completing an application to the director upon forms
8 furnished by the director. The director shall issue or reissue
9 a license if the director determines that the applicant or
10 licensee is or upon commencing operation will provide child
11 foster care in compliance with this Act. A license is valid
12 for one year from the date of issuance. The license shall
13 state on its face the name of the licensee, the type of
14 facility, the particular premises for which the license is
15 issued, and the number of children who may be cared for by
16 the facility on the premises at one time. The license shall
17 be posted in a conspicuous place in the physical plant of
18 the facility, except that if the facility is in a single-
19 family home the license may be kept where it is readily
20 available for examination upon request.

21 2. The director may deny an application for a license,
22 and may suspend or revoke a license, if the applicant or
23 licensee violates this Act or the rules promulgated pursuant
24 to this Act, or knowingly makes a false statement concerning
25 a material fact or conceals a material fact on the license
26 application or in a report regarding operation of the facility
27 submitted to the director.

28 3. The director may issue a provisional license for not
29 more than one year to a licensee whose facility does not meet
30 the requirements of this Act, if written plans to bring the
31 facility into compliance with the applicable requirements
32 are submitted to and approved by the director. The plans
33 shall state a specific time when compliance will be achieved.
34 Only one provisional license shall be issued for a facility
35 by reason of the same deficiency.

1 Sec. 6. NEW SECTION. RESTRICTED USE OF FACILITY. A
2 licensee shall not furnish child foster care in a building
3 or on premises not designated in the license or to a greater
4 number of children than is designated in the license, unless
5 the director so authorizes. Multiple licenses authorizing
6 separate and distinct parts of a facility to provide different
7 categories of child foster care may be issued.

8 Sec. 7. NEW SECTION. INSPECTIONS. The director may re-
9 quire submission of reports by a licensee, and shall cause
10 periodic inspections of facilities to be made as necessary
11 to determine compliance with applicable requirements and
12 standards. The director may examine records of a licensee,
13 including but not limited to corporate records and board
14 minutes, and may inquire into matters concerning a licensee
15 and its employees relating to requirements and standards for
16 child foster care under this Act.

17 Sec. 8. NEW SECTION. PERSONNEL.

18 1. Personnel of a licensee shall be in good health and
19 free of communicable disease, as certified by a physician
20 as defined by section one hundred thirty-five point one
21 (135.1), subsection five (5) of the Code. In the case of
22 an initial application for a license or a new employee of
23 a licensee, the certification shall be based on a physical
24 examination conducted no more than six months before employment
25 begins, or before application for licensure. The director
26 may annually require reasonable evidence of continuing good
27 health and freedom from communicable disease of the personnel.

28 2. A person who has been convicted of a crime involving
29 mistreatment or exploitation of a child shall not be licensed
30 or be employed by a licensee.

31 Sec. 9. NEW SECTION. CONFIDENTIAL INFORMATION. A person
32 who receives information from or through the department con-
33 cerning a child who has received or is receiving child foster
34 care, a relative or guardian of the child, a single-family,
35 home licensee, or an individual employee of a licensee, shall

1 not disclose that information directly or indirectly, except
2 as authorized by section two hundred seventeen point thirty
3 (217.30) of the Code, or as authorized or required by section
4 two hundred thirty-five A point three (235A.3) of the Code.

5 Sec. 10. NEW SECTION. PENALTY. An individual or an
6 agency who provides child foster care without obtaining a
7 license under this Act or who knowingly violates this Act
8 or the rules promulgated pursuant to this Act is guilty of
9 a serious misdemeanor.

10 Sec. 11. NEW SECTION. INJUNCTIVE RELIEF. An individual
11 or an agency who provides child foster care without obtaining
12 a license under this Act or who knowingly violates this Act
13 or the rules promulgated pursuant to this Act may be
14 temporarily or permanently enjoined by a court in an action
15 brought by the state, a political subdivision of the state
16 or an interested person.

17 Sec. 12. Chapter two hundred thirty-seven (237), Code
18 1979, is repealed.

19 Sec. 13. This Act is effective January first following
20 its enactment.

21 EXPLANATION

22 This bill repeals Code chapter 237, entitled "Children's
23 Boarding Homes", under which the Department of Social Services
24 now licenses children's boarding homes. The bill requires
25 licensing of all persons, defined as either individuals or
26 agencies, providing child foster care. Licensing procedures
27 for child foster care facilities are clarified, exempting
28 hospitals, health care facilities and state institutions
29 under the control of the Department from the licensing
30 requirement. "Child" is defined to include persons less than
31 eighteen years of age and persons eighteen, nineteen or twenty
32 years of age who are regularly attending an approved school
33 in pursuance of a high school diploma or its equivalent, or
34 who are regularly attending a course of vocational or technical
35 training. The inclusion of persons eighteen and over will

1 enable persons who have received foster care before their
2 eighteenth birthday to complete their basic education while
3 still receiving foster care services in an individual living,
4 a foster-family-care, or a residential setting.

5 The bill authorizes the director of the appropriate division
6 in the Department to promulgate administrative rules, and
7 outlines appropriate areas for regulation, including types
8 of facilities, categories of care to be licensed, and the
9 requirements for a facility's personnel, program and physical
10 plant. The rules must encourage the provision of child foster
11 care in a single-family, home environment, exempting such
12 facilities from inappropriate rules. Fire safety and
13 sanitation rules are to be promulgated respectively by the
14 State Fire Marshal and the Department of Health in con-
15 sultation with the director of the appropriate division in
16 the Department of Social Services.

17 Information concerning an individual's receipt of or connec-
18 tion with child foster care is confidential and can only be
19 disclosed under section 217.30 of the Code (Department of
20 Social Services) or under section 235A.3 of the Code (Child
21 Abuse). A violation of the Act or the rules promulgated pur-
22 suant to the Act is a serious misdemeanor with a maximum
23 penalty of \$1,000, imprisonment for one year, or both. The
24 bill becomes law on January first following its enactment.

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the Human Resources 3/29
Do Pass per 2673 4/2
Amend per 5152 (p. 1270)
to Do Pass 2/5/80 (p. 375)

SENATE FILE 432
BY COMMITTEE ON HUMAN RESOURCES

(AS AMENDED AND PASSED BY THE SENATE MARCH 26, 1979)

Re Passed Senate, Date 4/10/80 (p. 1490) Passed House, Date 2-21-80 (p. 618)
Vote: Ayes 41 Nays 6 Vote: Ayes 86 Nays 11
Approved May 23, 1980

Motion to reconsider 2/25 w/d 2/27
Repassed House 4/22/80 (1936)
83-9

A BILL FOR

1 An Act relating to licensing and regulation of child foster
2 care facilities, and prescribing penalties.

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

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SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 432

H-6119

1 Amend the House amendment, S-5230, to Senate File
2 432 as amended, passed and reprinted by the Senate
3 as follows:
4 1. Page 1, by striking lines 9 through 12.
5 2. Page 2, line 7, by inserting after the word
6 "child" the words "provided that foster children shall
7 not be counted in determining the maximum number of
8 children allowed".
9 3. Page 2, by striking lines 18 through 34.
10 4. Page 2, by inserting before line 35 the
11 following:
12 "Sec. ____ . NEW SECTION. A facility licensed under
13 this Act or a facility subject to the licensing
14 requirements of chapter two hundred thirty-seven A
15 (237A) of the Code, if providing child day care, shall
16 be exempt for a period of two hours or less in any
17 day from the limitation of simultaneously providing
18 child day care for a maximum of six children."

H-6119 FILED APRIL 16, 1980

RECEIVED FROM THE SENATE

House concurred 4/22 (p. 1936)

1 Section 1. NEW SECTION. DEFINITION. As used in this
2 Act:

3 1. "Agency" means a person, as defined in section four
4 point one (4.1), subsection thirteen (13) of the Code, which
5 provides child foster care and which does not meet the
6 definition of an individual in subsection seven (7) of this
7 section.

8 2. "Child" means child as defined in section two hundred
9 thirty-four point one (234.1), subsection four (4), of the
10 Code.

11 3. "Child foster care" means the provision of parental
12 nurturing, including but not limited to the furnishing of
13 food, lodging, training, education, supervision, treatment
14 or other care, to a child on a full-time basis by a person
15 other than a relative or guardian of the child, but does not
16 include:

17 a. Care furnished by an individual person who receives
18 the child of a personal friend as an occasional and personal
19 guest in the individual person's home, free of charge and
20 not as a business.

21 b. Care furnished by an individual person with whom a
22 child has been placed for lawful adoption, unless that adoption
23 is not completed within two years after placement.

24 4. "Department" means the department of social services.

25 5. "Director" means the director of that division of the
26 department designated by the commissioner of social services
27 to administer this Act or the director's designee.

28 6. "Facility" means the personnel, program, physical
29 plant, and equipment of a licensee.

30 7. "Individual" means an individual person or a married
31 couple who provides child foster care in a single-family home
32 environment and which does not meet the definition of an
33 agency in subsection one (1) of this section.

34 8. "Licensee" means an individual or an agency licensed
35 by the director under this Act.

1 Sec. 2. NEW SECTION. PURPOSE. It is the policy of this
2 state to provide appropriate protection for children who are
3 separated from the direct personal care of their parents,
4 relatives, or guardians and, as a result, are subject to dif-
5 ficulty in achieving appropriate physical, mental, emotional,
6 educational, or social development. This Act shall be con-
7 strued and administered to further that policy by assuring
8 that child foster care is adequately provided by competently-
9 staffed and well-equipped child foster care facilities.

10 Sec. 3. NEW SECTION. RULES.

11 1. Except as otherwise provided by subsections three (3)
12 and four (4) of this section, the director shall promulgate,
13 after their adoption by the council on social services, and
14 enforce in accordance with chapter seventeen A (17A) of the
15 Code, administrative rules necessary to implement this Act.
16 Formulation of the rules shall include consultation with
17 representatives of child foster care providers, and other
18 persons affected by this Act. The rules shall encourage the
19 provision of child foster care in a single-family, home
20 environment, exempting the single-family, home facility from
21 inappropriate rules.

22 2. Rules applicable to licensees shall include but are
23 not limited to:

24 a. Types of facilities, including but not limited to
25 single-family, home facilities with child foster care provided
26 by individuals and other public and private facilities with
27 child foster care provided by agencies, and other categories
28 of child foster care for which licenses are issued.

29 b. The number, qualifications, character, and parenting
30 ability of personnel necessary to assure the health, safety
31 and welfare of children receiving child foster care.

32 c. Programs for education and in-service training of per-
33 sonnel.

34 d. The physical environment of a facility.

35 e. Policies for intake, assessment, admission and dis-

1 charge.

2 f. Housing, health, safety, and medical-care policies
3 for children receiving child foster care.

4 g. The adequacy of programs available to children receiv-
5 ing child foster care, including but not limited to:

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6 (1) Dietary services.

7 (2) Social services.

8 (3) Activity programs.

9 (4) Behavior management procedures.

10 (5) Educational programs, including special education
11 as defined in section two hundred eighty-one point two (281.2),
12 subsection two (2) of the Code where appropriate, which are
13 approved by the state board of public instruction.

14 h. Policies for involvement of natural parents.

15 i. Records a licensee is required to keep, and reports
16 a licensee is required to make to the director.

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17 3. Rules governing fire safety in facilities with child
18 foster care provided by agencies shall be promulgated by the
19 state fire marshal pursuant to section one hundred point one
20 (100.1), subsection five (5) of the Code after consultation
21 with the director.

22 4. Rules governing sanitation, water and waste disposal
23 standards for facilities shall be promulgated by the state
24 department of health pursuant to section one hundred thirty-
25 five point eleven (135.11), subsection fifteen (15) of the
26 Code after consultation with the director.

27 5. In case of a conflict between rules promulgated pursu-
28 ant to subsections three (3) and four (4) of this section
29 and local rules, the more stringent requirement applies.

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30 Sec. 4. NEW SECTION. LICENSE REQUIRED. An individual
31 or an agency, as defined in section one (1) of this Act, shall
32 not provide child foster care unless the individual or agency
33 obtains a license issued by the director under this Act.

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34 However, a hospital licensed under chapter one hundred thirty-
35 five B (135B) of the Code, a health care facility licensed

1 under chapter one hundred thirty-five C (135C) of the Code,
2 or an institution listed in section two hundred eighteen point
3 one (218.1) of the Code, is not required to obtain a license
4 under this Act.

5 Sec. 5. NEW SECTION. LICENSE APPLICATION AND ISSUANCE-
6 -DENIAL, SUSPENSION OR REVOCATION--PROVISIONAL LICENSES.

7 1. An individual or an agency shall apply for a license
8 by completing an application to the director upon forms
9 furnished by the director. The director shall issue or reissue
10 a license if the director determines that the applicant or
11 licensee is or upon commencing operation will provide child
12 foster care in compliance with this Act. A license is valid
13 for one year from the date of issuance. The license shall
14 state on its face the name of the licensee, the type of
15 facility, the particular premises for which the license is
16 issued, and the number of children who may be cared for by
17 the facility on the premises at one time. The license shall
18 be posted in a conspicuous place in the physical plant of
19 the facility, except that if the facility is in a single-
20 family home the license may be kept where it is readily
21 available for examination upon request.

22 2. The director may deny an application for a license,
23 and may suspend or revoke a license, if the applicant or
24 licensee violates this Act or the rules promulgated pursuant
25 to this Act, or knowingly makes a false statement concerning
26 a material fact or conceals a material fact on the license
27 application or in a report regarding operation of the facility
28 submitted to the director.

29 3. The director may issue a provisional license for not
30 more than one year to a licensee whose facility does not meet
31 the requirements of this Act, if written plans to bring the
32 facility into compliance with the applicable requirements
33 are submitted to and approved by the director. The plans
34 shall state a specific time when compliance will be achieved.
35 Only one provisional license shall be issued for a facility

1 by reason of the same deficiency.

2 Sec. 6. NEW SECTION. RESTRICTED USE OF FACILITY. A
3 licensee shall not furnish child foster care in a building
515- 4 or on premises not designated in the license or to a greater
5 number of children than is designated in the license, unless
6 the director so authorizes. Multiple licenses authorizing
7 separate and distinct parts of a facility to provide different
8 categories of child foster care may be issued.

9 Sec. 7. NEW SECTION. INSPECTIONS. The director may re-
10 quire submission of reports by a licensee, and shall cause
5077-11 periodic inspections of facilities to be made as necessary
12 to determine compliance with applicable requirements and
13 standards. The director may examine records of a licensee,
14 including but not limited to corporate records and board
15 minutes, and may inquire into matters concerning a licensee
16 and its employees relating to requirements and standards for
17 child foster care under this Act.

18 Sec. 8. NEW SECTION. PERSONNEL.

19 1. Personnel of a licensee shall be in good health and
20 free of communicable disease, as certified by a physician
21 as defined by section one hundred thirty-five point one
22 (135.1), subsection five (5) of the Code. In the case of
23 an initial application for a license or a new employee of
24 a licensee, the certification shall be based on a physical
25 examination conducted no more than six months before employment
26 begins, or before application for licensure. The director
27 may annually require reasonable evidence of continuing good
28 health and freedom from communicable disease of the personnel.

29 2. A person who has been convicted of a crime involving
30 mistreatment or exploitation of a child shall not be licensed
31 or be employed by a licensee.

32 Sec. 9. NEW SECTION. CONFIDENTIAL INFORMATION. A person
33 who receives information from or through the department con-
34 cerning a child who has received or is receiving child foster
35 care, a relative or guardian of the child, a single-family,

1 home licensee, or an individual employee of a licensee, shall
2 not disclose that information directly or indirectly, except
3 as authorized by section two hundred seventeen point thirty
4 (217.30) of the Code, or as authorized or required by section
5 two hundred thirty-five A point three (235A.3) of the Code.

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6 Sec. 10. NEW SECTION. PENALTY. An individual or an
7 agency who provides child foster care without obtaining a
8 license under this Act or who knowingly violates this Act
9 or the rules promulgated pursuant to this Act is guilty of
10 a serious misdemeanor.

11 Sec. 11. NEW SECTION. INJUNCTIVE RELIEF. An individual
12 or an agency who provides child foster care without obtaining
13 a license under this Act or who knowingly violates this Act
14 or the rules promulgated pursuant to this Act may be
15 temporarily or permanently enjoined by a court in an action
16 brought by the state, a political subdivision of the state
17 or an interested person.

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18 Sec. 12. Chapter two hundred thirty-seven (237), Code
19 1979, is repealed.

20 Sec. 13. This Act is effective January first following
21 its enactment.

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SF 432
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FISCAL NOTE
Amendment H-5182 to H-5152 to S.F. 432
Requested by B. J. Clark
February 13, 1980

In compliance with a written request there is hereby submitted a Fiscal Note for H-5182 to H-5152 to Senate File 432 pursuant to Joint Rule 16.

S.F. 432, An Act relating to licensing and regulation of child foster care facilities.

H-5182 to H-5152 to amend S.F. 432, among other things would require as a condition of licensure by the Department of Social Services for an individual child foster care facility, the completion of three hours of pre-service child foster care training within one year of licensure and three hours per year as a continuing condition of licensure. The Department of Social Services shall also ensure that educational programs are available to all individuals within a reasonable traveling distance.

It is estimated, based on 5,000 individuals, that the annual cost to provide child foster care education would be as follows:

	<u>FY '81</u>	<u>FY '82</u>	<u>FY '83</u>	<u>FY '84</u>	<u>FY '85</u>
State	\$ 20,250	40,500	44,550	49,000	53,900
County	0	0	0	0	0
Federal	unknown	unkown	unkown	unkown	unkown
Total	<u>\$ 20,250</u>	<u>40,500</u>	<u>44,550</u>	<u>49,000</u>	<u>53,900</u>

The above assumes a 10 percent annual inflationary increase. It should also be noted that federal Title XX training funds for Iowa were cut for FY '80 and there is no assurance that funding will be available in the future. If such funding becomes available, the cost to the general fund for this program would be reduced.

Source: Department of Social Services

FILED FEBRUARY 21, 1980

BY GERRY D. RANKIN
Legislative Fiscal Bureau

SENATE FILE 432

S-5244

1 Amend the House amendment, S-5230, to Senate File
2 432, as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 2, by striking lines 20 through 34 and
5 inserting in lieu thereof the following:

6 "Sec. ____ . NEW SECTION. DISCIPLINE. Individual
7 licensees and individual employees of agency licensees
8 under this Act shall not subject a child to unusual,
9 unnecessary, or severe corporal punishment, but may
10 subject the child to reasonable corporal punishment
11 which is limited to striking the child's buttocks
12 or hands with an open hand in such a manner as to
13 have not more than a momentary physical effect."

S-5244 FILED *W/S 3/12 (p. 816)* BY SUE YENGER
MARCH 3, 1980

JOHN S. MURRAY
JULIA B. GENTLEMAN
TOM SLATER

SENATE FILE 432

S-5251

1 Amend the House amendment, S-5230, to Senate File
2 432, as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 2, by striking lines 20 through 34 and
5 inserting in lieu thereof the following:

6 "Sec. ____ . NEW SECTION. DISCIPLINE. Individual
7 licensees and individual employees of agency licensees
8 under this Act shall not subject a child to unusual,
9 unnecessary, or severe corporal punishment, but may
10 subject the child to reasonable corporal punishment
11 which is limited to striking the child's buttocks
12 or hands with an open hand in such a manner as to
13 have not more than a momentary physical effect. This
14 section shall not apply to persons licensed under
15 chapter two hundred thirty-seven A (237A) of the Code."

S-5251 FILED *W/S 3/12 (p. 816)* BY SUE YENGER
MARCH 4, 1980

JOHN S. MURRAY
JULIA B. GENTLEMAN
TOM SLATER

SENATE FILE 432

H-3835

- 1 Amend Senate File 432 as amended, passed and reprinted
- 2 by the Senate, as follows:
- 3 1. Page 3, by striking line 6 and renumbering the
- 4 succeeding subparagraphs accordingly.

H-3835 FILED *H/S 2/21 (p. 616)*
APRIL 10, 1979

BY MILLER of Buchanan

SEANTE FILE 432

H-3834

- 1 Amend the Committee on Human Resources amendment
- 2 H-3673 to Senate File 432 as amended, passed and re-
- 3 printed by the Senate, as follows:
- 4 1. Page 1, by striking lines 14 and 15 and insert-
- 5 ing in lieu thereof the words "foster care for a total
- 6 of not more than twenty days in one calendar year,".

H-3834 FILED *Placed out of order*
APRIL 10, 1979 *2/21 (p. 612)*

BY MILLER of Buchanan
MULLINS of Kossuth

SENATE FILE 432

H-3673

- 1 Amend Senate File 432 as follows:
- 2 1. Page 1, by inserting after line 23 the
- 3 following:
- 4 "c. Care furnished by a private boarding school
- 5 subject to approval by the state board of public in-
- 6 struction pursuant to section two hundred fifty-seven
- 7 point twenty-five (257.25) of the Code.
- 8 d. Child day care furnished by a licensed child
- 9 care center or a registered or nonregistered child
- 10 day care facility under chapter two hundred thirty-
- 11 seven A (237A) of the Code."
- 12 2. Page 3, line 34, by inserting after the word
- 13 "However," the words "an individual providing child
- 14 foster care for a period of five days or less not
- 15 more than four times in one calendar year,".

3834
H-3673 FILED *H/S 2/21 (p. 612)*
APRIL 2, 1979

BY COMMITTEE ON HUMAN RESOURCES
CLARK of Cerro Gordon, Chairperson

SENATE FILE 432

H-5077

1 Amend Senate File 432, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 16 the follow-
4 ing:

5 "j. Prior to the licensing of an individual, a
6 required, written social assessment of the quality
7 of the living situation in the home of the individual,
8 and a required compilation of personal references
9 for the individual other than those references given
10 by the individual."

11 2. Page 5, by striking line 11 and inserting in
12 lieu thereof the words "at least one annual unannounced
13 inspection of each facility to assess the quality
14 of the living situation and".

15 3. Page 6, by inserting after line 17 the follow-
16 ing:

17 "Sec. ____ . NEW SECTION. FOSTER CARE EDUCATION
18 REQUIREMENTS.

19 1. As a condition of licensure by the department
20 as an individual out-of-home care facility, an
21 individual shall complete three hours of pre-service
22 out-of-home care training within one year of li-
23 censure. An individual may be conditionally licensed
24 by the department if the individual submits proof
25 of intent to complete the three-hour pre-service
26 training requirement within one year.

27 2. As a continuing condition of licensure an
28 individual shall submit to the department proof of
29 completion of three hours per year of in-service or
30 educational training approved under subsection three
31 (3) of this section.

32 3. The department shall promulgate rules for
33 approval of programs to meet the requirements of this
34 section. The programs may include, but need not be
35 limited to pre-service training; in-service training;
36 workshops and seminars developed by the department
37 or by county departments of social services or national
38 conferences; courses taught in universities, colleges
39 or area colleges, including university extension
40 courses; courses taught in vocational, technical and
41 adult schools; workshops, seminars and courses offered
42 through private parent education agencies or private
43 placement agencies; and workshops, seminars and courses
44 pertaining to behavioral and developmental
45 disabilities. The department may approve programs
46 under this subsection only after consideration of
47 relevant factors including level of education, useful
48 or necessary skills, location and other criteria as
49 determined by the department. The department shall
50 promulgate rules for the review of programs approved

H-5077
Page two

1 under this subsection.
2 4. The department shall ensure that educational
3 programs approved under subsection three (3) of this
4 section are available to all individuals within a
5 reasonable traveling distance. The department shall
6 attempt to contract for federal Title twenty (XX)
7 educational funds to enable individuals to attend
8 educational programs approved under subsection three
9 (3) of this section. The department shall promulgate
10 rules concerning disbursement of such funds. Moneys
11 disbursed under this subsection may be used for the
12 following purposes:
13 a. Course materials and fees for individuals.
14 b. Specialized workshops, seminars and courses
15 pertaining to behavioral and developmental
16 disabilities.
17 c. Other expenses related to educational programs
18 under this section which the department deems
19 appropriate."

H-5077 FILED *H/S 2/21 (p. 616)*
JANUARY 29, 1980

By CONNOLLY of Dubuque

SENATE FILE 432

H-3864

1 Amend Senate File 432, as amended, passed and re-
2 printed by the Senate, as follows:
3 1. Page 2, line 9, by inserting after the word
4 "facilities" the words ", including but not limited to
5 residential treatment centers, group homes, and foster
6 family homes".
7 2. Page 3, line 5, by inserting after the word "care"
8 the words "provided by agencies".

BY MULLINS of Kossuth
LONERGAN of Boone
MILLER of Buchanan
CLARK of Cerro Gordo
SHIMANEK of Jones
CONNORS of Polk

H-3864 FILED *H/S 2/21 (p. 616)*
APRIL 11, 1979

SENATE FILE 432

H-5152

1 Amend Senate File 432, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 23 the
4 following:

5 "c. Care furnished by a private boarding school
6 subject to approval by the state board of public
7 instruction pursuant to section two hundred fifty-
8 seven point twenty-five (257.25) of the Code.

9 d. Child day care furnished by a licensed child
10 care center or a registered or nonregistered child
11 day care facility under chapter two hundred thirty-
12 seven A (237A) of the Code."

5223 13 2. Page 2, line 9, by inserting after the word
14 "facilities" the words ", including but not limited
15 to residential treatment centers, group homes, and
16 foster family homes".

17 3. Page 3, line 5, by inserting after the word
18 "care" the words "provided by agencies".

5224 19 4. Page 3, by inserting after line 29 the
20 following:

21 "6. Rules of the department shall not prohibit
22 the licensing, as foster family homes, of individuals
23 who are departmental employees not directly engaged
24 in the administration of the child foster care program
25 pursuant to this Act."

26 5. By striking page 3, line 34 through page 4,
27 line 4 and inserting in lieu thereof the following:
28 "However, a license is not required of the following:

5272 29 1. An individual providing out of home care for
30 a total of not more than twenty days in one calendar
31 year.

32 2. A hospital licensed under chapter one hundred
33 thirty-five B (135B) of the Code.

34 3. A health care facility licensed under chapter
35 one hundred thirty-five C (135C) of the Code.

36 4. A juvenile detention home or juvenile shelter
37 care home approved under section two hundred thirty-
38 two point one hundred forty-two (232.142) of the Code.

39 5. An institution listed in section two hundred
40 eighteen point one (218.1) of the Code."

5265 41 6. Page 5, line 4, by striking the words "or to"
42 and inserting in lieu thereof the words ". A licensee
43 shall not furnish child foster care to".

44 7. Page 6, by striking line 5 and inserting in
45 lieu thereof the words and figure "two hundred thirty-
46 two point sixty-nine (232.69) of the Code."

H-5152 FILED
FEBRUARY 5, 1980

BY COMMITTEE ON HUMAN RESOURCES
Clark, Chairperson

*Adopted as amended by
5182 A, B, 5238 and 5265
2/21 (p. 615)*

SENATE FILE 432

H-5129

1 Amend Senate File 432, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 6, by inserting after line 17 the
4 following:
5 "Sec. ____ . NEW SECTION. DISCIPLINE. A facility
6 licensed under this Act or a facility licensed or
7 registered under chapter two hundred thirty-seven
8 A (237A) of the Code shall not subject a child to
9 unusual, unnecessary, or severe corporal punishment.
10 However, a facility licensed under this Act may subject
11 a child to reasonable corporal punishment and a
12 facility licensed under chapter two hundred thirty-
13 seven A (237A) may, with the written permission of
14 a child's parent, subject the child to reasonable
15 corporal punishment."

H-5129 FILED
FEBRUARY 1, 1980

*Adopted as amended
by 5178 2/21 (p. 618)*

By SMALLEY of Polk JOHNSON of Howard
CONLON of Muscatine CHIODO of Polk
WOODS of Polk JAY of Appanoose
DAGGETT of Taylor VAN MAANEN of Mahaska
LARSEN of Wapello HALVORSON of Webster 2/21
HANSON of Delaware JOHNSON of Linn
MILLER of Buchanan TYRRELL of Iowa
SWEARINGEN of Keokuk DIEMER of Black Hawk
DANKER of Pottawattamie
HUSAK of Tama CRABB of Crawford
SCHROEDER of Pottawattamie
DE GROOT of Lyon COREY of Louisa
OXLEY of Linn

SENATE FILE 432

H-5140

1 Amend amendment H-5077 to Senate File 432, as
2 amended, passed and reprinted by the Senate, as fol-
3 lows:
4 1. Page 1, line 17, by striking the word "FOS-
5 TER" and inserting in lieu thereof the words "OUT-
6 OF-HOME".

H-5140 FILED *Placed out* By CONNOLLY of Dubuque
FEBRUARY 4, 1980 *of order*

2/21 (p. 616)

SENATE FILE 432

H-5182

1 Amend the House Committee amendment, H-5152, to
2 Senate File 432, as amended, passed and reprinted
3 by the Senate, as follows:

4 1. Page 1, by inserting after line 18 the follow-
5 ing:

A
adopted

6 "____. Page 3, by inserting after line 16 the
7 following:

8 "j. Prior to the licensing of an individual as
9 a foster family home, a required, written social
10 assessment of the quality of the living situation
11 in the home of the individual, and a required
12 compilation of personal references for the individual
13 other than those references given by the individual."

14 2. Page 1, by inserting after line 43 the follow-
15 ing:

B
adopted

16 "____. Page 5, by striking line 11 and inserting
17 in lieu thereof the words "at least one annual
18 unannounced inspection of each facility to assess
19 the quality of the living situation and"."

20 3. Page 1, by inserting after line 46 the follow-
21 ing:

C
Lost

22 "____. Page 6, by inserting after line 17 the
23 following:

24 "Sec. ____ . NEW SECTION. CHILD FOSTER CARE
25 EDUCATION REQUIREMENTS.

26 1. As a condition of licensure by the department
27 as an individual child foster care facility, an
28 individual shall complete three hours of pre-service
29 child foster care training within one year of li-
30 censure. An individual may be conditionally licensed
31 by the department if the individual submits proof
32 of intent to complete the three-hour pre-service
33 training requirement within one year.

34 2. As a continuing condition of licensure an
35 individual shall submit to the department proof of
36 completion of three hours per year of in-service or
37 educational training approved under subsection three
38 (3) of this section.

39 3. The department shall promulgate rules for
40 approval of programs to meet the requirements of this
41 section. The programs may include, but need not be
42 limited to pre-service training; in-service training;
43 workshops and seminars developed by the department
44 or by county departments of social services or national
45 conferences; courses taught in universities, colleges
46 or area colleges, including university extension
47 courses; courses taught in vocational, technical and
48 adult schools; workshops, seminars and courses offered
49 through private parent education agencies or private
50 placement agencies; and workshops, seminars and courses

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Page Two

1 pertaining to behavioral and developmental
2 disabilities. The department shall approve programs
3 under this subsection only after consideration of
4 relevant factors including level of education, useful
5 or necessary skills, location and other criteria as
6 determined by the department. The department shall
7 promulgate rules for the review of programs approved
8 under this subsection.
9 4. The department shall ensure that educational
10 programs approved under subsection three (3) of this
11 section are available to all individuals within a
12 reasonable traveling distance. The department shall
13 attempt to contract for federal Title twenty (XX)
14 educational funds to enable individuals to attend
15 educational programs approved under subsection three
16 (3) of this section. The department shall promulgate
17 rules concerning disbursement of such funds. Moneys
18 disbursed under this subsection may be used for the
19 following purposes:
20 a. Course materials and fees for individuals.
21 b. Specialized workshops, seminars and courses
22 pertaining to behavioral and developmental
23 disabilities.
24 c. Other expenses related to educational programs
25 under this section which the department deems
26 appropriate."
27 4. By renumbering the appropriate paragraphs of
28 the amendment.

H-5182 FILED BY CONNOLLY of Dubuque
FEBRUARY 7, 1980
A and B Adopted; C - Lost 2/21 (p. 614)

SENATE FILE 432

H-5178

1 Amend amendment H-5129 to Senate File 432 as
2 follows:
3 1. Page 1, by striking line 15 and inserting in
4 lieu thereof the following:
5 "corporal punishment. As used in this section,
6 "corporal punishment" is limited to striking the
7 child's buttocks or hands with an open hand in such
8 a manner as to have not more than a momentary
9 physical effect."

H-5178 FILED
FEBRUARY 7, 1980
Adopted 2/21 (p. 617)

BY JOCHUM of Dubuque
SMALLEY of Polk

SENATE FILE 432

H-5238

- 1 Amend the House Committee amendment, H-5152, to
- 2 Senate File 432, as amended, passed, and reprinted
- 3 by the Senate, as follows:
- 4 1. Page 1, by inserting after line 18 the
- 5 following:
- 6 " . Page 3, by inserting after line 13 the
- 7 following: "The department shall not promulgate rules
- 8 which regulate individual licensees in the subject
- 9 areas enumerated in this paragraph."
- 10 2. By renumbering the paragraphs of the amendment.

H-5238 FILED

FEBRUARY 15, 1980

Adopted 2/21 (p. 615)

By MILLER of Buchanan

SENATE FILE 432

H-5265

- 1 Amend amendment H-5152 to Senate File 432, as amended,
- 2 passed and reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 40 the following:
- 4 "6. An individual providing child care as a babysitter
- 5 for one or more children, up to a maximum of six children
- 6 simultaneously, not overnight, at the request of a parent,
- 7 guardian or relative having lawful custody of the child."

H-5265 FILED

FEBRUARY 20, 1980

Adopted 2/21 (p. 615)

BY JOHNSON of Howard

TYRRELL of Iowa

SENATE FILE 432

H-5272

- 1 Amend the House Committee amendment, H-5152, to
- 2 Senate File 432, as amended, passed and reprinted
- 3 by the Senate, as follows:
- 4 1. Page 1, line 29, by striking the words "out
- 5 of home" and inserting in lieu thereof the words
- 6 "child foster".

H-5272 FILED

FEBRUARY 21, 1980

ADOPTED (p. 615)

BY MULLINS of Kossuth

SENATE FILE 432

H-5226

1 Amend the House Committee amendment, H-5152, to
2 Senate File 432, as amended, passed, and reprinted
3 by the Senate, as follows:

4 1. Page 1, by inserting after line 12 the
5 following:

6 "e. Care furnished by a registered or nonregistered
7 preschool educational care center under chapter two
8 hundred thirty-seven A (237A) of the Code."

9 2. Page 1, by inserting after line 46 the
10 following:

11 "____. Page 6, by inserting after line 17 the
12 following:

13 "Sec. _____. Section two hundred thirty-seven A
14 point one (237A.1), subsection seven (7), Code 1979,
15 is amended by adding the following new paragraph:

16 NEW PARAGRAPH. Preschool educational care.

17 Sec. _____. Section two hundred thirty-seven A point
18 one (237A.1), Code 1979, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. "Preschool educational care" means
21 a prekindergarten program of instruction and
22 supervision, of a child by a person other than the
23 parent, guardian, relative or custodian for periods
24 of not more than eight hours per day per child in
25 a place other than the child's home, designed to
26 develop the child's sense of self and perception of
27 others, to assist the child's self-expression, to
28 assist the child to work and play with other children,
29 to teach the child to use and manage the body, and
30 to extend the child's interests and understanding
31 of the world.

32 Sec. _____. Chapter two hundred thirty-seven A
33 (237A), Code 1979, is amended by adding the following
34 new section:

35 NEW SECTION. A person who establishes and operates
36 a preschool educational care center may apply to the
37 department for registration under the provisions of
38 this chapter. The department shall issue a certificate
39 of registration upon receipt of a statement that the
40 center complies with rules promulgated by the
41 department. The department shall promulgate pursuant
42 to chapter seventeen A (17A) of the Code necessary
43 rules to implement this section. The rules shall
44 include but are not limited to registration procedures,
45 suspension and revocation of registration, posting
46 of registration certificates, physical facilities,
47 maximum number of children to be received, health,
48 safety and medical policies for children, personnel
49 requirements, educational activities, and record-
50 keeping." "

HOUSE AMENDMENT TO SENATE FILE 432

S-5230

1 Amend Senate File 432, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 23 the
4 following:

5 "c. Care furnished by a private boarding school
6 subject to approval by the state board of public
7 instruction pursuant to section two hundred fifty-
8 seven point twenty-five (257.25) of the Code.

9 d. Child day care furnished by a licensed child
10 care center or a registered or nonregistered child
11 day care facility under chapter two hundred thirty-
12 seven A (237A) of the Code."

13 2. Page 2, line 9, by inserting after the word
14 "facilities" the words ", including but not limited
15 to residential treatment centers, group homes, and
16 foster family homes".

17 3. Page 3, line 5, by inserting after the word
18 "care" the words "provided by agencies".

19 4. Page 3, by inserting after line 13 the
20 following: "The department shall not promulgate rules
21 which regulate individual licensees in the subject
22 areas enumerated in this paragraph."

23 5. Page 3, by inserting after line 16 the
24 following:

25 "j. Prior to the licensing of an individual as
26 a foster family home, a required, written social
27 assessment of the quality of the living situation
28 in the home of the individual, and a required
29 compilation of personal references for the individual
30 other than those references given by the individual."

31 6. Page 3, by inserting after line 29 the
32 following:

33 "6. Rules of the department shall not prohibit
34 the licensing, as foster family homes, of individuals
35 who are departmental employees not directly engaged
36 in the administration of the child foster care program
37 pursuant to this Act."

38 7. By striking page 3, line 34 through page 4,
39 line 4 and inserting in lieu thereof the following:

40 "However, a license is not required of the following:
41 1. An individual providing child foster care for
42 a total of not more than twenty days in one calendar
43 year.

44 2. A hospital licensed under chapter one hundred
45 thirty-five B (135B) of the Code.

46 3. A health care facility licensed under chapter
47 one hundred thirty-five C (135C) of the Code.

48 4. A juvenile detention home or juvenile shelter
49 care home approved under section two hundred thirty-
50 two point one hundred forty-two (232.142) of the Code.

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Page 2

1 5. An institution listed in section two hundred
2 eighteen point one (218.1) of the Code.

3 6. An individual providing child care as a
4 babysitter for one or more children, up to a maximum
5 of six children simultaneously, not overnight, at
6 the request of a parent, guardian or relative having
7 lawful custody of the child."

8 8. Page 5, line 4, by striking the words "or to"
9 and inserting in lieu thereof the words ". A licensee
10 shall not furnish child foster care to".

11 9. Page 5, by striking line 11 and inserting in
12 lieu thereof the words "at least one annual unannounced
13 inspection of each facility to assess the quality
14 of the living situation and".

15 10. Page 6, by striking line 5 and inserting in
16 lieu thereof the words and figure "two hundred thirty-
17 two point sixty-nine (232.69) of the Code."

18 11. Page 6, by inserting after line 17 the
19 following:

20 "Sec. ____ . NEW SECTION. DISCIPLINE. A facility
21 licensed under this Act or a facility licensed or
22 registered under chapter two hundred thirty-seven
23 A (237A) of the Code shall not subject a child to
24 unusual, unnecessary, or severe corporal punishment.
25 However, a facility licensed under this Act may subject
26 a child to reasonable corporal punishment and a
27 facility licensed under chapter two hundred thirty-
28 seven A (237A) may, with the written permission of
29 a child's parent, subject the child to reasonable
30 corporal punishment. As used in this section,
31 "corporal punishment" is limited to striking the
32 child's buttocks or hands with an open hand in such
33 a manner as to have not more than a momentary physical
34 effect."

53
56
51
S-5230 FILED
FEBRUARY 27, 1980

RECEIVED FROM THE HOUSE

Senators
U ended by 5355, 5350, 5353, and 5747
and Concurred 4/16 (p. 1498)

SENATE CLIP SHEET

MARCH 13, 1980

SENATE FILE 432

S-5348

1 Amend the House amendment, S-5230, to Senate File
2 432, as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 2, by inserting after line 34 the follow-
5 ing:

6 "12. Page 6, by inserting after line 17 the follow-
7 ing:

8 "Sec. ____ . NEW SECTION. CHILD FOSTER CARE
9 EDUCATION REQUIREMENTS.

10 1. As a condition of licensure by the department
11 as an individual child foster care facility, an
12 individual shall complete three hours of pre-service
13 child foster care training within one year of li-
14 censure. An individual may be conditionally licensed
15 by the department if the individual submits proof
16 of intent to complete the three-hour pre-service
17 training requirement within one year.

18 2. As a continuing condition of licensure an
19 individual shall submit to the department proof of
20 completion of three hours per year of in-service or
21 educational training approved under subsection three
22 (3) of this section.

23 3. The department shall promulgate rules for
24 approval of programs to meet the requirements of this
25 section. The programs may include, but need not be
26 limited to pre-service training; in-service training;
27 workshops and seminars developed by the department
28 or by county departments of social services or national
29 conferences; courses taught in universities, colleges
30 or area colleges, including university extension
31 courses; courses taught in vocational, technical and
32 adult schools; workshops, seminars and courses offered
33 through private parent education agencies or private
34 placement agencies; and workshops, seminars and courses
35 pertaining to behavioral and developmental
36 disabilities. The department shall approve programs
37 under this subsection only after consideration of
38 relevant factors including level of education, useful
39 or necessary skills, location and other criteria as
40 determined by the department. The department shall
41 promulgate rules for the review of programs approved
42 under this subsection.

43 4. The department shall ensure that educational
44 programs approved under subsection three (3) of this
45 section are available to all individuals within a
46 reasonable traveling distance. The department shall
47 attempt to contract for federal Title twenty (XX)
48 educational funds to enable individuals to attend
49 educational programs approved under subsection three
50 (3) of this section. The department shall promulgate

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Page 2

- 1 rules concerning disbursement of such funds. Moneys
- 2 disbursed under this subsection may be used for the
- 3 following purposes:
- 4 a. Course materials and fees for individuals.
- 5 b. Specialized workshops, seminars and courses
- 6 pertaining to behavioral and developmental
- 7 disabilities.
- 8 c. Other expenses related to educational programs
- 9 under this section which the department deems
- 10 appropriate."

S-5348 FILED
MARCH 12, 1980

BY ROBERT M. CARR

W/d 4/16 (p. 1495)

SENATE FILE 432

S-5350

- 1 Amend House Amendment S-5230 to Senate File 432,
- 2 page 1, by striking lines 9 through 12.

S-5350 FILED & ADOPTED (*p. 818*)
MARCH 12, 1980

BY JOHN S. MURRAY

SENATE FILE 432

S-5353

- 1 Amend the House amendment S-5230 to Senate File 432
- 2 as follows:
- 3 1. Page 2, line 7, by inserting after the word
- 4 "child" the words "provided that foster children shall
- 5 not be counted in determining the maximum number of
- 6 children allowed".

S-5353 FILED & ADOPTED (*p. 818*)
MARCH 12, 1980

BY C. W. HUTCHINS
LUCAS J. DeKOSTER

SENATE FILE 432

S-5285

- 1 Amend the House Amendment S-5230 to Senate File
- 2 432 as follows:
- 3 1. Page 2, by striking lines 18 through 34.

S-5285 FILED *Lost 3/12 (p. 817)* BY SUE YENGER
MARCH 6, 1980

JOHN S. MURRAY
JULIA B. GENTLEMAN
TOM SLATER

Motion to reconsider 4/15
Reconsidered & Adopted 4/16 (p. 1497)

SENATE FILE 432

S-5727

1 Amend the House amendment, S-5230, to Senate File
2 432, as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 2, by inserting after line 34 the
5 following:

6 "____. Page 6, by inserting before line 18 the
7 following:

8 "Sec. ____ . NEW SECTION. DISCIPLINE--CONDITIONS.

9 Corporal punishment administered by a facility
10 licensed under this Act or under chapter two hundred
11 thirty-seven A (237A) of the Code shall only be
12 administered by those employees who possess
13 baccalaureate degrees and have completed a minimum
14 of twenty semester hours in child psychology and
15 twenty semester hours in early childhood education.
16 Qualified employees shall not delegate the
17 responsibility for administering corporal punishment."

S-5727 FILED

BY SUE YENGER

APRIL 14, 1980

W/d 4/16 (p. 1498)

SENATE FILE 432

S-5747

1 Amend House amendment, S-5230 to Senate File 432,
2 as amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 2, by inserting after line 34 the
5 following:

6 "Sec. ____ . NEW SECTION. A facility licensed under
7 this Act or a facility subject to the licensing
8 requirements of chapter two hundred thirty-seven A
9 (237A) of the Code, if providing child day care, shall
10 be exempt for a period of two hours or less in any
11 day from the limitation of simultaneously providing
12 child day care for a maximum of six children."

S-5747 FILED

BY C. W. HUTCHINS

APRIL 16, 1980

ADOPTED (*p. 1498*)

S-5634

1 Amend the House amendment, S-5230, to Senate File
2 432, as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 2, by inserting after line 34 the
5 following:

6 "____. Page 6, by inserting before line 18 the
7 following:

8 "Sec. ____ . NEW SECTION. DISCIPLINE--EXCEPTION.

9 A facility licensed under this Act or under chapter
10 two hundred thirty-seven A (237A) of the Code which
11 receives a child who has been referred to the facility
12 by the department because of suspected child abuse
13 shall not subject any child cared for in the facility
14 to any form of corporal punishment, even if the parent
15 of a child gives written permission to subject the
16 child to corporal punishment."

S-5634 FILED

BY JULIA GENTLEMAN

APRIL 2, 1980

w/d 4/16 (p. 1498)

S-5660

1 Amend the House amendment, S-5230, to Senate File
2 432, as amended, passed and reprinted by the Senate,
3 as follows:

4 1. Page 2, by inserting after line 34 the
5 following:

6 "____. Page 6, by inserting before line 18 the
7 following:

8 "Sec. ____ . NEW SECTION. DISCIPLINE--WRITTEN
9 PERMISSION--IMMUNITY--NOTICE.

10 1. Any written permission, given to a facility
11 licensed under this Act or under chapter two hundred
12 thirty-seven A (237A) of the Code, to subject a child
13 to corporal punishment shall be signed by both of
14 the child's parents, if known and living. The written
15 permission shall include a grant of immunity from
16 all charges by the parents for actions taken by the
17 facility or its employees which were reasonably
18 believed by the facility or its employees to carry
19 out the permitted corporal punishment.

20 2. Any facility licensed under chapter two hundred
21 thirty-seven A (237A) of the Code which administers
22 corporal punishment shall post a sign in a prominent
23 place notifying visitors that the facility administers
24 corporal punishment upon the written permission of
25 parents. The facility shall send a written statement
26 at least once every calendar year to each parent of
27 a child receiving care in the facility during that
28 year. The statement shall notify the parents that
29 the facility administers corporal punishment upon
30 the written permission of parents."

S-5660 FILED

BY JOHN MURRAY

APRIL 3, 1980

Revised out of order 4/16 (p. 1498)

SENATE FILE 432

AN ACT

RELATING TO LICENSING AND REGULATION OF CHILD FOSTER CARE
FACILITIES, AND PRESCRIBING PENALTIES.

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

Section 1. NEW SECTION. DEFINITION. As used in this Act:

1. "Agency" means a person, as defined in section four point one (4.1), subsection thirteen (13) of the Code, which provides child foster care and which does not meet the definition of an individual in subsection seven (7) of this section.

2. "Child" means child as defined in section two hundred thirty-four point one (234.1), subsection four (4), of the Code.

3. "Child foster care" means the provision of parental nurturing, including but not limited to the furnishing of food, lodging, training, education, supervision, treatment or other care, to a child on a full-time basis by a person other than a relative or guardian of the child, but does not include:

a. Care furnished by an individual person who receives the child of a personal friend as an occasional and personal guest in the individual person's home, free of charge and not as a business.

b. Care furnished by an individual person with whom a child has been placed for lawful adoption, unless that adoption is not completed within two years after placement.

c. Care furnished by a private boarding school subject to approval by the state board of public instruction pursuant to section two hundred fifty-seven point twenty-five (257.25) of the Code.

4. "Department" means the department of social services.

5. "Director" means the director of that division of the department designated by the commissioner of social services to administer this Act or the director's designee.

6. "Facility" means the personnel, program, physical plant, and equipment of a licensee.

7. "Individual" means an individual person or a married couple who provides child foster care in a single-family home environment and which does not meet the definition of an agency in subsection one (1) of this section.

8. "Licensee" means an individual or an agency licensed by the director under this Act.

Sec. 2. NEW SECTION. PURPOSE. It is the policy of this state to provide appropriate protection for children who are separated from the direct personal care of their parents, relatives, or guardians and, as a result, are subject to difficulty in achieving appropriate physical, mental, emotional, educational, or social development. This Act shall be construed and administered to further that policy by assuring that child foster care is adequately provided by competently-staffed and well-equipped child foster care facilities, including but not limited to residential treatment centers, group homes, and foster family homes.

Sec. 3. NEW SECTION. RULES.

1. Except as otherwise provided by subsections three (3) and four (4) of this section, the director shall promulgate, after their adoption by the council on social services, and enforce in accordance with chapter seventeen A (17A) of the Code, administrative rules necessary to implement this Act. Formulation of the rules shall include consultation with representatives of child foster care providers, and other persons affected by this Act. The rules shall encourage the provision of child foster care in a single-family, home environment, exempting the single-family, home facility from inappropriate rules.

2. Rules applicable to licensees shall include but are not limited to:

a. Types of facilities, including but not limited to single-family, home facilities with child foster care provided by individuals and other public and private facilities with child foster care provided by agencies, and other categories of child foster care for which licenses are issued.

b. The number, qualifications, character, and parenting ability of personnel necessary to assure the health, safety and welfare of children receiving child foster care.

c. Programs for education and in-service training of personnel.

d. The physical environment of a facility.

e. Policies for intake, assessment, admission and discharge.

f. Housing, health, safety, and medical-care policies for children receiving child foster care.

g. The adequacy of programs available to children receiving child foster care provided by agencies, including but not limited to:

(1) Dietary services.

(2) Social services.

(3) Activity programs.

(4) Behavior management procedures.

(5) Educational programs, including special education as defined in section two hundred eighty-one point two (281.2), subsection two (2) of the Code where appropriate, which are approved by the state board of public instruction.

The department shall not promulgate rules which regulate individual licensees in the subject areas enumerated in this paragraph.

h. Policies for involvement of natural parents.

i. Records a licensee is required to keep, and reports a licensee is required to make to the director.

j. Prior to the licensing of an individual as a foster family home, a required, written social assessment of the quality of the living situation in the home of the individual, and a required compilation of personal references for the individual other than those references given by the individual.

3. Rules governing fire safety in facilities with child foster care provided by agencies shall be promulgated by the state fire marshal pursuant to section one hundred point one (100.1), subsection five (5) of the Code after consultation with the director.

4. Rules governing sanitation, water and waste disposal standards for facilities shall be promulgated by the state department of health pursuant to section one hundred thirty-five point eleven (135.11), subsection fifteen (15) of the Code after consultation with the director.

5. In case of a conflict between rules promulgated pursuant to subsections three (3) and four (4) of this section and local rules, the more stringent requirement applies.

6. Rules of the department shall not prohibit the licensing, as foster family homes, of individuals who are departmental employees not directly engaged in the administration of the child foster care program pursuant to this Act.

Sec. 4. NEW SECTION. LICENSE REQUIRED. An individual or an agency, as defined in section one (1) of this Act, shall not provide child foster care unless the individual or agency obtains a license issued by the director under this Act. However, a license is not required of the following:

1. An individual providing child foster care for a total of not more than twenty days in one calendar year.

2. A hospital licensed under chapter one hundred thirty-five B (135B) of the Code.

3. A health care facility licensed under chapter one hundred thirty-five C (135C) of the Code.

4. A juvenile detention home or juvenile shelter care home approved under section two hundred thirty-two point one hundred forty-two (232.142) of the Code.

5. An institution listed in section two hundred eighteen point one (218.1) of the Code.

6. An individual providing child care as a babysitter for one or more children, up to a maximum of six children simultaneously, not overnight, at the request of a parent, guardian or relative having lawful custody of the child provided that foster children shall not be counted in determining the maximum number of children allowed.

Sec. 5. NEW SECTION. LICENSE APPLICATION AND ISSUANCE--DENIAL, SUSPENSION OR REVOCATION--PROVISIONAL LICENSES.

1. An individual or an agency shall apply for a license by completing an application to the director upon forms furnished by the director. The director shall issue or reissue a license if the director determines that the applicant or licensee is or upon commencing operation will provide child foster care in compliance with this Act. A license is valid for one year from the date of issuance. The license shall state on its face the name of the licensee, the type of facility, the particular premises for which the license is issued, and the number of children who may be cared for by the facility on the premises at one time. The license shall be posted in a conspicuous place in the physical plant of the facility, except that if the facility is in a single-family home the license may be kept where it is readily available for examination upon request.

2. The director may deny an application for a license, and may suspend or revoke a license, if the applicant or licensee violates this Act or the rules promulgated pursuant to this Act, or knowingly makes a false statement concerning a material fact or conceals a material fact on the license application or in a report regarding operation of the facility submitted to the director.

3. The director may issue a provisional license for not more than one year to a licensee whose facility does not meet the requirements of this Act, if written plans to bring the facility into compliance with the applicable requirements are submitted to and approved by the director. The plans shall state a specific time when compliance will be achieved. Only one provisional license shall be issued for a facility by reason of the same deficiency.

Sec. 6. NEW SECTION. RESTRICTED USE OF FACILITY. A licensee shall not furnish child foster care in a building or on premises not designated in the license. A licensee shall not furnish child foster care to a greater number of children than is designated in the license, unless the director so authorizes. Multiple licenses authorizing separate and distinct parts of a facility to provide different categories of child foster care may be issued.

Sec. 7. NEW SECTION. INSPECTIONS. The director may require submission of reports by a licensee, and shall cause at least one annual unannounced inspection of each facility to assess the quality of the living situation and to determine compliance with applicable requirements and standards. The director may examine records of a licensee, including but not limited to corporate records and board minutes, and may inquire into matters concerning a licensee and its employees relating to requirements and standards for child foster care under this Act.

Sec. 8. NEW SECTION. PERSONNEL.

1. Personnel of a licensee shall be in good health and free of communicable disease, as certified by a physician as defined by section one hundred thirty-five point one (135.1), subsection five (5) of the Code. In the case of an initial application for a license or a new employee of a licensee, the certification shall be based on a physical examination conducted no more than six months before employment begins, or before application for licensure. The director

may annually require reasonable evidence of continuing good health and freedom from communicable disease of the personnel.

2. A person who has been convicted of a crime involving mistreatment or exploitation of a child shall not be licensed or be employed by a licensee.

Sec. 9. NEW SECTION. CONFIDENTIAL INFORMATION. A person who receives information from or through the department concerning a child who has received or is receiving child foster care, a relative or guardian of the child, a single-family, home licensee, or an individual employee of a licensee, shall not disclose that information directly or indirectly, except as authorized by section two hundred seventeen point thirty (217.30) of the Code, or as authorized or required by section two hundred thirty-two point sixty-nine (232.69) of the Code.

Sec. 10. NEW SECTION. A facility licensed under this Act or a facility subject to the licensing requirements of chapter two hundred thirty-seven A (237A) of the Code, if providing child day care, shall be exempt for a period of two hours or less in any day from the limitation of simultaneously providing child day care for a maximum of six children.

Sec. 11. NEW SECTION. PENALTY. An individual or an agency who provides child foster care without obtaining a license under this Act or who knowingly violates this Act or the rules promulgated pursuant to this Act is guilty of a serious misdemeanor.

Sec. 12. NEW SECTION. INJUNCTIVE RELIEF. An individual or an agency who provides child foster care without obtaining a license under this Act or who knowingly violates this Act or the rules promulgated pursuant to this Act may be temporarily or permanently enjoined by a court in an action brought by the state, a political subdivision of the state or an interested person.

Sec. 13. Chapter two hundred thirty-seven (237), Code 1979, is repealed.

Sec. 14. This Act is effective January first following its enactment.

TERRY E. BRANSTAD
President of the Senate

WILLIAM H. HARBOR
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 432, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved May 23, 1980

ROBERT D. RAY
Governor