

State Govt Amend for 54204 Do Pass
SENATE FILE 2293 3/16 (p. 886)

Reprinted 2/19

State Government
Bruner, Chair
Slater
Soorholtz

FILED MAR 2 1984

SENATE FILE 2293

BY COMMITTEE ON HUMAN RESOURCES
Approved 2/2 (p. 638)

Passed Senate, Date 3-19-84 (p. 908) Passed House, Date 3-29-83 (P. 1461)

Vote: Ayes 44 Nays 1 Vote: Ayes 78 Nays 14

Approved May 14, 1984
motion to reconsider 4/9 (p. 1408)

A BILL FOR

1 An Act creating foster care review boards, creating a foster
2 care registry, providing for rehabilitation for a child
3 receiving foster care and the child's family unit, amending
4 provisions relating to a court's dispositional order,
5 and providing a penalty.

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

- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

S. 2293

1 Section 1. Section 232.52, Code Supplement 1983, is amended
2 by adding the following new subsections:

3 NEW SUBSECTION. 5. When the court enters an order placing
4 a child in foster care, the court shall review and may affirm
5 or make other disposition not later than six months after
6 the initial order and every six months thereafter. The court
7 shall consider the following criteria:

8 a. The case permanency plan pursuant to section 237.22.

9 b. The services provided to reunite the child and family
10 as defined in section 237.15.

11 c. The type of care provided for the child when return
12 to the family is not feasible.

13 d. The recommendation of the foster care provider.

14 e. Reports submitted to the court pursuant to section
15 232.53, subsection 3.

16 A copy of the dispositional order pursuant to this
17 subsection shall be submitted to the state and local foster
18 care review boards.

19 NEW SUBSECTION. 6. Reasonable notice of the court review
20 shall be given to the following parties in the same manner
21 as provided in section 232.37:

22 a. The person, court, or agency responsible for the child.

23 b. The parent or parents of the child unless termination
24 of parental rights has occurred pursuant to section 232.117.

25 c. The foster care provider of the child.

26 d. The child receiving foster care if the child is fourteen
27 years of age or older.

28 e. The guardian ad litem of the foster child.

29 f. The department.

30 g. The county attorney.

31 Sec. 2. Section 232.78, Code 1983, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 5. When there has been a temporary removal
34 of a child pursuant to an ex parte court order, a physical
35 examination of the child by a licensed medical practitioner

1 shall be performed within twenty-four hours of the child's
2 removal unless the child is returned to the child's home
3 within twenty-four hours of the removal.

4 Sec. 3. Section 232.102, subsection 6, Code Supplement
5 1983, is amended to read as follows:

6 6. The duration of any placement made after an order
7 pursuant to this section shall be for an initial period of
8 six months. At the expiration of that period and every six
9 months thereafter, the court shall hold a hearing and review
10 the placement in order to determine whether the child should
11 be returned home, an extension of the placement should be
12 made, or a termination of the parent-child relationship
13 proceeding should be instituted.

14 a. The court shall consider the following criteria:

15 (1) The case permanency plan pursuant to section 237.22.

16 (2) The services provided to reunite the child and family
17 as defined in section 237.15.

18 (3) The type of care provided for the child when return
19 to the family is not feasible.

20 (4) The recommendation of the foster care provider.

21 The placement should be terminated and the child returned
22 to ~~his-or-her~~ the child's home if the court finds by a
23 preponderance of the evidence that the child will not suffer
24 harm in the manner specified in section 232.2, subsection
25 5. If the placement is extended, the court should determine
26 whether additional services are necessary to facilitate the
27 return of the child to ~~his-or-her~~ the child's home, and if
28 the court determines such services are needed, the court shall
29 order the provision of such services. A copy of the
30 dispositional order pursuant to this subsection shall be
31 submitted to the state and local foster care review boards.

32 b. Reasonable notice of the court review shall be given
33 to the following parties in the same manner as provided in
34 section 232.37:

35 (1) The person, court, or agency responsible for the

1 child.

2 (2) The parent or parents of the child unless termination
3 of parental rights has occurred pursuant to section 232.117.

4 (3) The foster care provider of the child.

5 (4) The child receiving foster care if the child is
6 fourteen years of age or older.

7 (5) The guardian ad litem of the foster child.

8 (6) The department.

9 (7) The county attorney.

10 Sec. 4. Section 232.103, subsections 2 and 3, Code 1983,
11 are amended to read as follows:

12 2. The following persons ~~shall-be~~ are authorized to file
13 a motion to terminate, modify or vacate and substitute a
14 dispositional order:

15 a. The child.

16 b. The child's parent, guardian or custodian, except that
17 ~~such~~ the motion may be filed by that person not more often
18 than once every six months except with leave of court for
19 good cause shown.

20 c. The child's guardian ad litem.

21 d. A person supervising the child pursuant to a
22 dispositional order.

23 e. An agency, facility, institution or person to whom
24 legal custody has been transferred pursuant to a dispositional
25 order.

26 f. The county attorney.

27 g. Local review boards.

28 3. A hearing shall be held on a motion to terminate or
29 modify a dispositional order except that a hearing on a motion
30 to terminate an order may be waived upon agreement by all
31 parties. Reasonable notice of the hearing shall be given
32 in the same manner as for adjudicatory hearings in cases of
33 juvenile delinquency as provided in section 232.37. The
34 hearing shall be conducted in accordance with ~~the-provisions~~
35 ~~of~~ section 232.50. Notice shall be given to:

- 1 a. The person, court, or agency responsible for the child.
- 2 b. The parent or parents of the child unless termination
- 3 of parental rights has occurred pursuant to section 232.117.
- 4 c. The foster care provider of the child.
- 5 d. The child receiving foster care if the child is fourteen
- 6 years of age or older.
- 7 e. The guardian ad litem of the foster child.
- 8 f. The department.
- 9 g. The county attorney.

10 Sec. 5. Section 232.117, Code Supplement 1983, is amended
11 by adding the following new subsections:

12 NEW SUBSECTION. 5. When the court enters an order placing
13 a child in foster care, the court shall review and may affirm
14 or make other disposition not later than six months after
15 the initial order and every six months thereafter. The court
16 shall consider the following criteria:

- 17 a. The case permanency plan pursuant to section 237.22.
- 18 b. The services provided to reunite the child and family
- 19 as defined in section 237.15.
- 20 c. The type of care provided for the child when return
- 21 to the family is not feasible.
- 22 d. The recommendation of the foster care provider.

23 A copy of the dispositional order pursuant to this
24 subsection shall be submitted to the state and local foster
25 care review boards.

26 NEW SUBSECTION. 6. Reasonable notice of any court review
27 under this section shall be given to the following parties
28 in the same manner as provided in section 232.37:

- 29 a. The person, court, or agency responsible for the child.
- 30 b. The parent or parents of the child unless termination
- 31 of parental rights has occurred pursuant to section 232.117.
- 32 c. The foster care provider of the child.
- 33 d. The child receiving foster care if the child is fourteen
- 34 years of age or older.
- 35 e. The guardian ad litem of the foster child.

1 f. The department.

2 g. The county attorney.

3 Sec. 6. NEW SECTION. 237.15 DEFINITIONS. For the
4 purposes of this division unless otherwise defined:

5 1. "Local board" means a local foster care review board
6 created pursuant to section 237.19.

7 2. "State board" means the state foster care review board
8 created pursuant to section 237.16.

9 3. "Child receiving foster care" means a child defined
10 in section 234.1 whose foster care placement is the financial
11 responsibility of the state pursuant to section 234.35,
12 subsections 1, 2, or 4 or 234.36 or who is under the
13 guardianship of the department.

14 4. "Person or court responsible for the child" means the
15 department, including but not limited to the department of
16 human services, agency, or individual who is the guardian
17 of a neglected, dependent, or delinquent child by court order
18 and has the responsibility of the care of the child, or the
19 court having jurisdiction over the child.

20 5. "Family" means the social unit consisting of the child
21 and the biological or adoptive parent, stepparent, brother,
22 sister, stepbrother, stepsister, and grandparent of the child.

23 6. "Case permanency plan" means a document identifying
24 decisions made by a child-placing agency, for both the family
25 and the child, concerning action which needs to be taken to
26 assure that the child in foster care expeditiously obtains
27 a permanent home.

28 Sec. 7. NEW SECTION. 237.16 STATE FOSTER CARE REVIEW
29 BOARD. The state foster care review board is created. The
30 state board consists of seven members appointed by the
31 governor, subject to confirmation by the senate and directly
32 responsible to the governor. The members shall serve three-
33 year terms and until their successors are appointed and
34 qualified. Vacancies on the state board shall be filled for
35 the unexpired term in the same manner as original appointments.

1 A person shall not serve more than two consecutive terms.

2 The members of the state board shall annually select a
3 chairperson, vice chairperson, and other officers the members
4 deem necessary. The members shall not receive per diem but
5 shall receive reimbursement for actual and necessary expenses
6 incurred in their duties as members. The state board shall
7 meet at least twice a year.

8 An employee of the department, an employee or board member
9 of a child-placing agency, or an employee of the district
10 court is not eligible to serve on the state board.

11 Sec. 8. NEW SECTION. 237.17 FOSTER CARE REGISTRY. The
12 state board shall establish a statewide registry of the
13 placements of all children receiving foster care. The
14 department shall notify the state board of each placement
15 within three working days of the department's notification
16 of the placement. The notification to the state board shall
17 include information identifying the child receiving foster
18 care and placement information for that child.

19 Within thirty days of the placement the agency responsible
20 for the placement shall submit the case permanency plan to
21 the state board. All subsequent revisions of the case
22 permanency plan shall be submitted when the revisions are
23 developed. In cases where the agency responsible for the
24 placement is not the department, the case permanency plan
25 shall also be submitted to the department.

26 The department shall make a monthly report to the state
27 board, including but not limited to, the names of children
28 receiving foster care, the location of their placements, the
29 goals of the case permanency plan, and other information
30 specified by the state board.

31 Sec. 9. NEW SECTION. 237.18 POWERS AND DUTIES OF STATE
32 BOARD. The state board shall:

- 33 1. Review the activities and actions of local boards.
- 34 2. Adopt rules pursuant to chapter 17A to:
 - 35 a. Establish a central recordkeeping facility for the

1 files of local review boards including individual case reviews.

2 b. Accumulate data and develop an annual report regarding
3 children in foster care. The report shall include:

4 (1) Personal data regarding the total number of days of
5 foster care provided and the characteristics of the children
6 receiving foster care.

7 (2) The number of placements of children in foster care.

8 (3) The frequency and results of court reviews.

9 c. Evaluate the judicial and administrative data collected
10 on foster care and disseminate the data to the governor, the
11 supreme court, the chief judge of each judicial district,
12 the department, and child-placing agencies.

13 d. Establish mandatory training programs for members of
14 the state and local review boards including an initial training
15 program and periodic in-service training programs.

16 e. Establish procedures for the local review board.

17 f. Establish grounds and procedures for removal of a local
18 review board member.

19 3. Assign the case of each child receiving foster care
20 to the appropriate local board.

21 4. Assist local boards in reviewing each case of a child
22 receiving foster care, as provided in section 237.20.

23 5. Employ a state director and appropriate staff in
24 accordance with available funding.

25 The state board shall make recommendations to the general
26 assembly, department, to child-placing agencies, the governor,
27 the supreme court, the chief judge of each judicial district,
28 and to the judicial department. The recommendations shall
29 include, but are not limited to, necessary changes relating
30 to the data collected and the annual report made under
31 subsection 2, paragraph "b". The state board may visit and
32 observe facilities in the performance of its statutory
33 responsibilities to determine whether the physical,
34 psychological, and sociological needs of the child receiving
35 foster care are being met.

1 Sec. 10. NEW SECTION. 237.19 LOCAL FOSTER CARE REVIEW
2 BOARDS.

3 1. The state board shall establish local foster care
4 boards to review cases of children receiving foster care.
5 The state board shall select five members and two alternate
6 members to serve on each local board in consultation with
7 the chief judge of each judicial district. The actual number
8 of local boards needed and established shall be determined
9 by the state board. However, the state board shall establish
10 at least one local board in each district of the department.
11 The members of each local board shall consist of persons of
12 the various social, economic, racial, and ethnic groups and
13 various occupations of their district, and may include
14 individuals who provide family foster care. A person employed
15 by the state board or the department, the district court,
16 or a child-placing agency shall not serve on a local board.
17 The state board shall provide the names of the members of
18 the local boards to the department.

19 2. A member of a local board shall serve a three-year
20 term and until the member's successor is appointed and
21 qualified. Vacancies on a board shall be filled for the
22 unexpired term in the same manner as original appointments.
23 The members shall not receive per diem but shall receive
24 reimbursement for actual and necessary expenses incurred in
25 their duties as members.

26 Sec. 11. NEW SECTION. 237.20 LOCAL BOARD DUTIES. A
27 local board shall:

28 1. Review every six months the case of each child receiving
29 foster care assigned to the local board by the state board
30 to determine whether satisfactory progress is being made
31 toward the goals of the case permanency plan pursuant to
32 section 237.22.

33 During each six month review, the local board shall review
34 all of the following:

35 a. The past, current, and future status of the child and

1 placement as shown through the case permanency plan and case
2 progress reports submitted by the agency responsible for the
3 placement of the child and other information the board may
4 require.

5 b. The efforts of the agency responsible for the placement
6 of the child to locate and provide services to the biological
7 or adoptive parents of the child.

8 c. The efforts of the agency responsible for the placement
9 of the child to facilitate the return of the child to the
10 home or to find an alternative permanent placement other than
11 foster care if reunion with the parent or previous custodian
12 is not feasible. The agency shall report to the board all
13 factors which either favor or mitigate against a decision
14 or alternative with regard to these matters.

15 d. Any problems, solutions, or alternatives which may
16 be capable of investigation, or other matters with regard
17 to the child which the agency responsible for the placement
18 of the child or the board feels should be investigated with
19 regard to the best interests of the state or of the child.

20 2. Submit to the appropriate court within ten days after
21 the review under subsection 1, the findings and recommendations
22 of the review. The findings and recommendations shall include
23 the proposed date of the next review by the local board.

24 The local board shall notify the persons specified in
25 subsection 4 of the findings and recommendations.

26 3. Encourage placement of the child in the most stable
27 and family-like situation possible considering the needs of
28 the child if the return of the child to the family or adoption
29 of the child is not feasible.

30 4. Notify the following persons at least five days before
31 the review of a case of a child receiving foster care:

32 a. The person, court, or agency responsible for the child.

33 b. The parent or parents of the child unless termination
34 of parental rights has occurred pursuant to section 232.117.

35 c. The foster care provider of the child.

1 d. The child receiving foster care if the child is fourteen
2 years of age or older.

3 e. The guardian ad litem of the foster child.

4 f. The department.

5 g. The county attorney.

6 Sec. 12. NEW SECTION. 237.21 CONFIDENTIALITY OF RECORDS-
7 -PENALTY.

8 1. The information and records regarding a child receiving
9 foster care and the child's family when relating to the foster
10 care placement are not public records pursuant to chapter
11 68A.

12 2. Information and records relating to a child receiving
13 foster care shall be provided to a local board or the state
14 board by the department or child-care agency upon request
15 by either board. A court having jurisdiction of a child
16 receiving foster care shall release the information and records
17 the court deems necessary to determine the needs of the child,
18 if the information and records are not obtainable elsewhere,
19 to a local board or the state board upon request by either
20 board.

21 3. Members of the state board and local boards and the
22 employees of the department are subject to standards of
23 confidentiality pursuant to sections 217.30 and 235A.15.
24 A person who discloses information or records, other than
25 as provided in subsection 2, is guilty of a serious
26 misdemeanor.

27 Sec. 13. NEW SECTION. 237.22 CASE PERMANENCY PLAN.

28 The agency responsible for the placement of the child shall
29 create a case permanency plan. The plan shall include, but
30 not be limited to:

31 a. The reason the child is receiving foster care.

32 b. The estimated length of time the child will be receiving
33 foster care.

34 c. The services necessary to assist the child and family
35 in adjustment and rehabilitation.

1 d. The persons responsible for implementing the plan.

2 e. A complete record of previous placements of the child
3 receiving foster care.

4 Sec. 14. Two of the members of the state foster care
5 review board established in section 237.16 shall initially
6 serve a one-year term, two shall initially serve a two-year
7 term, and three shall initially serve a three-year term.

8 The state foster care review board shall appoint members of
9 the local foster care review boards pursuant to section 237.19
10 as soon as practicable. Of the local boards, two members
11 shall initially serve a one-year term, two shall initially
12 serve a two-year term, and one shall initially serve a three-
13 year term.

14 Sec. 15. Sections 6 through 13 of this Act are enacted
15 as a new division of chapter 237 entitled "Foster Care Review".

16 EXPLANATION

17 This bill creates a state foster care review board and
18 several local foster care review boards to coordinate the
19 provision of foster care services. The state foster care
20 review board shall establish a statewide registry for foster
21 care placements. The registry shall be used to compile data
22 relating to foster care. The bill provides for the
23 confidentiality of the records relating to a child receiving
24 foster care and provides a penalty and requires the creation
25 of a case permanency plan for the child.

26 The bill requires the review of a child in foster care
27 by the court not later than six months after the initial order
28 and every six months thereafter and establishes criteria for
29 the review and specifies who is to receive notice of a court
30 review relating to foster care.

31 The bill takes effect July 1 following its enactment.

32
33
34
35

SENATE FILE 2293

5420

1 Amend Senate File 2293 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Section 232.2, Code Supplement 1983,
5 is amended by adding the following new subsection
6 as subsection 4 and renumbering the subsequent
7 subsections:

8 NEW SUBSECTION. 4. "Case permanency plan" means
9 the plan, mandated by Pub. L. No. 96-272, as codified
10 in 42 U.S.C., secs. 671(a)(16), 627(a)(2)(B), and
11 675(1),(5), designed to achieve placement in the least
12 restrictive, most family-like setting available and
13 in close proximity to the parent's home, consistent
14 with the best interests and special needs of the
15 child. The plan shall specifically include all of
16 the following:

17 a. Plans for carrying out the voluntary placement
18 agreement or judicial determination pursuant to which
19 the child entered care.

20 b. The type and appropriateness of the placement
21 and services to be provided to the child.

22 c. The care and services that will be provided
23 to the child, natural parents, and foster parents.

24 d. How the care and services will meet the needs
25 of the child while in care and will facilitate the
26 child's return home or other permanent placement.

27 Sec. 2. Section 232.52, Code Supplement 1983,
28 is amended by adding the following new subsections:

29 NEW SUBSECTION. 5. If the court orders the
30 transfer of custody of the child to the department
31 of human services or other agency for placement, the
32 department or agency responsible for the placement
33 of the child shall submit a case permanency plan to
34 the court and shall make every effort to return the
35 child to the child's home as quickly as possible.

36 NEW SUBSECTION. 6. When the court orders the
37 transfer of legal custody of a child pursuant to
38 section 232.52, subsection (2), paragraphs "d", "e",
39 or "f", the order shall state that reasonable efforts
40 have been made to prevent or eliminate the need for
41 removal of the child from the child's home.

42 Sec. 3. Section 232.95, subsection 2, paragraph
43 a, Code 1983, is amended by adding the following new
44 unnumbered paragraph:

45 NEW UNNUMBERED PARAGRAPH. If removal is ordered,
46 the order shall, in addition, contain a statement
47 that removal from the home is the result of a
48 determination that continuation therein would be
49 contrary to the welfare of the child, and that
50 reasonable efforts have been made to prevent or

1 eliminate the need for removal of the child from the
2 child's home.

3 Sec. 4. Section 232.102, subsection 3, paragraph
4 b, Code Supplement 1983, is amended by adding the
5 following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. The order shall, in
7 addition, contain a statement that removal from the
8 home is the result of a determination that continuation
9 therein would be contrary to the welfare of the child,
10 and that reasonable efforts have been made to prevent
11 or eliminate the need for removal of the child from
12 the child's home.

13 Sec. 5. Section 232.102, subsection 5, Code
14 Supplement 1983, is amended to read as follows:

15 5. In any order transferring custody to the
16 department or an agency, or in orders pursuant to
17 a custody order, the court shall specify the nature
18 and category of disposition which will serve the best
19 interests of the child, and shall prescribe the means
20 by which the placement shall be monitored by the
21 court. If the court orders the transfer of the custody
22 of the child to the department of human services or
23 other agency for placement, the department or agency
24 shall submit a case permanency plan to the court a
25 specific plan for placement of the child and shall
26 make every effort to return the child to ~~his or her~~
27 the child's home as quickly as possible. If the court
28 orders the transfer of custody to a relative or other
29 suitable person, the court may direct the department
30 or other agency to provide services to the child's
31 parent, guardian or custodian in order to enable them
32 to resume custody of the child.

33 Sec. 6. Section 232.102, subsection 6, Code
34 Supplement 1983, is amended to read as follows:

35 6. The duration of any placement made after an
36 order pursuant to this section shall be for an initial
37 period of six months. At the expiration of that
38 period and every six months thereafter, the court
39 shall hold a hearing and review the placement in order
40 to determine whether the child should be returned
41 home, an extension of the placement should be made,
42 or a termination of the parent-child relationship
43 proceeding should be instituted. The placement should
44 be terminated and the child returned to ~~his or her~~
45 the child's home if the court finds by a preponderance
46 of the evidence that the child will not suffer harm
47 in the manner specified in section 232.2, subsection
48 5. If the placement is extended, the court should
49 determine whether additional services are necessary
50 to facilitate the return of the child to ~~his or her~~

1 the child's home, and if the court determines such
2 services are needed, the court shall order the
3 provision of such services.

4 Sec. 7. Section 232.117, Code Supplement 1983,
5 is amended by adding the following new subsection:

6 NEW SUBSECTION. 5. If the court orders the
7 termination of parental rights and transfers
8 guardianship and custody under subsection 3, the
9 department of human services or the agency responsible
10 for the placement shall submit a case permanency plan
11 to the court and shall make every effort to establish
12 a stable placement for the child by adoption or other
13 permanent placement. The child's placement shall
14 be reviewed by the court every six months until the
15 child is adopted.

16 Sec. 8. NEW SECTION. 237.15 DEFINITIONS. For
17 the purposes of this division unless otherwise defined:

18 1. "Local board" means a local foster care review
19 board created pursuant to section 237.19.

20 2. "State board" means the state foster care
21 review board created pursuant to section 237.16.

22 3. "Child receiving foster care" means a child
23 defined in section 234.1 whose foster care placement
24 is the financial responsibility of the state pursuant
25 to section 234.35, subsections 1, 2, or 4 or 234.36
26 or who is under the guardianship of the department.

27 4. "Person or court responsible for the child"
28 means the department, including but not limited to
29 the department of human services, agency, or individual
30 who is the guardian of a neglected, dependent, or
31 delinquent child by court order and has the
32 responsibility of the care of the child, or the court
33 having jurisdiction over the child.

34 5. "Family" means the social unit consisting of
35 the child and the biological or adoptive parent,
36 stepparent, brother, sister, stepbrother, stepsister,
37 and grandparent of the child.

38 6. "Case permanency plan" means the plan, mandated
39 by Pub. L. No. 96-272, as codified in 42 U.S.C., secs.
40 671(a)(16), 627(a)(2)(B), and 675(1),(5), designed
41 to achieve placement in the least restrictive, most
42 family-like setting available and in close proximity
43 to the parent's home, consistent with the best
44 interests and special needs of the child. The plan
45 shall specifically include all of the following:

46 a. Plans for carrying out the voluntary placement
47 agreement or judicial determination pursuant to which
48 the child entered care.

49 b. The type and appropriateness of the placement
50 and services to be provided to the child.

S-5420
PAGE 4

1 c. The care and services that will be provided
2 to the child, natural parents, and foster parents.

3 d. How the care and services will meet the needs
4 of the child while in care and will facilitate the
5 child's return home or other permanent placement.

6 Sec. 9. NEW SECTION. 237.16 STATE FOSTER CARE
7 REVIEW BOARD. The state foster care review board
8 is created. The state board consists of seven members
9 appointed by the governor, subject to confirmation
10 by the senate and directly responsible to the governor.
11 Vacancies on the state board shall be filled in the
12 same manner as original appointments.

13 The members of the state board shall annually
14 select a chairperson, vice chairperson, and other
15 officers the members deem necessary. The members
16 shall not receive per diem but shall receive
17 reimbursement for actual and necessary expenses
18 incurred in their duties as members. The state board
19 shall meet at least twice a year.

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

26 Sec. 10. NEW SECTION. 237.17 FOSTER CARE
27 REGISTRY. The state board shall establish a registry
28 of the placements of all children receiving foster
29 care in the two judicial districts with local boards.
30 The department shall notify the state board of each
31 placement within three working days of the department's
32 notification of the placement. The notification to
33 the state board shall include information identifying
34 the child receiving foster care and placement
35 information for that child.

36 Within thirty days of the placement the agency
37 responsible for the placement shall submit the case
38 permanency plan to the state board. All subsequent
39 revisions of the case permanency plan shall be
40 submitted when the revisions are developed. In cases
41 where the agency responsible for the placement is
42 not the department, the case permanency plan shall
43 also be submitted to the department.

44 Sec. 11. NEW SECTION. 237.18 POWERS AND DUTIES
45 OF STATE BOARD. The state board shall:

46 1. Review the activities and actions of local
47 boards.

48 2. Adopt rules pursuant to chapter 17A to:

49 a. Establish a central recordkeeping facility
50 for the files of local review boards including

- 1 individual case reviews.
- 2 b. Accumulate data and develop an annual report
- 3 regarding children in foster care. The report shall
- 4 include:
 - 5 (1) Personal data regarding the total number of
 - 6 days of foster care provided and the characteristics
 - 7 of the children receiving foster care.
 - 8 (2) The number of placements of children in foster
 - 9 care.
 - 10 (3) The frequency and results of court reviews.
 - 11 (4) Contrasts between the foster care placement
 - 12 policies by judicial district, with special emphasis
 - 13 upon districts with and without local review boards.
 - 14 c. Evaluate the judicial and administrative data
 - 15 collected on foster care and disseminate the data
 - 16 to the governor, the supreme court, the chief judge
 - 17 of each judicial district, the department, and child-
 - 18 placing agencies.
 - 19 d. Establish mandatory training programs for
 - 20 members of the state and local review boards including
 - 21 an initial training program and periodic in-service
 - 22 training programs. Training shall focus on, but not
 - 23 be limited to, the following:
 - 24 (1) The history, philosophy and role of the
 - 25 juvenile court in the child protection system.
 - 26 (2) Juvenile court procedures under the juvenile
 - 27 justice act.
 - 28 (3) The foster care administrative review process
 - 29 of the department of human services.
 - 30 (4) The role and procedures of the citizen's
 - 31 foster care review system.
 - 32 (5) The Adoption Assistance and Child Welfare
 - 33 Act of 1980, Pub. L. No. 96-272.
 - 34 (6) The purpose of case permanency plans, and
 - 35 the type of information that will be available in
 - 36 those plans.
 - 37 (7) The situations where the goals of either
 - 38 reuniting the child with the child's family or adoption
 - 39 would be appropriate.
 - 40 (8) The legal processes that may lead to foster
 - 41 care placement.
 - 42 (9) The types and number of children involved
 - 43 in those legal processes.
 - 44 (10) The types of foster care placement available,
 - 45 with emphasis on the types and number of facilities
 - 46 available on a regional basis.
 - 47 (11) The impact of specific physical or mental
 - 48 conditions of a child on the type of placement most
 - 49 appropriate and the kind of progress that should be
 - 50 expected in those situations.

1 e. Establish procedures for the local review board
2 consistent with the provisions of section 237.20.

3 f. Establish grounds and procedures for removal
4 of a local review board member.

5 3. Assign the case of each child receiving foster
6 care within the judicial district selected in section
7 237.19, subsection 1, to the appropriate local board.

8 4. Assist local boards in reviewing each case
9 of a child receiving foster care, as provided in
10 section 237.20.

11 5. Employ a state director and appropriate staff
12 in accordance with available funding.

13 The state board shall make recommendations to the
14 general assembly, the department, to child-placing
15 agencies, the governor, the supreme court, the chief
16 judge of each judicial district, and to the judicial
17 department. The recommendations shall include, but
18 are not limited to, necessary changes relating to
19 the data collected and the annual report made under
20 subsection 2, paragraph "b".

21 Sec. 12. NEW SECTION. 237.19 LOCAL FOSTER CARE
22 REVIEW BOARDS.

23 1. The state board shall establish local foster
24 care boards in two judicial districts in the state
25 to review cases of children receiving foster care.
26 These districts shall be selected to allow comparison
27 of the effectiveness of local boards in different
28 types of counties in the state. The department shall
29 discontinue its foster care review process in at least
30 one of these districts when the local foster care
31 review boards are established and operating. The
32 state board shall select five members and two alternate
33 members to serve on each local board in consultation
34 with the chief judge of each judicial district. The
35 actual number of local boards needed and established
36 shall be determined by the state board. However,
37 the state board shall seek to establish a sufficient
38 number of boards to ensure no board must evaluate
39 more than one hundred cases annually. The members
40 of each local board shall consist of persons of the
41 various social, economic, racial, and ethnic groups
42 and various occupations of their district. A person
43 employed by the state board or the department, the
44 district court, an employee of an agency with which
45 the department contracts for services for children
46 under foster care, a foster parent providing foster
47 care, or a child-placing agency shall not serve on
48 a local board. The state board shall provide the
49 names of the members of the local boards to the
50 department.

S-5420
PAGE 7

1 2. Vacancies on a board shall be filled in the
2 same manner as original appointments. The members
3 shall not receive per diem but shall receive
4 reimbursement for actual and necessary expenses
5 incurred in their duties as members.

6 Sec. 13. NEW SECTION. 237.20 LOCAL BOARD DUTIES.
7 A local board shall:

8 1. Review every six months the case of each child
9 receiving foster care assigned to the local board
10 by the state board to determine whether satisfactory
11 progress is being made toward the goals of the case
12 permanency plan pursuant to section 237.22. As much
13 as is possible, review shall be conducted immediately
14 prior to court reviews of the case.

15 During each six month review, the local board shall
16 review all of the following:

17 a. The past, current, and future status of the
18 child and placement as shown through the case
19 permanency plan and case progress reports submitted
20 by the agency responsible for the placement of the
21 child and other information the board may require.

22 b. The efforts of the agency responsible for the
23 placement of the child to locate and provide services
24 to the biological or adoptive parents of the child.

25 c. The efforts of the agency responsible for the
26 placement of the child to facilitate the return of
27 the child to the home or to find an alternative
28 permanent placement other than foster care if reunion
29 with the parent or previous custodian is not feasible.
30 The agency shall report to the board all factors which
31 either favor or mitigate against a decision or
32 alternative with regard to these matters.

33 d. Any problems, solutions, or alternatives which
34 may be capable of investigation, or other matters
35 with regard to the child which the agency responsible
36 for the placement of the child or the board feels
37 should be investigated with regard to the best
38 interests of the state or of the child.

39 Each review shall include written testimony of
40 any person notified pursuant to subsection 4, and
41 may include oral testimony from those persons when
42 determined to be relevant and material to the child's
43 placement. Oral testimony may, upon the request of
44 the testifier or upon motion of the local board, be
45 given in a private setting when to do so would
46 facilitate the presentation of evidence.

47 Written testimony from other interested parties
48 may also be considered by the board in its review.

49 Access to all information considered by the local
50 board shall be provided to the child, the parents,

1 or their attorneys, and the county attorney.
2 2. Submit to the appropriate court within ten
3 days after the review under subsection 1, the findings
4 and recommendations of the review. The findings and
5 recommendations shall include the proposed date of
6 the next review by the local board. The local board
7 shall notify the persons specified in subsection 4
8 of the findings and recommendations.

9 3. Encourage placement of the child in the most
10 appropriate setting reflecting the provisions of
11 chapter 232.

12 4. Notify the following persons at least ten days
13 before the review of a case of a child receiving
14 foster care:

15 a. The person, court, or agency responsible for
16 the child.

17 b. The parent or parents of the child unless
18 termination of parental rights has occurred pursuant
19 to section 232.117.

20 c. The foster care provider of the child.

21 d. The child receiving foster care if the child
22 is fourteen years of age or older.

23 e. The guardian ad litem of the foster child.

24 f. The department.

25 g. The county attorney.

26 Sec. 14. NEW SECTION. 237.21 CONFIDENTIALITY
27 OF RECORDS--PENALTY.

28 1. The information and records regarding a child
29 receiving foster care and the child's family when
30 relating to the foster care placement are not public
31 records pursuant to chapter 68A. The state board
32 and local boards are not subject to chapter 28A.

33 2. Information and records relating to a child
34 receiving foster care shall be provided to a local
35 board or the state board by the department or child-
36 care agency upon request by either board. A court
37 having jurisdiction of a child receiving foster care
38 shall release the information and records the court
39 deems necessary to determine the needs of the child,
40 if the information and records are not obtainable
41 elsewhere, to a local board or the state board upon
42 request by either board.

43 3. Members of the state board and local boards
44 and the employees of the department are subject to
45 standards of confidentiality pursuant to sections
46 217.30 and 235A.15. A person who discloses information
47 or records, other than as provided in subsection 2,
48 is guilty of a serious misdemeanor.

49 Sec. 15. NEW SECTION. 237.22 CASE PERMANENCY
50 PLAN. The agency responsible for the placement of

1 the child shall create a case permanency plan. The
2 plan shall include, but not be limited to:
3 1. Plans for carrying out the voluntary placement
4 agreement or judicial determination pursuant to which
5 the child entered care;

6 2. The type and appropriateness of the placement
7 and services to be provided to the child;

8 3. The care and services that will be provided
9 to the child, natural parents, and foster parents;
10 and

11 4. How the care and services will meet the needs
12 of the child while in care and will facilitate the
13 child's return home or other permanent placement.

14 Sec. 16. Section 238.1, Code Supplement 1983,
15 is amended by adding the following new unnumbered
16 paragraph:

17 NEW UNNUMBERED PARAGRAPH. For this chapter, "Case
18 permanency plan" means the plan, mandated by Pub.
19 L. No. 96-272, as codified in 42 U.S.C., secs.
20 671(a)(16), 627(a)(2)(B), and 675(1),(5), designed
21 to achieve placement in the least restrictive, most
22 family-like setting available and in close proximity
23 to the parent's home, consistent with the best
24 interests and special needs of the child. The plan
25 shall specifically include all of the following:

26 a. Plans for carrying out the voluntary placement
27 agreement or judicial determination pursuant to which
28 the child entered care.

29 b. The type and appropriateness of the placement
30 and services to be provided to the child.

31 c. The care and services that will be provided
32 to the child, natural parents, and foster parents.

33 d. How the care and services will meet the needs
34 of the child while in care and will facilitate the
35 child's return home or other permanent placement.

36 Sec. 17. A copy of the dispositional order pursuant
37 to section 232.102, subsection 6, shall be submitted
38 to the state foster care review board and the local
39 foster care review boards in the two judicial districts
40 in which local foster care review boards are
41 established.

42 Sec. 18. Sections 6 through 13 of this Act are
43 enacted as a new division of chapter 237 entitled
44 "Foster Care Review". Sections 6 through 13 of this
45 Act are repealed July 1, 1988.

46 Sec. 19. The state foster care review board shall
47 adopt administrative rules under sections 17A.4,
48 subsection 2 and section 17A.5, subsection 2, paragraph
49 b, relating to the initial actions by the board
50 pursuant to section 237.18 and the rules shall become

SENATE 12
MARCH 19, 1984

S-5420
PAGE 10

1 effective immediately upon filing, unless a later
2 effective date is specified in the rules."
3 2. Title page, line 1, by inserting after the
4 word "boards" the words "for a four-year period".

S-5420 FILED
MARCH 16, 1984

BY COMMITTEE ON STATE GOVERNMENT
TOM SLATER, CHAIR

*Adopted as amended by S 431 & 5435
3/19 (p. 908)*

SENATE FILE 2293

S-5431

1 Amend Senate amendment S-5420 to Senate File
2 2293 as follows:
3 1. Page 8, line 32, by inserting after the
4 word "boards" the following: ", with respect to
5 hearings involving specific children receiving
6 foster care and the child's family,".

S-5431 FILED & ADOPTED
MARCH 19, 1984 (p. 905)

BY CHARLES BRUNER

SENATE FILE 2293

S-5435

1 Amend the amendment S-5420 to Senate File 2293 as
2 follows:
3 1. Page 2, line 25, by striking the word "and" and
4 inserting in lieu thereof the word "and".

S-5435 FILED & ADOPTED
MARCH 19, 1984 (p. 908)

BY DOUGLAS RITSEMA

SENATE FILE 2293
FISCAL NOTE

REQUESTED BY SENATOR RITSEMA

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 2293 pursuant to Joint Rule 17.

Senate File 2293 creates a foster care review board and several local foster care review boards to coordinate the provision of foster care services. The bill requires the establishment of a statewide registry for foster care placements to be used to compile data relating to foster care. The bill requires the review of a child in foster care by the court not later than six months after the initial order and every six months thereafter.

FISCAL EFFECT: The approximate fiscal effect of Senate File 2293 is as follows:

<u>State Foster Care Review Board</u>	<u>FY '85</u>		<u>FY '86</u>	
	<u>Current Law</u>	<u>S.F. 2293</u>	<u>Current Law</u>	<u>S.F. 2293</u>
<u>Board Meeting Expense</u> (Assumes 6 meetings in FY '85 and 2 meetings in FY '86)	\$ 0	5,500	0	1,830
<u>Review Board Staff</u> (Assumes staff phase-in for FY '85)				
Salaries	0	80,020	0	155,830
1 Director				
4 Local Board Assistants				
2 Clerical				
Travel	0	4,833	0	10,000
Support	0	10,500	0	21,000
Data Processing Equip.	0	14,000	0	0
<u>Local Boards</u>				
Board Meeting Expense	0	7,579	0	34,293
Training-Local Boards	0	5,104	0	5,104
TOTAL	\$ ===== 0	===== 127,536	===== 0	===== 228,057

(4192S, 239E, TCF)

Source: Department of Human Services

RECEIVED BY THE SECRETARY OF THE SENATE, MARCH 19, 1984

FILED:
MARCH 21, 1984

BY DENNIS C. PROUTY, DIRECTOR
LEGISLATIVE FISCAL BUREAU

Human Resource Resources 3/21 Do Pass 3/22 (p. 1229)

SENATE FILE 2293

BY COMMITTEE ON HUMAN RESOURCES

(AS AMENDED AND PASSED BY THE SENATE MARCH 19, 1984)

Passed Senate, Date 4-6-84 (p. 1379) Passed House, Date 3-29-83 (p. 1461)

Vote: Ayes 39 Nays 1 Vote: Ayes 78 Nays 19

Approved May 14, 1984

Refer to committee 4/9 (p. 1468)
Reconsidered & Referred Senate 4-16-84 (p. 1554)
45-0

Referred 4-18-84 (p. 2169)
94-1

A BILL FOR

1 An Act creating foster care review boards for a four-year
2 period, creating a foster care registry, providing for
3 rehabilitation for a child receiving foster care and the
4 child's family unit, amending provisions relating to a court's
5 dispositional order, and providing a penalty.

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

H-5937

SENATE FILE 2293

1 Amend Senate File 2293 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 8, line 3, by inserting after the word
4 "process" the words "for those children reviewed by
5 local boards".

H-5937 FILED MARCH 28, 1984 BY CARL of Poweshiek
Adopted 3/29 (p. 1461)

14
15
16
17
18
19
20
21
22
23
24
25

ALL New Language
by the Senate

1 Section 1. Section 232.2, Code Supplement 1983, is amended
2 by adding the following new subsection as subsection 4 and
3 renumbering the subsequent subsections:

4 NEW SUBSECTION. 4. "Case permanency plan" means the plan,
5 mandated by Pub. L. No. 96-272, as codified in 42 U.S.C.,
6 secs. 671(a)(16), 627(a)(2)(B), and 675(1), (5), designed to
7 achieve placement in the least restrictive, most family-like
8 setting available and in close proximity to the parent's home,
9 consistent with the best interests and special needs of the
10 child. The plan shall specifically include all of the
11 following:

12 a. Plans for carrying out the voluntary placement agreement
13 or judicial determination pursuant to which the child entered
14 care.

15 b. The type and appropriateness of the placement and
16 services to be provided to the child.

17 c. The care and services that will be provided to the
18 child, natural parents, and foster parents.

19 d. How the care and services will meet the needs of the
20 child while in care and will facilitate the child's return
21 home or other permanent placement.

22 Sec. 2. Section 232.52, Code Supplement 1983, is amended
23 by adding the following new subsections:

24 NEW SUBSECTION. 5. If the court orders the transfer of
25 custody of the child to the department of human services or
26 other agency for placement, the department or agency
27 responsible for the placement of the child shall submit a
28 case permanency plan to the court and shall make every effort
29 to return the child to the child's home as quickly as possible.

30 NEW SUBSECTION. 6. When the court orders the transfer
31 of legal custody of a child pursuant to section 232.52,
32 subsection (2), paragraphs "d", "e", or "f", the order shall
33 state that reasonable efforts have been made to prevent or
34 eliminate the need for removal of the child from the child's
35 home.

1 Sec. 3. Section 232.95, subsection 2, paragraph a, Code
2 1983, is amended by adding the following new unnumbered
3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. If removal is ordered, the order
5 shall, in addition, contain a statement that removal from
6 the home is the result of a determination that continuation
7 therein would be contrary to the welfare of the child, and
8 that reasonable efforts have been made to prevent or eliminate
9 the need for removal of the child from the child's home.

10 Sec. 4. Section 232.102, subsection 3, paragraph b, Code
11 Supplement 1983, is amended by adding the following new
12 unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. The order shall, in addition,
14 contain a statement that removal from the home is the result
15 of a determination that continuation therein would be contrary
16 to the welfare of the child, and that reasonable efforts have
17 been made to prevent or eliminate the need for removal of
18 the child from the child's home.

19 Sec. 5. Section 232.102, subsection 5, Code Supplement
20 1983, is amended to read as follows:

21 5. In any order transferring custody to the department
22 or an agency, or in orders pursuant to a custody order, the
23 court shall specify the nature and category of disposition
24 which will serve the best interests of the child, and shall
25 prescribe the means by which the placement shall be monitored
26 by the court. If the court orders the transfer of the custody
27 of the child to the department of human services or other
28 agency for placement, the department or agency shall submit
29 a case permanency plan to the court ~~a specific plan for~~
30 ~~placement of the child~~ and shall make every effort to return
31 the child to ~~his or her~~ the child's home as quickly as
32 possible. If the court orders the transfer of custody to
33 a relative or other suitable person, the court may direct
34 the department or other agency to provide services to the
35 child's parent, guardian or custodian in order to enable them

1 to resume custody of the child.

2 Sec. 6. Section 232.102, subsection 6, Code Supplement
3 1983, is amended to read as follows:

4 6. The duration of any placement made after an order
5 pursuant to this section shall be for an initial period of
6 six months. At the expiration of that period and every six
7 months thereafter, the court shall hold a hearing and review
8 the placement in order to determine whether the child should
9 be returned home, an extension of the placement should be
10 made, or a termination of the parent-child relationship
11 proceeding should be instituted. The placement should be
12 terminated and the child returned to ~~his-or-her~~ the child's
13 home if the court finds by a preponderance of the evidence
14 that the child will not suffer harm in the manner specified
15 in section 232.2, subsection 5. If the placement is extended,
16 the court should determine whether additional services are
17 necessary to facilitate the return of the child to ~~his-or~~
18 ~~her~~ the child's home, and if the court determines such services
19 are needed, the court shall order the provision of such
20 services.

21 Sec. 7. Section 232.117, Code Supplement 1983, is amended
22 by adding the following new subsection:

23 NEW SUBSECTION. 5. If the court orders the termination
24 of parental rights and transfers guardianship and custody
25 under subsection 3, the department of human services or the
26 agency responsible for the placement shall submit a case
27 permanency plan to the court and shall make every effort to
28 establish a stable placement for the child by adoption or
29 other permanent placement. The child's placement shall be
30 reviewed by the court every six months until the child is
31 adopted.

32 Sec. 8. NEW SECTION. 237.15 DEFINITIONS. For the
33 purposes of this division unless otherwise defined:

34 1. "Local board" means a local foster care review board
35 created pursuant to section 237.19.

1 2. "State board" means the state foster care review board
2 created pursuant to section 237.16.

3 3. "Child receiving foster care" means a child defined
4 in section 234.1 whose foster care placement is the financial
5 responsibility of the state pursuant to section 234.35,
6 subsections 1, 2, or 4 or 234.36 or who is under the
7 guardianship of the department.

8 4. "Person or court responsible for the child" means the
9 department, including but not limited to the department of
10 human services, agency, or individual who is the guardian
11 of a neglected, dependent, or delinquent child by court order
12 and has the responsibility of the care of the child, or the
13 court having jurisdiction over the child.

14 5. "Family" means the social unit consisting of the child
15 and the biological or adoptive parent, stepparent, brother,
16 sister, stepbrother, stepsister, and grandparent of the child.

17 6. "Case permanency plan" means the plan, mandated by
18 Pub. L. No. 96-272, as codified in 42 U.S.C., secs.
19 671(a)(16), 627(a)(2)(B), and 675(1),(5), designed to achieve
20 placement in the least restrictive, most family-like setting
21 available and in close proximity to the parent's home,
22 consistent with the best interests and special needs of the
23 child. The plan shall specifically include all of the
24 following:

25 a. Plans for carrying out the voluntary placement agreement
26 or judicial determination pursuant to which the child entered
27 care.

28 b. The type and appropriateness of the placement and
29 services to be provided to the child.

30 c. The care and services that will be provided to the
31 child, natural parents, and foster parents.

32 d. How the care and services will meet the needs of the
33 child while in care and will facilitate the child's return
34 home or other permanent placement.

35 Sec. 9. NEW SECTION. 237.16 STATE FOSTER CARE REVIEW

1 BOARD. The state foster care review board is created. The
2 state board consists of seven members appointed by the
3 governor, subject to confirmation by the senate and directly
4 responsible to the governor. Vacancies on the state board
5 shall be filled in the same manner as original appointments.

6 The members of the state board shall annually select a
7 chairperson, vice chairperson, and other officers the members
8 deem necessary. The members shall not receive per diem but
9 shall receive reimbursement for actual and necessary expenses
10 incurred in their duties as members. The state board shall
11 meet at least twice a year.

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

18 Sec. 10. NEW SECTION. 237.17 FOSTER CARE REGISTRY.
19 The state board shall establish a registry of the placements
20 of all children receiving foster care in the two judicial
21 districts with local boards. The department shall notify
22 the state board of each placement within three working days
23 of the department's notification of the placement. The
24 notification to the state board shall include information
25 identifying the child receiving foster care and placement
26 information for that child.

27 Within thirty days of the placement the agency responsible
28 for the placement shall submit the case permanency plan to
29 the state board. All subsequent revisions of the case
30 permanency plan shall be submitted when the revisions are
31 developed. In cases where the agency responsible for the
32 placement is not the department, the case permanency plan
33 shall also be submitted to the department.

34 Sec. 11. NEW SECTION. 237.18 POWERS AND DUTIES OF STATE
35 BOARD. The state board shall:

- 1 1. Review the activities and actions of local boards.
- 2 2. Adopt rules pursuant to chapter 17A to:
 - 3 a. Establish a central recordkeeping facility for the
 - 4 files of local review boards including individual case reviews.
 - 5 b. Accumulate data and develop an annual report regarding
 - 6 children in foster care. The report shall include:
 - 7 (1) Personal data regarding the total number of days of
 - 8 foster care provided and the characteristics of the children
 - 9 receiving foster care.
 - 10 (2) The number of placements of children in foster care.
 - 11 (3) The frequency and results of court reviews.
 - 12 (4) Contrasts between the foster care placement policies
 - 13 by judicial district, with special emphasis upon districts
 - 14 with and without local review boards.
 - 15 c. Evaluate the judicial and administrative data collected
 - 16 on foster care and disseminate the data to the governor, the
 - 17 supreme court, the chief judge of each judicial district,
 - 18 the department, and child-placing agencies.
 - 19 d. Establish mandatory training programs for members of
 - 20 the state and local review boards including an initial training
 - 21 program and periodic in-service training programs. Training
 - 22 shall focus on, but not be limited to, the following:
 - 23 (1) The history, philosophy and role of the juvenile court
 - 24 in the child protection system.
 - 25 (2) Juvenile court procedures under the juvenile justice
 - 26 act.
 - 27 (3) The foster care administrative review process of the
 - 28 department of human services.
 - 29 (4) The role and procedures of the citizen's foster care
 - 30 review system.
 - 31 (5) The Adoption Assistance and Child Welfare Act of 1980,
 - 32 Pub. L. No. 96-272.
 - 33 (6) The purpose of case permanency plans, and the type
 - 34 of information that will be available in those plans.
 - 35 (7) The situations where the goals of either reuniting

1 the child with the child's family or adoption would be
2 appropriate.

3 (8) The legal processes that may lead to foster care
4 placement.

5 (9) The types and number of children involved in those
6 legal processes.

7 (10) The types of foster care placement available, with
8 emphasis on the types and number of facilities available on
9 a regional basis.

10 (11) The impact of specific physical or mental conditions
11 of a child on the type of placement most appropriate and the
12 kind of progress that should be expected in those situations.

13 e. Establish procedures for the local review board
14 consistent with the provisions of section 237.20.

15 f. Establish grounds and procedures for removal of a local
16 review board member.

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

20 4. Assist local boards in reviewing each case of a child
21 receiving foster care, as provided in section 237.20.

22 5. Employ a state director and appropriate staff in
23 accordance with available funding.

24 The state board shall make recommendations to the general
25 assembly, the department, to child-placing agencies, the
26 governor, the supreme court, the chief judge of each judicial
27 district, and to the judicial department. The recommendations
28 shall include, but are not limited to, necessary changes
29 relating to the data collected and the annual report made
30 under subsection 2, paragraph "b".

31 Sec. 12. NEW SECTION. 237.19 LOCAL FOSTER CARE REVIEW
32 BOARDS.

33 1. The state board shall establish local foster care
34 boards in two judicial districts in the state to review cases
35 of children receiving foster care. These districts shall

1 be selected to allow comparison of the effectiveness of local
2 boards in different types of counties in the state. The
3 department shall discontinue its foster care review process
4 in at least one of these districts when the local foster care
5 review boards are established and operating. The state board
6 shall select five members and two alternate members to serve
7 on each local board in consultation with the chief judge of
8 each judicial district. The actual number of local boards
9 needed and established shall be determined by the state board.
10 However, the state board shall seek to establish a sufficient
11 number of boards to ensure no board must evaluate more than
12 one hundred cases annually. The members of each local board
13 shall consist of persons of the various social, economic,
14 racial, and ethnic groups and various occupations of their
15 district. A person employed by the state board or the
16 department, the district court, an employee of an agency with
17 which the department contracts for services for children under
18 foster care, a foster parent providing foster care, or a
19 child-placing agency shall not serve on a local board. The
20 state board shall provide the names of the members of the
21 local boards to the department.

22 2. Vacancies on a board shall be filled in the same manner
23 as original appointments. The members shall not receive per
24 diem but shall receive reimbursement for actual and necessary
25 expenses incurred in their duties as members.

26 Sec. 13. NEW SECTION. 237.20 LOCAL BOARD DUTIES. A
27 local board shall:

28 1. Review every six months the case of each child receiving
29 foster care assigned to the local board by the state board
30 to determine whether satisfactory progress is being made
31 toward the goals of the case permanency plan pursuant to
32 section 237.22. As much as is possible, review shall be
33 conducted immediately prior to court reviews of the case.

34 During each six month review, the local board shall review
35 all of the following:

1 a. The past, current, and future status of the child and
2 placement as shown through the case permanency plan and case
3 progress reports submitted by the agency responsible for the
4 placement of the child and other information the board may
5 require.

6 b. The efforts of the agency responsible for the placement
7 of the child to locate and provide services to the biological
8 or adoptive parents of the child.

9 c. The efforts of the agency responsible for the placement
10 of the child to facilitate the return of the child to the
11 home or to find an alternative permanent placement other than
12 foster care if reunion with the parent or previous custodian
13 is not feasible. The agency shall report to the board all
14 factors which either favor or mitigate against a decision
15 or alternative with regard to these matters.

16 d. Any problems, solutions, or alternatives which may
17 be capable of investigation, or other matters with regard
18 to the child which the agency responsible for the placement
19 of the child or the board feels should be investigated with
20 regard to the best interests of the state or of the child.

21 Each review shall include written testimony of any person
22 notified pursuant to subsection 4, and may include oral
23 testimony from those persons when determined to be relevant
24 and material to the child's placement. Oral testimony may,
25 upon the request of the testifier or upon motion of the local
26 board, be given in a private setting when to do so would
27 facilitate the presentation of evidence.

28 Written testimony from other interested parties may also
29 be considered by the board in its review.

30 Access to all information considered by the local board
31 shall be provided to the child, the parents, or their
32 attorneys, and the county attorney.

33 2. Submit to the appropriate court within ten days after
34 the review under subsection 1, the findings and recommendations
35 of the review. The findings and recommendations shall include

1 the proposed date of the next review by the local board.

2 The local board shall notify the persons specified in
3 subsection 4 of the findings and recommendations.

4 3. Encourage placement of the child in- the most
5 appropriate setting reflecting the provisions of chapter 232.

6 4. Notify the following persons at least ten days before
7 the review of a case of a child receiving foster care:

8 a. The person, court, or agency responsible for the child.

9 b. The parent or parents of the child unless termination
10 of parental rights has occurred pursuant to section 232.117.

11 c. The foster care provider of the child.

12 d. The child receiving foster care if the child is fourteen
13 years of age or older.

14 e. The guardian ad litem of the foster child.

15 f. The department.

16 g. The county attorney.

17 Sec. 14. NEW SECTION. 237.21 CONFIDENTIALITY OF RECORDS-
18 PENALTY.

19 1. The information and records regarding a child receiving
20 foster care and the child's family when relating to the foster
21 care placement are not public records pursuant to chapter
22 68A. The state board and local boards, with respect to
23 hearings involving specific children receiving foster care
24 and the child's family, are not subject to chapter 28A.

25 2. Information and records relating to a child receiving
26 foster care shall be provided to a local board or the state
27 board by the department or child-care agency upon request
28 by either board. A court having jurisdiction of a child
29 receiving foster care shall release the information and records
30 the court deems necessary to determine the needs of the child,
31 if the information and records are not obtainable elsewhere,
32 to a local board or the state board upon request by either
33 board.

34 3. Members of the state board and local boards and the
35 employees of the department are subject to standards of

1 confidentiality pursuant to sections 217.30 and 235A.15.
2 A person who discloses information or records, other than
3 as provided in subsection 2, is guilty of a serious
4 misdemeanor.

5 Sec. 15. NEW SECTION. 237.22 CASE PERMANENCY PLAN.
6 The agency responsible for the placement of the child shall
7 create a case permanency plan. The plan shall include, but
8 not be limited to:

9 1. Plans for carrying out the voluntary placement agreement
10 or judicial determination pursuant to which the child entered
11 care;

12 2. The type and appropriateness of the placement and
13 services to be provided to the child;

14 3. The care and services that will be provided to the
15 child, natural parents, and foster parents; and

16 4. How the care and services will meet the needs of the
17 child while in care and will facilitate the child's return
18 home or other permanent placement.

19 Sec. 16. Section 238.1, Code Supplement 1983, is amended
20 by adding the following new unnumbered paragraph:

21 NEW UNNUMBERED PARAGRAPH. For this chapter, "Case
22 permanency plan" means the plan, mandated by Pub. L. No.
23 96-272, as codified in 42 U.S.C., secs. 671(a)(16),
24 627(a)(2)(B), and 675(1),(5), designed to achieve placement
25 in the least restrictive, most family-like setting available
26 and in close proximity to the parent's home, consistent with
27 the best interests and special needs of the child. The plan
28 shall specifically include all of the following:

29 a. Plans for carrying out the voluntary placement agreement
30 or judicial determination pursuant to which the child entered
31 care.

32 b. The type and appropriateness of the placement and
33 services to be provided to the child.

34 c. The care and services that will be provided to the
35 child, natural parents, and foster parents.

1 d. How the care and services will meet the needs of the
2 child while in care and will facilitate the child's return
3 home or other permanent placement.

4 Sec. 17. A copy of the dispositional order pursuant to
5 section 232.102, subsection 6, shall be submitted to the state
6 foster care review board and the local foster care review
7 boards in the two judicial districts in which local foster
8 care review boards are established.

9 Sec. 18. Sections 6 through 13 of this Act are enacted
10 as a new division of chapter 237 entitled "Foster Care Review".
11 Sections 6 through 13 of this Act are repealed July 1, 1988.

12 Sec. 19. The state foster care review board shall adopt
13 administrative rules under sections 17A.4, subsection 2 and
14 section 17A.5, subsection 2, paragraph b, relating to the
15 initial actions by the board pursuant to section 237.18 and
16 the rules shall become effective immediately upon filing,
17 unless a later effective date is specified in the rules.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 2293

-5930

1 Amend Senate File 2293 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 21 the
4 following:

5 "Sec. _____. Section 232.2, subsection 5, Code
6 Supplement 1983, is amended by adding the following
7 new lettered paragraph:

8 NEW LETTERED PARAGRAPH. m. Who is in need of
9 treatment to cure or alleviate chemical dependency.

10 Sec. _____. Section 232.37, subsection 2, Code 1983,
11 is amended to read as follows:

12 2. Notice of the pendency of the case shall be
13 served upon the known ~~parent~~ parents, guardian
14 guardians or legal ~~eustodian~~ custodians of a child
15 ~~if this-person-is~~ these persons are not summoned to
16 appear as provided in subsection 1. Notice shall also
17 be served upon the child and upon the child's guardian
18 ad litem, if any. The notice shall attach a copy
19 of the petition and shall give notification of the
20 right to counsel provided for in section 232.11."

21 2. Page 2, by inserting before line 1 the
22 following:

23 "Sec. _____. Section 232.69, subsection 1, paragraph
24 b, Code Supplement 1983, is amended to read as follows:

25 b. Every social worker under the jurisdiction
26 of the department of human services, any social worker
27 employed by a public or private agency or institution,
28 public or private health care facility as defined
29 in section 135C.1, certified psychologist, certificated
30 school employee, employee or operator of a licensed
31 ~~day-care-facility,~~ child care center or registered
32 group day care home or registered family day care
33 home, member of the staff of a mental health center,
34 or peace officer, who, in the course of employment,
35 examines, attends, counsels or treats a child and
36 reasonably believes a child has suffered abuse.

37 ~~Whenever-such~~ If a person is required to report under
38 this section as a member of the staff of a public
39 or private institution, agency or facility, that
40 person shall immediately notify the person in charge
41 of ~~such~~ the institution, agency or facility, or that
42 person's designated agent, and the person in charge
43 of the institution, agency, or facility, or the
44 designated agent shall make the report.

45 Sec. 100. Section 232.69, Code Supplement 1983,
46 is amended by adding the following new subsection:

47 NEW SUBSECTION. 3. A person required to make
48 a report under subsection 1 shall complete two hours
49 of training relating to the identification and
50 reporting of child abuse within thirty days of initial

H-5930

Page Two

1 employment or self-employment involving the
2 examination, attending, counseling, or treatment of
3 children. If the person's professional training
4 included child abuse identification and reporting
5 training, the two-hour training requirement is waived.
6 The person shall complete at least two hours of
7 additional child abuse identification and reporting
8 training every five years. If the person is an
9 employee of a hospital or similar institution, or
10 of a public or private institution, agency, or
11 facility, the employer shall be responsible for
12 providing the child abuse identification and reporting
13 training. If the person is self-employed, the person
14 shall be responsible for obtaining the child abuse
15 identification and reporting training. The person
16 may complete the initial or additional training as
17 part of a continuing education program required under
18 chapter 258A or may complete the training as part
19 of a training program offered by the department of
20 human services, the department of public instruction,
21 an area education agency, a school district, the Iowa
22 law enforcement academy, an institution of higher
23 education, or a similar public agency.

24 Sec. ____ Section 232.71, subsection 4, Code
25 Supplement 1983, is amended to read as follows:

26 4. The department of human services may request
27 information from any person believed to have knowledge
28 of a child abuse case. The county attorney, and any
29 law enforcement or social services agency in the
30 state, and any mandatory reporter shall co-operate
31 and assist in the investigation upon the request of
32 the department of human services. The county attorney
33 and appropriate law enforcement agencies shall also
34 take any other lawful action which may be necessary
35 or advisable for the protection of the child.

36 Sec. ____ Section 232.71, subsections 9 and 13,
37 Code Supplement 1983, are amended to read as follows:

38 9. If, upon completion of the investigation, the
39 department of human services determines that the best
40 interests of the child require juvenile court action,
41 the department shall take the appropriate action to
42 initiate such action under this chapter. The county
43 attorney shall assist the county department of human
44 services in the preparation of the necessary papers
45 to initiate such action and shall appear and represent
46 the department at all juvenile court proceedings.

47 13. If a fourth report is received from the same
48 person who made three earlier unsubstantiated unfounded
49 reports which identified the same child as the abused
50 child and the same person responsible for the child

H-5930

Page Three

1 as the alleged abuser, the department may determine
2 that the report is ~~spurious~~, ~~again unfounded~~, ~~due~~
3 ~~to the report's spurious or frivolous nature~~ and may
4 in its discretion terminate its investigation.

5 Sec. _____. Section 232.78, subsections 1 and 2,
6 Code 1983, are amended to read as follows:

7 1. The juvenile court may enter an ex parte order
8 directing a peace officer to remove a child from ~~his~~
9 ~~or her~~ the child's home or a child day care facility
10 before or after the filing of a petition under this
11 chapter provided all of the following apply:

12 a. The parent, guardian, ~~or~~ legal custodian, or
13 employee of the child day care facility is absent,
14 or though present, was asked and refused to consent
15 to the removal of the child and was informed of an
16 intent to apply for an order under this section, -and.

17 b. It appears that the child's immediate removal
18 is necessary to avoid imminent danger to the child's
19 life or health, ~~-and.~~

20 c. There is not enough time to file a petition
21 and hold a hearing under section 232.95.

22 2. The order shall specify the facility to which
23 the child is to be brought. Except for good cause
24 shown or unless the child is sooner returned to the
25 place where ~~he or she~~ the child was residing or
26 permitted to return to the child day care facility,
27 a petition shall be filed under this chapter within
28 three days of the issuance of the order.

29 Sec. _____. Section 232.79, subsection 1, Code
30 Supplement 1983, is amended to read as follows:

31 1. A peace officer may remove a child from ~~his~~
32 ~~or her~~ the child's home or a child day care facility
33 or a physician treating a child may keep the child
34 in custody without a court order as required under
35 section 232.78 and without the consent of a parent,
36 guardian, or custodian provided that both of the
37 following apply:

38 a. The child is in such circumstance or condition
39 that ~~his or her~~ the child's continued presence in
40 the residence or the child day care facility or in
41 the care or custody of the parent, guardian, or
42 custodian presents an imminent danger to the child's
43 life or health, -and.

44 b. There is not enough time to apply for an order
45 under section 232.78.

46 Sec. _____. Section 232.91, Code 1983, is amended
47 to read as follows:

48 232.91 PRESENCE OF PARENTS AND GUARDIAN AD LITEM
49 AT HEARINGS. Any hearings or proceedings under this
50 division subsequent to the filing of a petition shall

H-5930

Page Four

1 not take place without the presence of the child's
2 parent, guardian, ~~or~~ custodian, or guardian ad litem
3 in accordance with and subject to ~~the provisions of~~
4 section 232.38. A parent without custody may petition
5 the court to be made a party to proceedings under
6 this division.

7 Sec. ____ . NEW SECTION. 232.94A Juvenile court
8 records, social records, and the material required
9 to be recorded pursuant to section 232.94 shall be
10 maintained and shall be a part of each hearing relating
11 to the child so long as and whenever the child is
12 a child in need of assistance."

13 3. Page 2, by inserting after line 9 the following:

14 "Sec. ____ . Section 232.96, subsection 6, Code
15 Supplement 1983, is amended to read as follows:

16 6. A report, study, record, or other writing or
17 an audiotape or videotape recording made by the
18 department of human services, a juvenile court officer,
19 a peace officer ~~or~~, a guardian ad litem, a ~~hospital~~
20 health practitioner, or a mental health professional
21 or qualified school guidance counselor as referred
22 to in section 622.10, relating to a child in a
23 proceeding under this division ~~shall be~~ is admissible
24 notwithstanding any objection to hearsay statements
25 contained ~~therein~~ in it provided it is relevant and
26 material and provided its probative value substantially
27 outweighs the danger of unfair prejudice to the child's
28 parent, guardian, or custodian. The circumstances
29 of the making of the report, study, record or other
30 writing or an audiotape or videotape recording,
31 including the maker's lack of personal knowledge,
32 may be proved to affect its weight.

33 Sec. ____ . Section 232.97, subsections 1 and 3,
34 Code Supplement 1983, are amended to read as follows:

35 1. The court shall not make any a disposition
36 of the petition until a social report has been
37 submitted to and considered by the court. The court
38 may direct either the juvenile court officer, or the
39 department of human services or any other agency
40 licensed by the state to conduct a social investigation
41 and to prepare a social report which may include any
42 evidence provided by an individual providing foster
43 care for the child. A report prepared shall include
44 any founded reports of child abuse.

45 3. The social report shall not be disclosed except
46 as provided in this section and except as otherwise
47 provided in this chapter. Prior to the hearing at
48 which the disposition is determined, the court shall
49 permit counsel for the child, and counsel for the
50 child's parent, guardian or custodian, and the guardian

H-5930

Page Five

1 ad litem to inspect any social report to be considered
2 by the court. The court may in its discretion order
3 ~~such~~ counsel not to disclose parts of the report to
4 the child, or to the parent, guardian or custodian
5 if disclosure would seriously harm the treatment or
6 rehabilitation of the child or would violate a promise
7 of confidentiality given to a source of information.

8 Sec. _____. Section 232.98, subsection 1, unnumbered
9 paragraph 5, Code 1983, is amended to read as follows:

10 The child's parent, guardian, or custodian shall
11 be included in counseling sessions offered during
12 the child's stay in a hospital, facility, or
13 institution when feasible, and when in the best
14 interests of the child and the child's parent,
15 guardian, or custodian. If separate counseling
16 sessions are conducted for the child and the child's
17 parent, guardian, or custodian, a joint counseling
18 session shall be offered prior to the release of the
19 child from the hospital, facility, or institution.
20 The court shall require that notice be provided to
21 the child's guardian ad litem of the counseling
22 sessions and of the participants and results of the
23 sessions."

24 4. Page 2, line 32, by inserting after the word
25 "possible." the words "When the child is not returned
26 to the child's home and if the child has been
27 previously placed in a licensed foster care facility,
28 the department or agency shall consider placing the
29 child in the same licensed foster care facility."

30 5. Page 3, line 11, by striking the word "should"
31 and inserting in lieu thereof the words "~~should~~ shall".

32 6. Page 3, line 16, by striking the word "should"
33 and inserting in lieu thereof the words "~~should~~ shall".

34 7. Page 3, line 20, by inserting after the word
35 "services." the words "When the child is not returned
36 to the child's home and if the child has been
37 previously placed in a licensed foster care facility,
38 the department or agency responsible for the placement
39 of the child shall consider placing the child in the
40 same licensed foster care facility."

41 8. Page 3, by inserting after line 20 the
42 following:

43 "Sec. _____. Section 232.116, subsection 4,
44 paragraphs b and d, Code 1983, are amended to read
45 as follows:

46 b. The custody of the child has been transferred
47 from ~~his-er-her~~ the child's parents for placement
48 pursuant to section 232.102 and ~~such~~ the placement
49 has lasted for a period of at least six consecutive
50 months, but less than twelve consecutive months; and

H-5930

Page Six

1 d. There is clear and convincing evidence that
2 the parents have not maintained contact with the child
3 during the previous six consecutive months and have
4 made no reasonable efforts to resume care of the child
5 despite being given the opportunity to do so.

6 Sec. _____. Section 232.116, subsection 5, paragraph
7 b, Code 1983, is amended to read as follows:

8 b. The custody of the child has been transferred
9 from ~~his-or-her~~ the child's parents for placement
10 pursuant to section 232.102 for at least twelve of
11 the last eighteen months; and"

12 9. Page 3, by inserting after line 31 the
13 following:

14 "Sec. _____. Section 234.11, Code 1983, is amended
15 to read as follows:

16 234.11 DUTIES OF THE COUNTY BOARD--FOOD STAMP
17 PROGRAM. The county board ~~shall-be-vested-with-the~~
18 ~~authority-to~~ may direct emergency relief with only
19 ~~such~~ the powers and duties ~~as-are~~ prescribed in the
20 laws relating thereto and shall determine the
21 allocation of funds to child day care ~~centers~~
22 facilities pursuant to sections 237A.14 to 237A.18.
23 Child day care provider associations and individual
24 providers of child day care may apply for the funds.
25 The board shall act in an advisory capacity on programs
26 within the jurisdiction of the department of human
27 services. The board shall review policies and
28 procedures of the local departments of human services
29 and make recommendations for changes to insure that
30 effective services are provided in their respective
31 communities. The county board may also make
32 recommendations for new programs which it is believed
33 would meet needs in the community. The state
34 department shall establish a procedure to insure that
35 county board recommendations receive appropriate
36 review at the level of policy determination.

37 Sec. _____. Section 235A.17, Code 1983, is amended
38 by adding the following new subsection:

39 NEW SUBSECTION. 5. The department of human
40 services shall notify orally the mandatory reporter
41 in an individual child abuse case of the results of
42 the case investigation and of the confidentiality
43 provisions of section 235A.15 and 235A.21. Within
44 forty-eight hours of the making of the oral
45 notification, the department shall transmit a written
46 notice to the mandatory reporter of the results and
47 confidentiality provisions. A copy of the written
48 notice shall be transmitted to the registry and shall
49 be maintained by the registry as provided in section
50 235A.18.

H-5930

Page Seven

1 Sec. ____ . Section 235A.18, subsection 2, Code
2 Supplement 1983, is amended to read as follows:
3 2. Child abuse information ~~may~~ shall be expunged
4 ~~where-the-probative-value-of-the-information-is-se~~
5 ~~doubtful-as-to-outweigh-its-validity~~ one year after
6 the receipt of the initial report of such abuse if
7 the information cannot be determined by a preponderance
8 of the evidence to be founded or unfounded. Child
9 abuse information shall be expunged if ~~it~~ the
10 information is determined to be unfounded as a result
11 of any of the following:

12 a. The investigation of a report of suspected
13 child abuse by the department.

14 b. A successful appeal as provided in section
15 235A.19.

16 c. A court adjudication.

17 Sec. ____ . NEW SECTION. FOSTER CARE INFORMATION.
18 The department of human services shall provide services
19 and information to licensed foster care facilities
20 to assist the facilities in the transition to the
21 provision of child foster care to a child. The
22 information may include a synopsis of previous
23 placements of the child and the initial grounds for
24 an adjudication of the child as a child in need of
25 assistance.

26 Sec. 200. NEW SECTION. FOSTER PARENT TRAINING.
27 As a condition for initial licensure, each individual
28 licensee shall complete twelve hours of foster parent
29 training offered or approved by the department. The
30 training shall include but not be limited to physical
31 care, education, learning disabilities, referral to
32 and receipt of necessary professional services,
33 behavioral assessment and modification, self-
34 assessment, self-living skills, and biological parent
35 contact. An individual licensee may complete the
36 training as part of an approved training program
37 offered by a public or private agency with expertise
38 in the provision of child foster care or in related
39 subject areas."

40 10. Page 11, by inserting after line 18 the
41 following:

42 "Sec. ____ . Section 237A.1, subsection 7, Code
43 Supplement 1983, is amended by adding the following
44 new lettered paragraphs:

45 NEW LETTERED PARAGRAPH. d. Care to children from
46 only one family.

47 NEW LETTERED PARAGRAPH. e. Care to no more than
48 six children for less than ninety days in any twelve-
49 month period.

50 Sec. ____ . Section 237A.1, subsection 9, paragraph

H-5930

Page Eight

1 a, Code Supplement 1983, is amended by striking the
2 paragraph and inserting in lieu thereof the following:

3 a. "Family day care home" means a person providing
4 child day care for two to six children at any one
5 time, or for two to six children at any one time and
6 no more than two additional children who each receive
7 care for no more than thirty hours per week.

8 Sec. _____. Section 237A.3, subsection 1, Code 1983,
9 is amended to read as follows:

10 1. A person who operates or establishes a family
11 day care home may shall apply to the department for
12 registration under this chapter. The department shall
13 issue a certificate of registration upon receipt of
14 a statement from the family day care home that the
15 home complies with rules adopted by the department.
16 The registration certificate shall be posted in a
17 conspicuous place in the family day care home, shall
18 state the name of the registrant, the number of
19 individuals who may be received for care at any one
20 time and the address of the home, and shall include
21 a check list of registration compliances. No greater
22 number of children than is authorized by the
23 certificate shall be kept in the family day care home
24 at any one time. The registration process may for
25 a family day care home shall be repeated on an annual
26 basis. A facility which is not a family day care
27 home by reason of the definition of child day care
28 in section 237A.1, subsection 7 or the definition
29 of a family day care home in section 237A.1, subsection
30 9, but which provides care, supervision or guidance
31 to a child may be issued a certificate of registration
32 under this chapter if the facility complies with rules
33 adopted by the department.

34 Sec. _____. Section 237A.3, Code 1983, is amended
35 by adding the following new subsection:

36 NEW SUBSECTION. 4. The parent or guardian of
37 a child being provided care at a family day care home
38 for no more than thirty hours per week, pursuant to
39 section 237A.1, subsection 9, paragraph a, shall
40 provide verification to the registrant that the child
41 attends not more than thirty hours per week.

42 Sec. _____. Section 237A.4, Code 1983, is amended
43 to read as follows:

44 237A.4 INSPECTION AND EVALUATION. The local
45 boards of health shall make periedie at least annual
46 inspections of licensed centers to insure compliance
47 with licensing requirements provided in this chapter.
48 ~~in-these-instances-where-no~~ If a local board of health
49 ~~exists-then does not exist~~ the director may shall
50 make periedie at least annual inspections of licensed

H-5930

Page Nine

1 centers as necessary to ~~carry-out-the-provisions-of~~
2 implement this chapter. The director may inspect
3 records maintained by a licensed center and may inquire
4 into matters concerning these centers and the persons
5 in charge. The director shall require that the center
6 be inspected by the state fire marshal or a designee
7 for compliance with rules relating to fire safety
8 before a license is granted or renewed. The director
9 or a designee ~~may~~ shall periodically visit registered
10 family day care homes and group day care homes for
11 the purpose of evaluation of an inquiry into matters
12 concerning compliance with rules promulgated under
13 section 237A.12. Evaluation of family day care homes
14 and group day care homes under this section may include
15 consultative services provided pursuant to section
16 237A.6.

17 Sec. _____. Section 237A.13, unnumbered paragraph
18 1, Code Supplement 1983, is amended to read as follows:
19 Funds appropriated to the department to assist
20 child day care ~~centers~~ facilities shall be apportioned
21 among the counties as follows:

22 Sec. _____. Section 237A.13, Code Supplement 1983,
23 is amended by adding the following new subsection:

24 NEW SUBSECTION. 5. Child day care provider
25 associations and individual providers of child day
26 care may apply for the funds.

27 Sec. _____. Section 237A.14, Code 1983, is amended
28 to read as follows:

29 237A.14 ALLOCATION BY THE COUNTY. The county
30 board shall determine how the funds received by that
31 county under this chapter shall be allocated among
32 existing or planned child day care ~~centers~~ facilities
33 in the county on the basis of the following factors
34 as applied to each child day care ~~center~~ facility
35 considered for financial assistance under this chapter:

36 1. The demonstrated need for child care services
37 in the community served by the ~~center~~ facility.

38 2. The proportion of low-income families among
39 all families served by the ~~center~~ facility.

40 3. The demonstrated need of the ~~center~~ facility
41 for additional equipment, and improvement, enlargement
42 or relocation of the ~~center's~~ facility's physical
43 facilities designed to bring the ~~center~~ facility into
44 compliance with local health, fire and zoning laws.

45 4. The manner in which the ~~center~~ facility derives
46 its support, other than funds made available to it
47 under this chapter, and in particular the extent to
48 which it is supported from sources other than tuition
49 or fees paid by the parents or guardians of the
50 children served by the ~~center~~ facility.

H-5930

Page Ten

1 5. Child day care provider associations and
2 individual providers of child day care may apply for
3 the funds.

4 Sec. ____ . Section 237A.15, subsections 1 and 2,
5 Code 1983, are amended to read as follows:

6 1. Prescribe forms for use by licensed ~~centers~~
7 or registered facilities in applying to their
8 respective county boards for funds appropriated by
9 the general assembly.

10 2. Establish a procedure by which a licensed
11 ~~center~~ or registered facility aggrieved by a decision
12 of a county board under section 237A.17 may appeal
13 the decision to the commissioner or ~~his~~ the
14 commissioner's designee, however, the judgment of
15 the county board on the merits of any an application
16 shall not be overturned in the absence of a
17 determination that the county board has misinterpreted
18 any of the provisions of this chapter, has acted
19 arbitrarily or capriciously, or both.

20 Sec. ____ . Section 237A.16, Code 1983, is amended
21 to read as follows:

22 237A.16 USE OF FUNDS. A child day care center
23 facility may use funds received pursuant to this
24 chapter only for the following purposes:

25 1. To acquire or improve physical facilities to
26 house the ~~center~~ facility.

27 2. To acquire recreational or educational equipment
28 or supplies.

29 3. To purchase assistance to child day care centers
30 facilities for program development and staff
31 development in meeting standards for child day care
32 centers facilities established under this chapter.

33 Sec. ____ . Section 237A.17, Code 1983, is amended
34 to read as follows:

35 237A.17 DISTRIBUTION. The county board shall
36 consider all applications which are submitted by child
37 day care centers facilities in the county for funds
38 allocated to the county under this chapter, and shall
39 determine the distribution of the funds. Each child
40 day care center facility submitting an application
41 shall indicate the amount of money requested and the
42 intended use of the money. The county board may
43 establish a deadline for submission of applications,
44 which shall not be earlier than thirty days after
45 it is notified by the department of the amount
46 initially allocated to the county pursuant to section
47 237A.13.

48 Sec. ____ . Section 237A.18, Code 1983, is amended
49 to read as follows:

50 237A.18 RESTRICTIONS ON FUNDING. Funds shall

H-5930

Page Eleven

1 be distributed only to licensed centers or registered
2 facilities which serve primarily low-income families
3 and which do not prohibit admission of children on
4 the basis of race, creed, religion, sex, or national
5 origin or child day care provider associations.

6 Sec. ____ . Section 237A.19, unnumbered paragraph
7 2, Code 1983, is amended to read as follows:

8 A person who establishes, conducts, manages, or
9 operates a group day care home or family day care
10 home without registering under this chapter is guilty
11 of a simple misdemeanor. Each day of continuing
12 violation after conviction, or notice from the
13 department by certified mail of the violation, is
14 a separate offense. A single charge alleging
15 continuing violation may be made in lieu of filing
16 charges for each day of violation.

17 Sec. ____ . Section 237A.19, Code 1983, is amended
18 by adding the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. A person who establishes,
20 conducts, manages, or operates a family day care home
21 without verification from a parent or guardian of
22 a child who attends the home for no more than thirty
23 hours per week as required under section 237A.3,
24 subsection 4, is guilty of a simple misdemeanor.

25 Sec. ____ . Section 237A.20, Code Supplement 1983,
26 is amended to read as follows:

27 237A.20 INJUNCTION. A person who establishes,
28 conducts, manages, or operates a center without a
29 license or a group day care home or family day care
30 home without a certificate of registration may be
31 restrained by temporary or permanent injunction.
32 The action may be instituted by the state, a political
33 subdivision of the state, or an interested person.

34 Sec. ____ . NEW SECTION. 237A.23 LICENSING FEE.

35 A person who applies for a license, renewal of a
36 license, a certificate of registration or a renewal
37 of a certificate to operate a child day care facility
38 shall submit a fee with the application to defray
39 the costs of the inspection or visit. A local board
40 of health shall receive the fee from the department
41 when an inspection or visit is made by the board
42 pursuant to section 237A.4. Otherwise the fees
43 collected shall be deposited in the general fund of
44 the state.

45 The annual fee shall be as follows:

- 46 1. Family day care home \$12.00
- 47 2. Group day care home \$22.00
- 48 3. Child care center \$40.00

49 Sec. ____ . NEW SECTION. 237A.24 IMPLEMENTATION.

50 Notwithstanding section 237A.3, a family day care

H-5930

Page Twelve

1 home which provides child day care for five or six
2 children shall be registered by June 30, 1985, a
3 family day care home which provides child day care
4 for three or four children shall be registered by
5 June 30, 1986, and a family day care home which
6 provides child day care for two children shall be
7 registered by June 30, 1987."

8 11. Page 12, by inserting after line 8 the
9 following:

10 "Sec. _____. Until July 1, 1986, the standards
11 adopted by the department of human services for a
12 registered family day care home shall be the same
13 standards adopted by the department for a registered
14 family day care home on July 1, 1984 unless mandated
15 by the general assembly.

16 Sec. _____. The initial two-hour training requirement
17 in section 100 of this Act applies to all mandatory
18 reporters whose employment or self-employment involves
19 the examination, attending, counseling, or treatment
20 of children performed on or after the effective date
21 of this Act. However, the initial training may be
22 completed within one year of the effective date of
23 this Act.

24 Sec. _____. The twelve-hour training requirement
25 in section 200 of this Act applies to all individuals
26 licensed to provide child foster care on or after
27 the effective date of this Act."

28 12. Title page, line 1, by inserting after the
29 word "Act" the words "relating to child protection
30 by".

31 13. Title page, by striking line 5 and inserting
32 in lieu thereof the following: "dispositional order,
33 amending Iowa's child abuse, delinquency, and child-
34 in-need-of-assistance laws, by requiring family or
35 group day care providers to report child abuse,
36 requiring child abuse identification and reporting
37 training for mandatory reporters of child abuse,
38 requiring foster parent training, permitting a peace
39 officer to remove a child from a child day care
40 facility under certain circumstances, permitting child
41 care financial assistance funds to go to group day
42 care homes, family day care homes, provider
43 associations and individual providers, amending the
44 definition of a family day care home, requiring
45 registration of family day care homes but maintaining
46 current standards for two years, requiring periodic
47 inspections or visits to group and family day care
48 homes, expanding injunctive authority to family day
49 care homes, and establishing fees and penalties."

50 14. By renumbering as necessary.

PEICK of Linn
OLLIE of Clinton
ZIMMERMAN of Dallas
VAN GERPEN of Black Hawk
H-5930 FILED MARCH 28, 1984

BY CARL of Poweshiek
BRAMMER of Linn
MULLINS of Kossuth
ARNOULD of Scott
CONNORS of Polk
HAMMOND of Story

*Adopted as amended
by 5943
5945, 5946,
5947 3/29 (J-1461)*

5820

- 1 Amend House amendment S-5735 to Senate File 2293
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking lines 26 through 40 and
- 5 inserting in lieu thereof the following: "232.70,
- 6 of cases of child abuse:"."
- 7 2. Page 2, by striking lines 7 and 8 and inserting
- 8 in lieu thereof the following: "a child has suffered
- 9 abuse. ~~Whenever-such~~ If a person".
- 10 3. Page 2, by striking lines 17 through 45.
- 11 4. By striking page 4, line 36 through page 5,
- 12 line 5 and inserting in lieu thereof the following:
- 13 ""Sec. ____ . Section 232.97, subsections 1 and
- 14 3,".
- 15 5. Page 7, by striking lines 39 through 47.
- 16 6. Page 8, by striking lines 11 through 47 and
- 17 inserting in lieu thereof the following: "subject
- 18 areas.""
- 19 7. Page 8, by inserting before line 48 the
- 20 following:
- 21 " ____ . Page 5, line 4, by inserting after the word
- 22 "governor" the words "and shall not be located within
- 23 a current department or agency of the state"."
- 24 8. Page 8, by inserting after line 50 the
- 25 following:
- 26 " ____ . Page 10, line 19, by inserting after the
- 27 word "records" the words "of or provided to a local
- 28 board or the state board".
- 29 ____ . Page 11, by striking line 2 and inserting
- 30 in lieu thereof the following: "Members of the state
- 31 and local boards and employees of the department who
- 32 disclose information or records of the board or
- 33 department, other than"."
- 34 9. By striking page 9, line 3 through page 10,
- 35 line 28 and inserting in lieu thereof the following:
- 36 ""Sec. ____ . Section 237A.13, unnumbered paragraph".
- 37 10. Page 10, by striking lines 35 through 37 and
- 38 inserting in lieu thereof the following:
- 39 "NEW SUBSECTION. 5. Organizations and agencies
- 40 which serve day care facilities and any licensed or
- 41 registered facilities may apply for the funds."
- 42 11. Page 11, by striking lines 12 through 14 and
- 43 inserting in lieu thereof the following:
- 44 "5. Organizations and agencies which serve day
- 45 care facilities and any licensed or registered
- 46 facilities may apply for the funds."
- 47 12. Page 11, by striking lines 33 and 34 and
- 48 inserting in lieu thereof the following:
- 49 "237A.16 USE OF FUNDS. A-child-care-center
- 50 Organizations and agencies which serve day care

1 facilities and licensed or registered facilities may
2 use funds received pursuant to this".

3 13. Page 11, line 37, by inserting after the word
4 "facility" the words ", organization, or agency".

5 14. Page 11, line 41, by inserting after the word
6 "facilities" the words ", organizations, or agencies".

7 15. Page 11, line 48, by inserting after the word
8 "facilities" the words ", organizations, or agencies".

9 16. Page 12, line 1, by inserting after the word
10 "facility" the words ", organization, or agency".

11 17. Page 12, by striking line 16 and inserting
12 in lieu thereof the following: "origin or to
13 organizations and agencies which serve day care
14 facilities."

15 18. By striking page 12, line 17 through page
16 13, line 35 and inserting in lieu thereof the
17 following:

18 "12. Page 12, by inserting after line 8 the
19 following:

20 "Sec. ____ . The twelve-hour training requirement".
21 19. Page 13, line 45, by inserting after the word
22 "requiring" the word "registered".

23 20. Page 13, by striking lines 47 and 48.
24 21. Page 14, by striking lines 2 through 10 and

25 inserting in lieu thereof the words "care financial
26 assistance funds to go to licensed and registered
27 child day care facilities and organizations and
28 agencies which serve day care facilities, and
29 establishing penalties."

30 22. By renumbering as necessary.

BY CHARLES BRUNER

RICHARD VANDE HOEF

TOM MANN

JULIA GENTLEMAN

BERL PRIEBE

JAMES V. GALLAGHER

S-5820 FILED
APRIL 6, 1984
ADOPTED (p. 1358)

SENATE FILE 2293

1 Amend House amendment S-5735 to Senate File
2 2293, as amended, passed, and reprinted by the
3 Senate, as follows:

4 1. Page 1, line 9, by inserting after the
5 word "dependency" the words "and whose parent,
6 guardian, or custodian is unwilling or unable to
7 provide such treatment".

S-5810 FILED & ADOPTED
APRIL 6, 1984 (p. 1358)

BY CHARLES BRUNER
JULIA GENTLEMAN

House Amendment to Senate File 2293

S-5735

1 Amend Senate File 2293 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 21 the
4 following:

5 "Sec. _____. Section 232.2, subsection 5, Code
6 Supplement 1983, is amended by adding the following
7 new lettered paragraph:

8 NEW LETTERED PARAGRAPH. m. Who is in need of
9 treatment to cure or alleviate chemical dependency.

10 Sec. _____. Section 232.37, subsection 2, Code 1983,
11 is amended to read as follows:

12 2. Notice of the pendency of the case shall be
13 served upon the known ~~parent~~ parents, guardian
14 guardians or legal ~~custodian~~ custodians of a child
15 ~~if this person is~~ these persons are not summoned to
16 appear as provided in subsection 1. Notice shall also
17 be served upon the child and upon the child's guardian
18 ad litem, if any. The notice shall attach a copy
19 of the petition and shall give notification of the
20 right to counsel provided for in section 232.11."

21 Sec. _____. Section 232.69, subsection 1, unnumbered
22 paragraph 1, Code Supplement 1983, is amended to read
23 as follows:

24 The following classes of persons shall make a
25 report, within 24 hours and as provided in section
26 232.70, of cases of child abuse:

27 Sec. _____. Section 232.69, subsection 1, paragraph
28 a, Code Supplement 1983, is amended to read as follows:

29 a. Every health practitioner who examines, attends,
30 or treats a child and who reasonably believes the
31 child has been abused or who has knowledge that a
32 child has been abused. If, however, the health
33 practitioner examines, attends, or treats the child
34 as a member of the staff of a hospital or similar
35 institution, the examining health practitioner shall
36 immediately notify and give complete information to
37 the person in charge of the institution or the health
38 practitioner's designated agent and the person in
39 charge of the institution or designated agent shall
40 make the report."

41 2. Page 2, by inserting before line 1 the
42 following:

43 "Sec. _____. Section 232.69, subsection 1, paragraph
44 b, Code Supplement 1983, is amended to read as follows:

45 b. Every self-employed social worker, every social
46 worker under the jurisdiction of the department of
47 human services, any social worker employed by a public
48 or private agency or institution, public or private
49 health care facility as defined in section 135C.1,
50 certified psychologist, certificated school employee,

1 employee or operator of a licensed day-care-facility,
2 child care center or registered group day care home
3 or registered family day care home, member of the
4 staff of a mental health center, or peace officer,
5 who, in the course of employment, examines, attends,
6 counsels or treats a child and reasonably believes
7 a child has suffered abuse or who has knowledge that
8 a child has been abused. ~~Whenever-such~~ If a person
9 is required to report under this section as a member
10 of the staff of a public or private institution,
11 agency or facility, that person shall immediately
12 notify the person in charge of ~~such~~ the institution,
13 agency or facility, or that person's designated agent,
14 and the person in charge of the institution, agency,
15 or facility, or the designated agent shall make the
16 report.

17 Sec. 100. Section 232.69, Code Supplement 1983,
18 is amended by adding the following new subsection:
19 NEW SUBSECTION. 3. A person required to make
20 a report under subsection 1 shall complete two hours
21 of training relating to the identification and
22 reporting of child abuse within thirty days of initial
23 employment or self-employment involving the
24 examination, attending, counseling, or treatment of
25 children. If the person's professional training
26 included child abuse identification and reporting
27 training, the two-hour training requirement is waived.
28 The person shall complete at least two hours of
29 additional child abuse identification and reporting
30 training every five years. If the person is an
31 employee of a hospital or similar institution, or
32 of a public or private institution, agency, or
33 facility, the employer shall be responsible for
34 providing the child abuse identification and reporting
35 training. If the person is self-employed, the person
36 shall be responsible for obtaining the child abuse
37 identification and reporting training. The person
38 may complete the initial or additional training as
39 part of a continuing education program required under
40 chapter 258A or may complete the training as part
41 of a training program offered by the department of
42 human services, the department of public instruction,
43 an area education agency, a school district, the Iowa
44 law enforcement academy, an institution of higher
45 education, or a similar public agency.

46 Sec. _____. Section 232.71, subsection 4, Code
47 Supplement 1983, is amended to read as follows:
48 4. The department of human services may request
49 information from any person believed to have knowledge
50 of a child abuse case. The county attorney, and any

S-5735
PAGE 3

1 law enforcement or social services agency in the
2 state, and any mandatory reporter shall co-operate
3 and assist in the investigation upon the request of
4 the department of human services. The county attorney
5 and appropriate law enforcement agencies shall also
6 take any other lawful action which may be necessary
7 or advisable for the protection of the child.

8 Sec. ____ . Section 232.71, subsections 9 and 13,
9 Code Supplement 1983, are amended to read as follows:

10 9. If, upon completion of the investigation, the
11 department of human services determines that the best
12 interests of the child require juvenile court action,
13 the department shall take the appropriate action to
14 initiate such action under this chapter. The county
15 attorney shall assist the county department of human
16 services in the preparation of the necessary papers
17 to initiate such action and shall appear and represent
18 the department at all juvenile court proceedings.

19 13. If a fourth report is received from the same
20 person who made three earlier unsubstantiated unfounded
21 reports which identified the same child as the abused
22 child and the same person responsible for the child
23 as the alleged abuser, the department may determine
24 that the report is spurious, again unfounded, due
25 to the report's spurious or frivolous nature and may
26 in its discretion terminate its investigation.

27 Sec. ____ . Section 232.78, subsections 1 and 2,
28 Code 1983, are amended to read as follows:

29 1. The juvenile court may enter an ex parte order
30 directing a peace officer to remove a child from his
31 or-her the child's home or a child day care facility
32 before or after the filing of a petition under this
33 chapter provided all of the following apply:

34 a. The parent, guardian, or legal custodian, or
35 employee of the child day care facility is absent,
36 or though present, was asked and refused to consent
37 to the removal of the child and was informed of an
38 intent to apply for an order under this section -and.

39 b. It appears that the child's immediate removal
40 is necessary to avoid imminent danger to the child's
41 life or health -and.

42 c. There is not enough time to file a petition
43 and hold a hearing under section 232.95.

44 2. The order shall specify the facility to which
45 the child is to be brought. Except for good cause
46 shown or unless the child is sooner returned to the
47 place where he-or-she the child was residing or
48 permitted to return to the child day care facility,
49 a petition shall be filed under this chapter within
50 three days of the issuance of the order.

S-5735
PAGE 4

1 Sec. ____ . Section 232.79, subsection 1, Code
2 Supplement 1983, is amended to read as follows:

3 1. A peace officer may remove a child from ~~his~~
4 ~~or her~~ the child's home or a child day care facility
5 or a physician treating a child may keep the child
6 in custody without a court order as required under
7 section 232.78 and without the consent of a parent,
8 guardian, or custodian provided that both of the
9 following apply:

10 a. The child is in such circumstance or condition
11 that ~~his or her~~ the child's continued presence in
12 the residence or the child day care facility or in
13 the care or custody of the parent, guardian, or
14 custodian presents an imminent danger to the child's
15 life or health, ~~and.~~

16 b. There is not enough time to apply for an order
17 under section 232.78.

18 Sec. ____ . Section 232.91, Code 1983, is amended
19 to read as follows:

20 232.91 PRESENCE OF PARENTS AND GUARDIAN AD LITEM
21 AT HEARINGS. Any hearings or proceedings under this
22 division subsequent to the filing of a petition shall
23 not take place without the presence of the child's
24 parent, guardian, ~~or~~ custodian, or guardian ad litem
25 in accordance with and subject to ~~the provisions of~~
26 section 232.38. A parent without custody may petition
27 the court to be made a party to proceedings under
28 this division.

29 Sec. ____ . NEW SECTION. 232.94A Juvenile court
30 records, social records, and the material required
31 to be recorded pursuant to section 232.94 shall be
32 maintained and shall be a part of each hearing relating
33 to the child so long as and whenever the child is
34 a child in need of assistance."

35 3. Page 2, by inserting after line 9 the following:

36 "Sec. ____ . Section 232.96, subsection 6, Code
37 Supplement 1983, is amended to read as follows:

38 6. A report, study, record, or other writing or
39 an audiotape or videotape recording made by the
40 department of human services, a juvenile court officer,
41 a peace officer ~~or,~~ a guardian ad litem, a hospital
42 health practitioner, or a mental health professional
43 or qualified school guidance counselor as referred
44 to in section 622.10, relating to a child in a
45 proceeding under this division ~~shall be~~ is admissible
46 notwithstanding any objection to hearsay statements
47 contained ~~therein~~ in it provided it is relevant and
48 material and provided its probative value substantially
49 outweighs the danger of unfair prejudice to the child's
50 parent, guardian, or custodian. The circumstances

S-5735
PAGE 5

1 of the making of the report, study, record or other
2 writing or an audiotape or videotape recording,
3 including the maker's lack of personal knowledge,
4 may be proved to affect its weight.

5 Sec. ____ . Section 232.97, subsections 1 and 3,
6 Code Supplement 1983, are amended to read as follows:

7 1. The court shall not make ~~any~~ a disposition
8 of the petition until a social report has been
9 submitted to and considered by the court. The court
10 may direct either the juvenile court officer, or the
11 department of human services or any other agency
12 licensed by the state to conduct a social investigation
13 and to prepare a social report which may include any
14 evidence provided by an individual providing foster
15 care for the child. A report prepared shall include
16 any founded reports of child abuse.

17 3. The social report shall not be disclosed except
18 as provided in this section and except as otherwise
19 provided in this chapter. Prior to the hearing at
20 which the disposition is determined, the court shall
21 permit counsel for the child, ~~and~~ counsel for the
22 child's parent, guardian or custodian, and the guardian
23 ad litem to inspect any social report to be considered
24 by the court. The court may in its discretion order
25 such counsel not to disclose parts of the report to
26 the child, or to the parent, guardian or custodian
27 if disclosure would seriously harm the treatment or
28 rehabilitation of the child or would violate a promise
29 of confidentiality given to a source of information.

30 Sec. ____ . Section 232.98, subsection 1, unnumbered
31 paragraph 5, Code 1983, is amended to read as follows:

32 The child's parent, guardian, or custodian shall
33 be included in counseling sessions offered during
34 the child's stay in a hospital, facility, or
35 institution when feasible, and when in the best
36 interests of the child and the child's parent,
37 guardian, or custodian. If separate counseling
38 sessions are conducted for the child and the child's
39 parent, guardian, or custodian, a joint counseling
40 session shall be offered prior to the release of the
41 child from the hospital, facility, or institution.
42 The court shall require that notice be provided to
43 the child's guardian ad litem of the counseling
44 sessions and of the participants and results of the
45 sessions."

46 4. Page 2, line 32, by inserting after the word
47 "possible." the words "When the child is not returned
48 to the child's home and if the child has been
49 previously placed in a licensed foster care facility,
50 the department or agency shall consider placing the

1 child in the same licensed foster care facility."

2 5. Page 3, line 11, by striking the word "should"
3 and inserting in lieu thereof the words "~~should~~ shall".

4 6. Page 3, line 16, by striking the word "should"
5 and inserting in lieu thereof the words "~~should~~ shall".

6 7. Page 3, line 20, by inserting after the word
7 "services." the words "When the child is not returned
8 to the child's home and if the child has been
9 previously placed in a licensed foster care facility,
10 the department or agency responsible for the placement
11 of the child shall consider placing the child in the
12 same licensed foster care facility."

13 8. Page 3, by inserting after line 20 the
14 following:

15 "Sec. ____ . Section 232.116, subsection 4,
16 paragraphs b and d, Code 1983, are amended to read
17 as follows:

18 b. The custody of the child has been transferred
19 from ~~his-or-her~~ the child's parents for placement
20 pursuant to section 232.102 and ~~such~~ the placement
21 has lasted for a period of at least six consecutive
22 months, but less than twelve consecutive months; and

23 d. There is clear and convincing evidence that
24 the parents have not maintained contact with the child
25 during the previous six consecutive months and have
26 made no reasonable efforts to resume care of the child
27 despite being given the opportunity to do so.

28 Sec. ____ . Section 232.116, subsection 5, paragraph
29 b, Code 1983, is amended to read as follows:

30 b. The custody of the child has been transferred
31 from ~~his-or-her~~ the child's parents for placement
32 pursuant to section 232.102 for at least twelve of
33 the last eighteen months; and".

34 9. Page 3, by inserting after line 31 the
35 following:

36 "Sec. ____ . Section 234.11, Code 1983, is amended
37 to read as follows:

38 234.11 DUTIES OF THE COUNTY BOARD--FOOD STAMP
39 PROGRAM. The county board ~~shall-be-vested-with-the~~
40 ~~authority-to~~ may direct emergency relief with only
41 ~~such~~ the powers and duties ~~as-are~~ prescribed in the
42 laws relating thereto and shall determine the
43 allocation of funds to child day care centers
44 facilities pursuant to sections 237A.14 to 237A.18.
45 Child day care provider associations and individual
46 providers of child day care may apply for the funds.

47 The board shall act in an advisory capacity on programs
48 within the jurisdiction of the department of human
49 services. The board shall review policies and
50 procedures of the local departments of human services

1 and make recommendations for changes to insure that
2 effective services are provided in their respective
3 communities. The county board may also make
4 recommendations for new programs which it is believed
5 would meet needs in the community. The state
6 department shall establish a procedure to insure that
7 county board recommendations receive appropriate
8 review at the level of policy determination.

9 Sec. _____. Section 235A.17, Code 1983, is amended
10 by adding the following new subsection:

5854
5908
11 NEW SUBSECTION. 5. The department of human
12 services shall notify orally the mandatory reporter
13 in an individual child abuse case of the results of
14 the case investigation and of the confidentiality
15 provisions of section 235A.15 and 235A.21. Within
16 forty-eight hours of the making of the oral
17 notification, the department shall transmit a written
18 notice to the mandatory reporter of the results and
19 confidentiality provisions. A copy of the written
20 notice shall be transmitted to the registry and shall
21 be maintained by the registry as provided in section
22 235A.18.

23 Sec. _____. Section 235A.18, subsection 2, Code
24 Supplement 1983, is amended to read as follows:

25 2. Child abuse information ~~may~~ shall be expunged
26 ~~where-the-probative-value-of-the-information-is-so~~
27 ~~doubtful-as-to-outweigh-its-validity~~ one year after
28 the receipt of the initial report of such abuse if
29 the information cannot be determined by a preponderance
30 of the evidence to be founded or unfounded. Child
31 abuse information shall be expunged if ~~it~~ the
32 information is determined to be unfounded as a result
33 of any of the following:

34 a. The investigation of a report of suspected
35 child abuse by the department.

36 b. A successful appeal as provided in section
37 235A.19.

38 c. A court adjudication.

39 Sec. _____. NEW SECTION. FOSTER CARE INFORMATION.
40 The department of human services shall provide services
41 and information to licensed foster care facilities
42 to assist the facilities in the transition to the
43 provision of child foster care to a child. The
44 information may include a synopsis of previous
45 placements of the child and the initial grounds for
46 an adjudication of the child as a child in need of
47 assistance.

48 Sec. 200. NEW SECTION. FOSTER PARENT TRAINING.
49 As a condition for initial licensure, each individual
50 licensee shall complete twelve hours of foster parent

S-5735
PAGE 8

1 training offered or approved by the department. The
2 training shall include but not be limited to physical
3 care, education, learning disabilities, referral to
4 and receipt of necessary professional services,
5 behavioral assessment and modification, self-
6 assessment, self-living skills, and biological parent
7 contact. An individual licensee may complete the
8 training as part of an approved training program
9 offered by a public or private agency with expertise
10 in the provision of child foster care or in related
11 subject areas.

5805 12 Sec. ____ . NEW SECTION. 237.23 LEGISLATIVE STUDY.

13 The legislative fiscal bureau shall conduct a study
14 of each of the following:

15 1. The foster care review boards pursuant to
16 section 237.16 and 237.19. The study shall:

17 a. Determine if the state and local foster care
18 review boards are accomplishing the duties of sections
19 237.18 and 237.20 respectively and if the two local
20 boards are meeting the objectives determined by the
21 state board.

22 b. Compare the actions and results relating to
23 foster care in the two judicial districts with local
24 foster care review boards to the actions and results
25 in two similar judicial districts without local foster
26 care review boards.

27 The legislative fiscal bureau shall not begin the
28 study before May 1, 1987 and shall submit a report
29 of its finding to the second session of the Seventy-
30 second General Assembly not later than January 15,
31 1988.

32 2. The current child welfare system in Iowa.
33 The study shall:

34 a. Assess the state's current system and the cost
35 and practice pattern of the system.

36 b. Make a comparison of the system to similar
37 systems in other states.

38 c. Research and identification of innovative
39 systems and practices which could be implemented in
40 the state's system.

41 d. Identify areas which improvement is needed.

42 e. Recommend adjustments to the system for areas
43 identified in paragraph "d".

44 The legislative fiscal bureau shall submit a report
45 of its findings to the second session of the Seventy-
46 first General Assembly not later than January 15,
47 1986."

48 10. Page 8, line 3, by inserting after the word
49 "process" the words "for those children reviewed by
50 local boards".

S-5735
PAGE 9

1 11. Page 11, by inserting after line 18 the
2 following:

3 "Sec. _____. Section 237A.1, subsection 7, Code
4 Supplement 1983, is amended by adding the following
5 new lettered paragraphs:

6 NEW LETTERED PARAGRAPH. d. Care to children from
7 only one family.

8 NEW LETTERED PARAGRAPH. e. Care to no more than
9 six children for less than ninety days in any twelve-
10 month period.

11 Sec. _____. Section 237A.1, subsection 9, paragraph
12 a, Code Supplement 1983, is amended by striking the
13 paragraph and inserting in lieu thereof the following:

14 a. "Family day care home" means a person providing
15 child day care for two to six children at any one
16 time, or for two to six children at any one time and
17 no more than two additional children who each receive
18 care for no more than thirty hours per week.

19 Sec. _____. Section 237A.3, subsection 1, Code 1983,
20 is amended to read as follows:

21 1. A person who operates or establishes a family
22 day care home may shall apply to the department for
23 registration under this chapter. The department shall
24 issue a certificate of registration upon receipt of
25 a statement from the family day care home that the
26 home complies with rules adopted by the department.
27 The registration certificate shall be posted in a
28 conspicuous place in the family day care home, shall
29 state the name of the registrant, the number of
30 individuals who may be received for care at any one
31 time and the address of the home, and shall include
32 a check list of registration compliances. No greater
33 number of children than is authorized by the
34 certificate shall be kept in the family day care home
35 at any one time. The registration process may for
36 a family day care home shall be repeated on an annual
37 basis. A facility which is not a family day care
38 home by reason of the definition of child day care
39 in section 237A.1, subsection 7 or the definition
40 of a family day care home in section 237A.1, subsection
41 9, but which provides care, supervision or guidance
42 to a child may be issued a certificate of registration
43 under this chapter if the facility complies with rules
44 adopted by the department.

45 Sec. _____. Section 237A.3, Code 1983, is amended
46 by adding the following new subsection:

47 NEW SUBSECTION. 4. The parent or guardian of
48 a child being provided care at a family day care home
49 for no more than thirty hours per week, pursuant to
50 section 237A.1, subsection 9, paragraph a, shall

1 provide verification to the registrant that the child
2 attends not more than thirty hours per week.

3 Sec. ____ . Section 237A.4, Code 1983, is amended
4 to read as follows:

5 237A.4 INSPECTION AND EVALUATION. The local
6 boards of health shall make ~~periodic~~ at least annual
7 inspections of licensed centers to insure compliance
8 with licensing requirements ~~provided~~ in this chapter.
9 ~~In those instances where no~~ If a local board of health
10 ~~exists then does not exist~~ the director may shall
11 make ~~periodic~~ at least annual inspections of licensed
12 centers as necessary to ~~carry out the provisions of~~
13 implement this chapter. The director may inspect
14 records maintained by a licensed center and may inquire
15 into matters concerning these centers and the persons
16 in charge. The director shall require that the center
17 be inspected by the state fire marshal or a designee
18 for compliance with rules relating to fire safety
19 before a license is granted or renewed. The director
20 or a designee ~~may shall~~ periodically visit registered
21 family day care homes and group day care homes for
22 the purpose of evaluation of an inquiry into matters
23 concerning compliance with rules promulgated under
24 section 237A.12. Evaluation of family day care homes
25 and group day care homes under this section may include
26 consultative services provided pursuant to section
27 237A.6.

28 Sec. ____ . Section 237A.13, unnumbered paragraph
29 1, Code Supplement 1983, is amended to read as follows:

30 Funds appropriated to the department to assist
31 child day care ~~centers~~ facilities shall be apportioned
32 among the counties as follows:

33 Sec. ____ . Section 237A.13, Code Supplement 1983,
34 is amended by adding the following new subsection:

35 NEW SUBSECTION. 5. Child day care provider
36 associations and individual providers of child day
37 care may apply for the funds.

38 Sec. ____ . Section 237A.14, Code 1983, is amended
39 to read as follows:

40 237A.14 ALLOCATION BY THE COUNTY. The county
41 board shall determine how the funds received by that
42 county under this chapter shall be allocated among
43 existing or planned child day care ~~centers~~ facilities
44 in the county on the basis of the following factors
45 as applied to each child day care ~~center~~ facility
46 considered for financial assistance under this chapter:

47 1. The demonstrated need for child care services
48 in the community served by the ~~center~~ facility.

49 2. The proportion of low-income families among
50 all families served by the ~~center~~ facility.

1 3. The demonstrated need of the center facility
2 for additional equipment, and improvement, enlargement
3 or relocation of the center's facility's physical
4 facilities designed to bring the center facility into
5 compliance with local health, fire and zoning laws.

6 4. The manner in which the center facility derives
7 its support, other than funds made available to it
8 under this chapter, and in particular the extent to
9 which it is supported from sources other than tuition
10 or fees paid by the parents or guardians of the
11 children served by the center facility.

12 5. Child day care provider associations and
13 individual providers of child day care may apply for
14 the funds.

15 Sec. _____. Section 237A.15, subsections 1 and 2,
16 Code 1983, are amended to read as follows:

17 1. Prescribe forms for use by licensed centers
18 or registered facilities in applying to their
19 respective county boards for funds appropriated by
20 the general assembly.

21 2. Establish a procedure by which a licensed
22 center or registered facility aggrieved by a decision
23 of a county board under section 237A.17 may appeal
24 the decision to the commissioner or ~~his~~ the
25 commissioner's designee, however, the judgment of
26 the county board on the merits of any an application
27 shall not be overturned in the absence of a
28 determination that the county board has misinterpreted
29 any of the provisions of this chapter, has acted
30 arbitrarily or capriciously, or both.

31 Sec. _____. Section 237A.16, Code 1983, is amended
32 to read as follows:

33 237A.16 USE OF FUNDS. A child day care center
34 facility may use funds received pursuant to this
35 chapter only for the following purposes:

36 1. To acquire or improve physical facilities to
37 house the center facility.

38 2. To acquire recreational or educational equipment
39 or supplies.

40 3. To purchase assistance to child day care centers
41 facilities for program development and staff
42 development in meeting standards for child day care
43 centers facilities established under this chapter.

44 Sec. _____. Section 237A.17, Code 1983, is amended
45 to read as follows:

46 237A.17 DISTRIBUTION. The county board shall
47 consider all applications which are submitted by child
48 day care centers facilities in the county for funds
49 allocated to the county under this chapter, and shall
50 determine the distribution of the funds. Each child

S-5735
PAGE 12

1 day care center facility submitting an application
2 shall indicate the amount of money requested and the
3 intended use of the money. The county board may
4 establish a deadline for submission of applications,
5 which shall not be earlier than thirty days after
6 it is notified by the department of the amount
7 initially allocated to the county pursuant to section
8 237A.13.

9 Sec. _____. Section 237A.18, Code 1983, is amended
10 to read as follows:

11 237A.18 RESTRICTIONS ON FUNDING. Funds shall
12 be distributed only to licensed ~~centers~~ or registered
13 facilities which serve primarily low-income families
14 and which do not prohibit admission of children on
15 the basis of race, creed, religion, sex, or national
16 origin or child day care provider associations.

5745 17 Sec. _____. Section 237A.19, unnumbered paragraph
18 2, Code 1983, is amended to read as follows:

19 A person who establishes, conducts, manages, or
20 operates a group day care home or family day care
21 home without registering under this chapter is guilty
22 of a simple misdemeanor. Each day of continuing
23 violation after conviction, or notice from the
24 department by certified mail of the violation, is
25 a separate offense. A single charge alleging
26 continuing violation may be made in lieu of filing
27 charges for each day of violation.

5745 28 Sec. _____. Section 237A.19, Code 1983, is amended
29 by adding the following new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. A person who establishes,
31 conducts, manages, or operates a family day care home
32 without verification from a parent or guardian of
33 a child who attends the home for no more than thirty
34 hours per week as required under section 237A.3,
35 subsection 4, is guilty of a simple misdemeanor.

5745 36 Sec. _____. Section 237A.20, Code Supplement 1983,
37 is amended to read as follows:

38 237A.20 INJUNCTION. A person who establishes,
39 conducts, manages, or operates a center without a
40 license or a group day care home or family day care
41 home without a certificate of registration may be
42 restrained by temporary or permanent injunction.
43 The action may be instituted by the state, a political
44 subdivision of the state, or an interested person.

5745 45 Sec. _____. NEW SECTION. 237A.23 LICENSING FEE.

46 A person who applies for a license, renewal of a
47 license, a certificate of registration or a renewal
48 of a certificate to operate a child day care facility
49 shall submit a fee with the application to defray
50 the costs of the inspection or visit. A local board

1 of health shall receive the fee from the department
2 when an inspection or visit is made by the board
3 pursuant to section 237A.4. Otherwise the fees
4 collected shall be deposited in the general fund of
5 the state.

6 The annual fee shall be as follows:

- 7 1. Family day care home \$12.00
- 8 2. Group day care home \$22.00
- 9 3. Child care center \$40.00

10 Sec. ____ . NEW SECTION. 237A.24 IMPLEMENTATION.

11 Notwithstanding section 237A.3, a family day care
12 home which provides child day care for five or six
13 children shall be registered by June 30, 1985, a
14 family day care home which provides child day care
15 for three or four children shall be registered by
16 June 30, 1986, and a family day care home which
17 provides child day care for two children shall be
18 registered by June 30, 1987."

19 12. Page 12, by inserting after line 8 the
20 following:

574² 21 "Sec. ____ . Until July 1, 1986, the standards
22 adopted by the department of human services for a
23 registered family day care home shall be the same
24 standards adopted by the department for a registered
25 family day care home on July 1, 1984 unless mandated
26 by the general assembly.

27 Sec. ____ . The initial two-hour training requirement
28 in section 100 of this Act applies to all mandatory
29 reporters whose employment or self-employment involves
30 the examination, attending, counseling, or treatment
31 of children performed on or after the effective date
32 of this Act. However, the initial training may be
33 completed within one year of the effective date of
34 this Act.

35 Sec. ____ . The twelve-hour training requirement
36 in section 200 of this Act applies to all individuals
37 licensed to provide child foster care on or after
38 the effective date of this Act."

39 13. Title page, line 1, by inserting after the
40 word "Act" the words "relating to child protection
41 by".

42 14. Title page, by striking line 5 and inserting
43 in lieu thereof the following: "dispositional order,
44 amending Iowa's child abuse, delinquency, and child-
574⁴ 45 in-need-of-assistance laws, by requiring family or
46 group day care providers to report child abuse,
47 requiring child abuse identification and reporting
48 training for mandatory reporters of child abuse,
49 requiring foster parent training, permitting a peace
50 officer to remove a child from a child day care

S-5735
PAGE 14

5748
1 facility under certain circumstances, permitting child
2 care financial assistance funds to go to group day
3 care homes, family day care homes, provider
4 associations and individual providers, amending the
5 definition of a family day care home, requiring
6 registration of family day care homes but maintaining
7 current standards for two years, requiring periodic
8 inspections or visits to group and family day care
9 homes, expanding injunctive authority to family day
10 care homes, and establishing fees and penalties."
11 15. By renumbering as necessary.

S-5735 FILED
APRIL 2, 1984

RECEIVED FROM THE HOUSE

Amended by 5810, 5811, & 5821, & concurred 4/6 (p. 1389)
5820

Reconciled, amended by 5908, 5820 & 5821, & concurred 4/6 (p. 1554)

SENATE FILE 2293

S-5748

1 Amend the House amendment S-5735 to Senate File
2 2293 as amended, passed and reprinted by the Senate
3 as follows:
4 1. By striking page 9, line 3 through page 10,
5 line 2.
6 2. By striking page 12, line 17 through page 13,
7 line 26.
8 3. Page 13, line 45, by inserting after the word
9 "requiring" the word "registered".
10 4. Page 14, line 3, by inserting before the word
11 "family" the word "registered".
12 5. Page 14, by striking lines 4 through 7 and
13 inserting in lieu thereof the following: "associations
14 and individual providers, requiring periodic".
15 6. Page 14, line 8, by inserting after the word
16 "and" the word "registered".
17 7. Page 14, by striking lines 9 and 10 and
18 inserting in lieu thereof the words "homes, and
19 establishing penalties."
20 8. By renumbering as necessary.

S-5748 FILED
APRIL 3, 1984

BY JAMES V. GALLAGHER

Out of order 4/6 (p. 1358)

SENATE FILE 2293

S-5805

1 Amend the amendment S-5735 to Senate File 2293 as
2 amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 8, by striking lines 12 through 47.

S-5805 FILED
APRIL 5, 1984

BY LOWELL L. JUNKINS
CALVIN O. HULTMAN

Out of order 4/6 (1358)

SENATE FILE 2293

H-5943

1 Amend amendment H-5930 to Senate File 2293 as
2 amended, passed and reprinted by the Senate as fol-
3 lows:

4 1. Page 1, by inserting before line 21 the fol-
5 lowing:

6 "Section 1. Section 232.69, subsection 1, para-
7 graph a, Code Supplement 1983, is amended to read
8 as follows:

9 a. Every health practitioner who examines, at-
10 tends, or treats a child and who reasonably believes
11 the child has been abused or who has knowledge that
12 a child has been abused. If, however, the health
13 practitioner examines, attends, or treats the child
14 as a member of the staff of a hospital or similar
15 institution, the examining health practitioner shall
16 immediately notify and give complete information to
17 the person in charge of the institution or the health
18 practitioner's designated agent and the person in
19 charge of the institution or designated agent shall
20 make the report."

21 2. Page 1, line 36, by inserting after the word
22 "abuse" the words "or who has knowledge that a child
23 has been abused".

24 H-5943 FILED MARCH 29, 1984 BY BENNETT of Ida

ADOPTED (p. 1458)

SENATE FILE 2293

H-5947

1 Amend amendment H-5930 to Senate File 2293 as
2 amended, passed and reprinted by the Senate as fol-
3 lows:

4 1. Page 1, by inserting before line 21 the fol-
5 lowing:

6 "Section 1. Section 232.69, subsection 1, unnum-
7 bered paragraph 1, Code Supplement 1983, is amended
8 to read as follows:

9 The following classes of persons shall make a
10 report, within 24 hours and as provided
11 in section 232.70, of cases of child abuse:".

12 2. By renumbering as necessary.

H-5947 FILED MARCH 29, 1984 BY BENNETT of Ida

ADOPTED (p. 1460)

SENATE FILE 2293

H-5945

1 Amend amendment H-5930 to Senate File 2293 as
2 amended, passed and reprinted by the Senate as follows:
3 1. Page 1, line 25, by striking the line and inserting
4 in lieu thereof the following:
5 "b. Every self-employed social worker, every social
6 worker under the jurisdiction".

H-5945 FILED MARCH 29, 1984 BY CARL of Poweshiek
ADOPTED (p. 1458)

SENATE FILE 2293

H-5946

1 Amend amendment H-5930 to Senate File 2293 as
2 amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 7, by inserting after line 39 the
5 following:
6 "Sec. ____ . NEW SECTION. 237.23 LEGISLATIVE
7 STUDY. The legislative fiscal bureau shall conduct
8 a study of each of the following:
9 1. The foster care review boards pursuant to
10 section 237.16 and 237.19. The study shall:
11 a. Determine if the state and local foster care
12 review boards are accomplishing the duties of sections
13 237.18 and 237.20 respectively and if the two local
14 boards are meeting the objectives determined by the
15 state board.
16 b. Compare the actions and results relating to
17 foster care in the two judicial districts with local
18 foster care review boards to the actions and results
19 in two similar judicial districts without local foster
20 care review boards.
21 The legislative fiscal bureau shall not begin the
22 study before May 1, 1987 and shall submit a report
23 of its finding to the second session of the Seventy-
24 second General Assembly not later than January 15,
25 1988.
26 2. The current child welfare system in Iowa.
27 The study shall:
28 a. Assess the state's current system and the cost
29 and practice pattern of the system.
30 b. Make a comparison of the system to similar
31 systems in other states.
32 c. Research and identification of innovative
33 systems and practices which could be implemented in
34 the state's system.
35 d. Identify areas which improvement is needed.
36 e. Recommend adjustments to the system for areas
37 identified in paragraph "d".
38 The legislative fiscal bureau shall submit a report
39 of its findings to the second session of the Seventy-
40 first General Assembly not later than January 15,
41 1986."
42 2. By renumbering as necessary.

H-5946 FILED MARCH 29, 1984 BY CARL of Poweshiek
ADOPTED (p. 1459)

SENATE FILE 2293

S-5811

1 Amend the House amendment S-5735 to Senate File 2293
2 as amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 7, by striking lines 9 through 22.

S-5811 FILED & ADOPTED BY JULIA B. GENTLEMAN
APRIL 6, 1984 (p. 1358)

Reconsidered 3/18 4/16 (p. 1553)

SENATE FILE 2293

S-5821

1 Amend the House amendment S-5735 to Senate File
2 2293 as amended, passed and reprinted by the Senate
3 as follows:
4 1. Page 6, line 44, by inserting after the word
5 "facilities" the words organizations, and agencies.
6 2. Page 6, by striking lines 45 and 46 and
7 inserting in lieu thereof the following: Organizations
8 and agencies which serve day care facilities and any
9 licensed or registered facilities may apply for the
10 funds."

S-5821 FILED & ADOPTED BY CHARLES BRUNER
APRIL 6, 1984 (p. 1358)

SENATE FILE 2293

S-5854

1 Amend the House amendment S-5735 to Senate File
2 2293 as amended, passed and reprinted by the Senate
3 as follows:
4 1. Page 7, by striking lines 15 through 17 and
5 inserting in lieu thereof the following: "provisions
6 of section 235A.15 and 235A.21. The department shall
7 subsequently transmit a written".

S-5854 FILED BY JULIA GENTLEMAN
APRIL 10, 1984

Out of order 4/16 (p. 1553)

SENATE FILE 2293

S-5908

1 Amend the House amendment S-5735 to Senate File
2 2293 as amended, passed, and reprinted by the Senate
3 as follows:
4 1. Page 7, by striking lines 15 through 17 and
5 inserting in lieu thereof the following: "provisions
6 of section 235A.15 and 235A.21. The department may
7 subsequently transmit a written".

S-5908 FILED & ADOPTED BY JULIA B. GENTLEMAN
APRIL 16, 1984 (p. 1553)

SENATE AMENDMENT TO
HOUSE AMENDMENT TO SENATE FILE 2293

H-6335

- 1 Amend the House amendment, S-5735, to Senate File
- 2 2293 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, line 9, by inserting after the word
- 5 "dependency" the words "and whose parent, guardian,
- 6 or custodian is unwilling or unable to provide such
- 7 treatment".
- 8 2. Page 1, by striking lines 26 through 40 and
- 9 inserting in lieu thereof the following: "232.70,
- 10 of cases of child abuse:".
- 11 3. Page 2, by striking lines 7 and 8 and inserting
- 12 in lieu thereof the following: "a child has suffered
- 13 abuse. Whenever-such If a person".
- 14 4. Page 2, by striking lines 17 through 45.
- 15 5. By striking page 4, line 36 through page 5,
- 16 line 5 and inserting in lieu thereof the following:
- 17 "'Sec. ____ . Section 232.97, subsections 1 and
- 18 3,".
- 19 6. Page 6, line 44, by inserting after the word
- 20 "facilities" the words ", organizations, and agencies".
- 21 7. Page 6, by striking lines 45 and 46 and
- 22 inserting in lieu thereof the following: "Organizations
- 23 and agencies which serve day care facilities and any
- 24 licensed or registered facilities may apply for the
- 25 funds."
- 26 8. Page 7, by striking lines 15 through 17 and
- 27 inserting in lieu thereof the following: "provisions
- 28 of section 235A.15 and 235A.21. The department may
- 29 subsequently transmit a written".
- 30 9. Page 7, by striking lines 39 through 47.
- 31 10. Page 8, by striking lines 11 through 47 and
- 32 inserting in lieu thereof the following: "subject
- 33 areas.""
- 34 11. Page 8, by inserting before line 48 the
- 35 following:
- 36 "____ . Page 5, line 4, by inserting after the word
- 37 "governor" the words "and shall not be located within
- 38 a current department or agency of the state"."
- 39 12. Page 8, by inserting after line 50 the
- 40 following:
- 41 "____ . Page 10, line 19, by inserting after the
- 42 word "records" the words "of or provided to a local
- 43 board or the state board".
- 44 ____ . Page 11, by striking line 2 and inserting
- 45 in lieu thereof the following: "Members of the state
- 46 and local boards and employees of the department who
- 47 disclose information or records of the board or
- 48 department, other than"."
- 49 13. By striking page 9, line 3 through page 10,
- 50 line 28 and inserting in lieu thereof the following:

H-6335

Page Two

- 1 "Sec. ____ . Section 237A.13, unnumbered paragraph".
2 14. Page 10, by striking lines 35 through 37 and
3 inserting in lieu thereof the following:
4 "NEW SUBSECTION. 5. Organizations and agencies
5 which serve day care facilities and any licensed or
6 registered facilities may apply for the funds."
7 15. Page 11, by striking lines 12 through 14 and
8 inserting in lieu thereof the following:
9 "5. Organizations and agencies which serve day
10 care facilities and any licensed or registered
11 facilities may apply for the funds."
12 16. Page 11, by striking lines 33 and 34 and
13 inserting in lieu thereof the following:
14 "237A.16 USE OF FUNDS. ~~A-child-care-center~~
15 Organizations and agencies which serve day care
16 facilities and licensed or registered facilities may
17 use funds received pursuant to this".
18 17. Page 11, line 37, by inserting after the word
19 "facility" the words ", organization, or agency".
20 18. Page 11, line 41, by inserting after the word
21 "facilities" the words ", organizations, or agencies".
22 19. Page 11, line 48, by inserting after the word
23 "facilities" the words ", organizations, or agencies":
24 20. Page 12, line 1, by inserting after the word
25 "facility" the words ", organization, or agency".
26 21. Page 12, by striking line 16 and inserting
27 in lieu thereof the following: "origin or to
28 organizations and agencies which serve day care
29 facilities."
30 22. By striking page 12, line 17 through page
31 13, line 35 and inserting in lieu thereof the
32 following:
33 "12. Page 12, by inserting after line 8 the
34 following:
35 "Sec. ____ . The twelve-hour training requirement".
36 23. Page 13, line 45, by inserting after the word
37 "requiring" the word "registered".
38 24. Page 13, by striking lines 47 and 48.
39 25. Page 14, by striking lines 2 through 10 and
40 inserting in lieu thereof the words "care financial
41 assistance funds to go to licensed and registered
42 child day care facilities and organizations and
43 agencies which serve day care facilities, and
44 establishing penalties."
45 26. By renumbering as necessary.

H-6335 FILED APRIL 16, 1984

RECEIVED FROM THE SENATE

House concurred 4/18 (p. 2168)

SENATE FILE 2293

AN ACT

RELATING TO CHILD PROTECTION BY CREATING FOSTER CARE REVIEW BOARDS FOR A FOUR-YEAR PERIOD, CREATING A FOSTER CARE REGISTRY, PROVIDING FOR REHABILITATION FOR A CHILD RECEIVING FOSTER CARE AND THE CHILD'S FAMILY UNIT, AMENDING PROVISIONS RELATING TO A COURT'S DISPOSITIONAL ORDER, AMENDING IOWA'S CHILD ABUSE, DELINQUENCY, AND CHILD-IN-NEED-OF-ASSISTANCE LAWS, BY REQUIRING REGISTERED FAMILY OR GROUP DAY CARE PROVIDERS TO REPORT CHILD ABUSE, REQUIRING FOSTER PARENT TRAINING, PERMITTING A PEACE OFFICER TO REMOVE A CHILD FROM A CHILD DAY CARE FACILITY UNDER CERTAIN CIRCUMSTANCES, PERMITTING CHILD CARE FINANCIAL ASSISTANCE FUNDS TO GO TO LICENSED AND REGISTERED CHILD DAY CARE FACILITIES AND ORGANIZATIONS AND AGENCIES WHICH SERVE DAY CARE FACILITIES, AND ESTABLISHING PENALTIES.

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

Section 1. Section 232.2, Code Supplement 1983, is amended by adding the following new subsection as subsection 4 and renumbering the subsequent subsections:

NEW SUBSECTION. 4. "Case permanency plan" means the plan, mandated by Pub. L. No. 96-272, as codified in 42 U.S.C., secs. 671(a)(16), 627(a)(2)(B), and 675(1),(5), designed to achieve placement in the least restrictive, most family-like setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child. The plan shall specifically include all of the following:

- a. Plans for carrying out the voluntary placement agreement or judicial determination pursuant to which the child entered care.
- b. The type and appropriateness of the placement and services to be provided to the child.
- c. The care and services that will be provided to the child, natural parents, and foster parents.
- d. How the care and services will meet the needs of the child while in care and will facilitate the child's return home or other permanent placement.

Sec. 2. Section 232.2, subsection 5, Code Supplement 1983, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. m. Who is in need of treatment to cure or alleviate chemical dependency and whose parent, guardian, or custodian is unwilling or unable to provide such treatment.

Sec. 3. Section 232.37, subsection 2, Code 1983, is amended to read as follows:

2. Notice of the pendency of the case shall be served upon the known ~~parent~~ parents, guardian guardians or legal custodian custodians of a child if ~~this person is~~ these persons are not summoned to appear as provided in subsection 1. Notice shall also be served upon the child and upon the child's guardian ad litem, if any. The notice shall attach a copy

of the petition and shall give notification of the right to counsel provided for in section 232.11.

Sec. 4. Section 232.69, subsection 1, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

The following classes of persons shall make a report, within 24 hours and as provided in section 232.70, of cases of child abuse:

Sec. 5. Section 232.52, Code Supplement 1983, is amended by adding the following new subsections:

NEW SUBSECTION. 5. If the court orders the transfer of custody of the child to the department of human services or other agency for placement, the department or agency responsible for the placement of the child shall submit a case permanency plan to the court and shall make every effort to return the child to the child's home as quickly as possible.

NEW SUBSECTION. 6. When the court orders the transfer of legal custody of a child pursuant to section 232.52, subsection (2), paragraphs "d", "e", or "f", the order shall state that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home.

Sec. 6. Section 232.69, subsection 1, paragraph b, Code Supplement 1983, is amended to read as follows:

b. Every self-employed social worker, every social worker under the jurisdiction of the department of human services, any social worker employed by a public or private agency or institution, public or private health care facility as defined in section 135C.1, certified psychologist, certificated school employee, employee or operator of a licensed day-care-facility, child care center or registered group day care home or registered family day care home, member of the staff of a mental health center, or peace officer, who, in the course of employment, examines, attends, counsels or treats a child and reasonably believes a child has suffered abuse. Whenever ~~such~~ If a person is required to report under this section

as a member of the staff of a public or private institution, agency or facility, that person shall immediately notify the person in charge of ~~such~~ the institution, agency or facility, or that person's designated agent, and the person in charge of the institution, agency, or facility, or the designated agent shall make the report.

Sec. 7. Section 232.71, subsection 4, Code Supplement 1983, is amended to read as follows:

4. The department of human services may request information from any person believed to have knowledge of a child abuse case. The county attorney, and any law enforcement or social services agency in the state, and any mandatory reporter shall co-operate and assist in the investigation upon the request of the department of human services. The county attorney and appropriate law enforcement agencies shall also take any other lawful action which may be necessary or advisable for the protection of the child.

Sec. 8. Section 232.71, subsections 9 and 13, Code Supplement 1983, are amended to read as follows:

9. If, upon completion of the investigation, the department of human services determines that the best interests of the child require juvenile court action, the department shall take the appropriate action to initiate such action under this chapter. The county attorney shall assist the county department of human services in the preparation of the necessary papers to initiate such action and shall appear and represent the department at all juvenile court proceedings.

13. If a fourth report is received from the same person who made three earlier unsubstantiated unfounded reports which identified the same child as the abused child and the same person responsible for the child as the alleged abuser, the department may determine that the report is spurious, again unfounded, due to the report's spurious or frivolous nature and may in its discretion terminate its investigation.

Sec. 9. Section 232.78, subsections 1 and 2, Code 1983, are amended to read as follows:

1. The juvenile court may enter an ex parte order directing a peace officer to remove a child from ~~his or her~~ the child's home or a child day care facility before or after the filing of a petition under this chapter provided all of the following apply:

a. The parent, guardian, ~~or~~ legal custodian, or employee of the child day care facility is absent, or though present, was asked and refused to consent to the removal of the child and was informed of an intent to apply for an order under this section, ~~and~~.

b. It appears that the child's immediate removal is necessary to avoid imminent danger to the child's life or health, ~~and~~.

c. There is not enough time to file a petition and hold a hearing under section 232.95.

2. The order shall specify the facility to which the child is to be brought. Except for good cause shown or unless the child is sooner returned to the place where ~~he or she~~ the child was residing or permitted to return to the child day care facility, a petition shall be filed under this chapter within three days of the issuance of the order.

Sec. 10. Section 232.79, subsection 1, Code Supplement 1983, is amended to read as follows:

1. A peace officer may remove a child from ~~his or her~~ the child's home or a child day care facility or a physician treating a child may keep the child in custody without a court order as required under section 232.78 and without the consent of a parent, guardian, or custodian provided that both of the following apply:

a. The child is in such circumstance or condition that ~~his or her~~ the child's continued presence in the residence or the child day care facility or in the care or custody of the parent, guardian, or custodian presents an imminent danger to the child's life or health, ~~and~~.

b. There is not enough time to apply for an order under section 232.78.

Sec. 11. Section 232.91, Code 1983, is amended to read as follows:

232.91 PRESENCE OF PARENTS AND GUARDIAN AD LITEM AT HEARINGS. Any hearings or proceedings under this division subsequent to the filing of a petition shall not take place without the presence of the child's parent, guardian, ~~or~~ custodian, or guardian ad litem in accordance with and subject to ~~the provisions of~~ section 232.38. A parent without custody may petition the court to be made a party to proceedings under this division.

Sec. 12. NEW SECTION. 232.94A Juvenile court records, social records, and the material required to be recorded pursuant to section 232.94 shall be maintained and shall be a part of each hearing relating to the child so long as and whenever the child is a child in need of assistance.

Sec. 13. Section 232.95, subsection 2, paragraph a, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If removal is ordered, the order shall, in addition, contain a statement that removal from the home is the result of a determination that continuation therein would be contrary to the welfare of the child, and that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home.

Sec. 14. Section 232.97, subsections 1 and 3, Code Supplement 1983, are amended to read as follows:

1. The court shall not make any a disposition of the petition until a social report has been submitted to and considered by the court. The court may direct either the juvenile court officer, or the department of human services or any other agency licensed by the state to conduct a social investigation and to prepare a social report which may include any evidence provided by an individual providing foster care

for the child. A report prepared shall include any founded reports of child abuse.

3. The social report shall not be disclosed except as provided in this section and except as otherwise provided in this chapter. Prior to the hearing at which the disposition is determined, the court shall permit counsel for the child, and counsel for the child's parent, guardian or custodian, and the guardian ad litem to inspect any social report to be considered by the court. The court may in its discretion order ~~such~~ counsel not to disclose parts of the report to the child, or to the parent, guardian or custodian if disclosure would seriously harm the treatment or rehabilitation of the child or would violate a promise of confidentiality given to a source of information.

Sec. 15. Section 232.98, subsection 1, unnumbered paragraph 5, Code 1983, is amended to read as follows:

The child's parent, guardian, or custodian shall be included in counseling sessions offered during the child's stay in a hospital, facility, or institution when feasible, and when in the best interests of the child and the child's parent, guardian, or custodian. If separate counseling sessions are conducted for the child and the child's parent, guardian, or custodian, a joint counseling session shall be offered prior to the release of the child from the hospital, facility, or institution. The court shall require that notice be provided to the child's guardian ad litem of the counseling sessions and of the participants and results of the sessions.

Sec. 16. Section 232.102, subsection 3, paragraph b, Code Supplement 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The order shall, in addition, contain a statement that removal from the home is the result of a determination that continuation therein would be contrary to the welfare of the child, and that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home.

Sec. 17. Section 232.102, subsection 5, Code Supplement 1983, is amended to read as follows:

5. In any order transferring custody to the department or an agency, or in orders pursuant to a custody order, the court shall specify the nature and category of disposition which will serve the best interests of the child, and shall prescribe the means by which the placement shall be monitored by the court. If the court orders the transfer of the custody of the child to the department of human services or other agency for placement, the department or agency shall submit a case permanency plan to the court ~~a specific plan for placement of the child~~ and shall make every effort to return the child to ~~his or her~~ the child's home as quickly as possible. When the child is not returned to the child's home and if the child has been previously placed in a licensed foster care facility, the department or agency shall consider placing the child in the same licensed foster care facility. If the court orders the transfer of custody to a relative or other suitable person, the court may direct the department or other agency to provide services to the child's parent, guardian or custodian in order to enable them to resume custody of the child.

Sec. 18. Section 232.102, subsection 6, Code Supplement 1983, is amended to read as follows:

6. The duration of any placement made after an order pursuant to this section shall be for an initial period of six months. At the expiration of that period and every six months thereafter, the court shall hold a hearing and review the placement in order to determine whether the child should be returned home, an extension of the placement should be made, or a termination of the parent-child relationship proceeding should be instituted. The placement ~~should~~ shall be terminated and the child returned to ~~his or her~~ the child's home if the court finds by a preponderance of the evidence that the child will not suffer harm in the manner specified

in section 232.2, subsection 5. If the placement is extended, the court ~~should~~ shall determine whether additional services are necessary to facilitate the return of the child to ~~his or her~~ the child's home, and if the court determines such services are needed, the court shall order the provision of such services. When the child is not returned to the child's home and if the child has been previously placed in a licensed foster care facility, the department or agency responsible for the placement of the child shall consider placing the child in the same licensed foster care facility.

Sec. 19. Section 232.116, subsection 4, paragraphs b and d, Code 1983, are amended to read as follows:

b. The custody of the child has been transferred from ~~his or her~~ the child's parents for placement pursuant to section 232.102 and ~~such~~ the placement has lasted for a period of at least six consecutive months, but less than twelve consecutive months; and

d. There is clear and convincing evidence that the parents have not maintained contact with the child during the previous six consecutive months and have made no reasonable efforts to resume care of the child despite being given the opportunity to do so.

Sec. 20. Section 232.116, subsection 5, paragraph b, Code 1983, is amended to read as follows:

b. The custody of the child has been transferred from ~~his or her~~ the child's parents for placement pursuant to section 232.102 for at least twelve of the last eighteen months; and

Sec. 21. Section 232.117, Code Supplement 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 5. If the court orders the termination of parental rights and transfers guardianship and custody under subsection 3, the department of human services or the agency responsible for the placement shall submit a case permanency plan to the court and shall make every effort to

establish a stable placement for the child by adoption or other permanent placement. The child's placement shall be reviewed by the court every six months until the child is adopted.

Sec. 22. Section 234.11, Code 1983, is amended to read as follows:

234.11 DUTIES OF THE COUNTY BOARD--FOOD STAMP PROGRAM. The county board ~~shall be vested with the authority to~~ may direct emergency relief with only ~~such~~ the powers and duties ~~as are~~ prescribed in the laws relating thereto and shall determine the allocation of funds to child day care centers facilities, organizations, and agencies pursuant to sections 237A.14 to 237A.18. Organizations and agencies which serve day care facilities and any licensed or registered facilities may apply for the funds. The board shall act in an advisory capacity on programs within the jurisdiction of the department of human services. The board shall review policies and procedures of the local departments of human services and make recommendations for changes to insure that effective services are provided in their respective communities. The county board may also make recommendations for new programs which it is believed would meet needs in the community. The state department shall establish a procedure to insure that county board recommendations receive appropriate review at the level of policy determination.

Sec. 23. Section 235A.17, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The department of human services shall notify orally the mandatory reporter in an individual child abuse case of the results of the case investigation and of the confidentiality provisions of section 235A.15 and 235A.21. The department may subsequently transmit a written notice to the mandatory reporter of the results and confidentiality provisions. A copy of the written notice shall be transmitted to the registry and shall be maintained by the registry as provided in section 235A.18.

Sec. 24. Section 235A.18, subsection 2, Code Supplement 1983, is amended to read as follows:

2. Child abuse information ~~may shall~~ be expunged ~~where the probative value of the information is so doubtful as to outweigh its validity~~ one year after the receipt of the initial report of such abuse if the information cannot be determined by a preponderance of the evidence to be founded or unfounded. Child abuse information shall be expunged if ~~it~~ the information is determined to be unfounded as a result of any of the following:

- a. The investigation of a report of suspected child abuse by the department.
- b. A successful appeal as provided in section 235A.19.
- c. A court adjudication.

Sec. 25. NEW SECTION. FOSTER PARENT TRAINING. As a condition for initial licensure, each individual licensee shall complete twelve hours of foster parent training offered or approved by the department. The training shall include but not be limited to physical care, education, learning disabilities, referral to and receipt of necessary professional services, behavioral assessment and modification, self-assessment, self-living skills, and biological parent contact. An individual licensee may complete the training as part of an approved training program offered by a public or private agency with expertise in the provision of child foster care or in related subject areas.

Sec. 26. NEW SECTION. 237.15 DEFINITIONS. For the purposes of this division unless otherwise defined:

1. "Local board" means a local foster care review board created pursuant to section 237.19.
2. "State board" means the state foster care review board created pursuant to section 237.16.
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.

4. "Person or court responsible for the child" means the department, including but not limited to the department of human services, agency, or individual who is the guardian of a neglected, dependent, or delinquent child by court order and has the responsibility of the care of the child, or the court having jurisdiction over the child.

5. "Family" means the social unit consisting of the child and the biological or adoptive parent, stepparent, brother, sister, stepbrother, stepsister, and grandparent of the child.

6. "Case permanency plan" means the plan, mandated by Pub. L. No. 96-272, as codified in 42 U.S.C., secs. 671(a)(16), 627(a)(2)(B), and 675(1),(5), designed to achieve placement in the least restrictive, most family-like setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child. The plan shall specifically include all of the following:

- a. Plans for carrying out the voluntary placement agreement or judicial determination pursuant to which the child entered care.
- b. The type and appropriateness of the placement and services to be provided to the child.
- c. The care and services that will be provided to the child, natural parents, and foster parents.
- d. How the care and services will meet the needs of the child while in care and will facilitate the child's return home or other permanent placement.

Sec. 27. NEW SECTION. 237.16 STATE FOSTER CARE REVIEW BOARD. The state foster care review board is created. The state board consists of seven members appointed by the governor, subject to confirmation by the senate and directly responsible to the governor and shall not be located within a current department or agency of the state. Vacancies on

the state board shall be filled in the same manner as original appointments.

The members of the state board shall annually select a chairperson, vice chairperson, and other officers the members deem necessary. The members shall not receive per diem but shall receive reimbursement for actual and necessary expenses incurred in their duties as members. The state board shall meet at least twice a year.

An employee of 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. 28. NEW SECTION. 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 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 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. 29. NEW SECTION. 237.18 POWERS AND DUTIES OF STATE BOARD. The state board shall:

1. Review the activities and actions of local boards.
2. Adopt rules pursuant to chapter 17A to:

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

b. Accumulate data and develop an annual report regarding children in foster care. The report shall include:

(1) Personal data regarding the total number of days of foster care provided and the characteristics of the children receiving foster care.

(2) The number of placements of children in foster care.

(3) The frequency and results of court reviews.

(4) Contrasts between the foster care placement policies by judicial district, with special emphasis upon districts with and without local review boards.

c. Evaluate the judicial and administrative data collected on foster care and disseminate the data to the governor, the supreme court, the chief judge of each judicial district, the department, and child-placing agencies.

d. Establish mandatory training programs for members of the state and local review boards including an initial training program and periodic in-service training programs. Training shall focus on, but not be limited to, the following:

(1) The history, philosophy and role of the juvenile court in the child protection system.

(2) Juvenile court procedures under the juvenile justice act.

(3) The foster care administrative review process of the department of human services.

(4) The role and procedures of the citizen's foster care review system.

(5) The Adoption Assistance and Child Welfare Act of 1980, Pub. L. No. 96-272.

(6) The purpose of case permanency plans, and the type of information that will be available in those plans.

(7) The situations where the goals of either reuniting the child with the child's family or adoption would be appropriate.

(8) The legal processes that may lead to foster care placement.

(9) The types and number of children involved in those legal processes.

(10) The types of foster care placement available, with emphasis on the types and number of facilities available on a regional basis.

(11) The impact of specific physical or mental conditions of a child on the type of placement most appropriate and the kind of progress that should be expected in those situations.

e. Establish procedures for the local review board consistent with the provisions of section 237.20.

f. Establish grounds and procedures for removal of a local review board member.

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.

4. Assist local boards in reviewing each case of a child receiving foster care, as provided in section 237.20.

5. Employ a state director and appropriate staff in accordance with available funding.

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, necessary changes relating to the data collected and the annual report made under subsection 2, paragraph "b".

Sec. 30. NEW SECTION. 237.19 LOCAL FOSTER CARE REVIEW BOARDS.

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 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 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.

2. Vacancies on a board shall be filled in the same manner as original appointments. The members shall not receive per diem but shall receive reimbursement for actual and necessary expenses incurred in their duties as members.

Sec. 31. NEW SECTION. 237.20 LOCAL BOARD DUTIES. A local board shall:

1. Review every six months the case of each child receiving foster care assigned to the local board by the state board to determine whether satisfactory progress is being made toward the goals of the case permanency plan pursuant to section 237.22. As much as is possible, review shall be conducted immediately prior to court reviews of the case.

During each six month review, the local board shall review all of the following:

a. The past, current, and future status of the child and placement as shown through the case permanency plan and case progress reports submitted by the agency responsible for the placement of the child and other information the board may require.

b. The efforts of the agency responsible for the placement of the child to locate and provide services to the biological or adoptive parents of the child.

c. The efforts of the agency responsible for the placement of the child to facilitate the return of the child to the home or to find an alternative permanent placement other than foster care if reunion with the parent or previous custodian is not feasible. The agency shall report to the board all factors which either favor or mitigate against a decision or alternative with regard to these matters.

d. Any problems, solutions, or alternatives which may be capable of investigation, or other matters with regard to the child which the agency responsible for the placement of the child or the board feels should be investigated with regard to the best interests of the state or of the child.

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.

Written testimony from other interested parties may also be considered by the board in its review.

Access to all information considered by the local board shall be provided to the child, the parents, or their attorneys, and the county attorney.

2. Submit to the appropriate court within ten days after the review under subsection 1, the findings and recommendations of the review. 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.

3. Encourage placement of the child in the most appropriate setting reflecting the provisions of chapter 232.

4. Notify the following persons at least ten days before the review of a case of a child receiving foster care:

- a. The person, court, or agency responsible for the child.
- b. The parent or parents of the child unless termination of parental rights has occurred pursuant to section 232.117.
- c. The foster care provider of the child.
- d. The child receiving foster care if the child is fourteen years of age or older.
- e. The guardian ad litem of the foster child.
- f. The department.
- g. The county attorney.

Sec. 32. NEW SECTION. 237.21 CONFIDENTIALITY OF RECORDS--PENALTY.

1. The information and records of or provided to a local board or the state board regarding a child receiving foster care and the child's family when relating to the foster care placement are not public records pursuant to chapter 68A. The state board and local boards, with respect to hearings involving specific children receiving foster care and the child's family, are not subject to chapter 28A.

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.

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

Sec. 33. NEW SECTION. 237.22 CASE PERMANENCY PLAN. The agency responsible for the placement of the child shall create a case permanency plan. The plan shall include, but not be limited to:

1. Plans for carrying out the voluntary placement agreement or judicial determination pursuant to which the child entered care;
2. The type and appropriateness of the placement and services to be provided to the child;
3. The care and services that will be provided to the child, natural parents, and foster parents; and
4. How the care and services will meet the needs of the child while in care and will facilitate the child's return home or other permanent placement.

Sec. 34. Section 237A.13, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

Funds appropriated to the department to assist child day care centers facilities shall be apportioned among the counties as follows:

Sec. 35. Section 237A.13, Code Supplement 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Organizations and agencies which serve day care facilities and any licensed or registered facilities may apply for the funds.

Sec. 36. Section 237A.14, Code 1983, is amended to read as follows:

237A.14 ALLOCATION BY THE COUNTY. The county board shall determine how the funds received by that county under this

chapter shall be allocated among existing or planned child day care centers facilities in the county on the basis of the following factors as applied to each child day care center facility considered for financial assistance under this chapter:

1. The demonstrated need for child care services in the community served by the center facility.
2. The proportion of low-income families among all families served by the center facility.
3. The demonstrated need of the center facility for additional equipment, and improvement, enlargement or relocation of the center's facility's physical facilities designed to bring the center facility into compliance with local health, fire and zoning laws.
4. The manner in which the center facility derives its support, other than funds made available to it under this chapter, and in particular the extent to which it is supported from sources other than tuition or fees paid by the parents or guardians of the children served by the center facility.
5. Organizations and agencies which serve day care facilities and any licensed or registered facilities may apply for the funds.

Sec. 37. Section 237A.15, subsections 1 and 2, Code 1983, are amended to read as follows:

1. Prescribe forms for use by licensed centers or registered facilities in applying to their respective county boards for funds appropriated by the general assembly.
2. Establish a procedure by which a licensed center or registered facility aggrieved by a decision of a county board under section 237A.17 may appeal the decision to the commissioner or his the commissioner's designee, however, the judgment of the county board on the merits of any an application shall not be overturned in the absence of a determination that the county board has misinterpreted any of the provisions of this chapter, has acted arbitrarily or capriciously, or both.

Sec. 38. Section 237A.16, Code 1983, is amended to read as follows:

237A.16 USE OF FUNDS. ~~A-child-care-center~~ Organizations and agencies which serve day care facilities and licensed or registered facilities may use funds received pursuant to this chapter only for the following purposes:

1. To acquire or improve physical facilities to house the ~~center~~ facility, organization, or agency.
2. To acquire recreational or educational equipment or supplies.
3. To purchase assistance to child day care centers facilities, organizations, or agencies for program development and staff development in meeting standards for child day care centers facilities established under this chapter.

Sec. 39. Section 237A.17, Code 1983, is amended to read as follows:

237A.17 DISTRIBUTION. The county board shall consider all applications which are submitted by child day care centers facilities, organizations, or agencies in the county for funds allocated to the county under this chapter, and shall determine the distribution of the funds. Each child day care center facility, organization, or agency submitting an application shall indicate the amount of money requested and the intended use of the money. The county board may establish a deadline for submission of applications, which shall not be earlier than thirty days after it is notified by the department of the amount initially allocated to the county pursuant to section 237A.13.

Sec. 40. Section 237A.18, Code 1983, is amended to read as follows:

237A.18 RESTRICTIONS ON FUNDING. Funds shall be distributed only to licensed ~~centers~~ or registered facilities which serve primarily low-income families and which do not prohibit admission of children on the basis of race, creed, religion, sex, or national origin or to organizations and agencies which serve day care facilities.

Sec. 41. Section 238.1, Code Supplement 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For this chapter, "Case permanency plan" means the plan, mandated by Pub. L. No. 96-272, as codified in 42 U.S.C., secs. 671(a)(16), 627(a)(2)(B), and 675(1),(5), designed to achieve placement in the least restrictive, most family-like setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child. The plan shall specifically include all of the following:

- a. Plans for carrying out the voluntary placement agreement or judicial determination pursuant to which the child entered care.
- b. The type and appropriateness of the placement and services to be provided to the child.
- c. The care and services that will be provided to the child, natural parents, and foster parents.
- d. How the care and services will meet the needs of the child while in care and will facilitate the child's return home or other permanent placement.

Sec. 42. A copy of the dispositional order pursuant to section 232.102, subsection 6, shall be submitted to the state foster care review board and the local foster care review boards in the two judicial districts in which local foster care review boards are established.

Sec. 43. The twelve-hour training requirement in section 25 of this Act applies to all individuals licensed to provide child foster care on or after the effective date of this Act.

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. 45. The state foster care review board shall adopt administrative rules under sections 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph "b", relating to the initial actions by the board pursuant to section 237.18 and

the rules shall become effective immediately upon filing,
unless a later effective date is specified in the rules.

CHARLES P. MILLER
President Pro Tempore of the
Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 2293, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 14, 1984

TERRY E. BRANSTAD
Governor