

Handwritten notes:
Senate Bill 2104
Enacted 2/25 (1988)
1/12/88

FILED FEB 01 1988

SENATE FILE 2104
BY VANDE HOEF, CORNING,
DIELEMAN, SOORHOLTZ,
and RIORDAN

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

A BILL FOR

1 An Act relating to foster care review, providing for the
2 continued existence of the state and local foster care review
3 boards, providing for the establishment of local foster care
4 review boards throughout the state, providing for review in
5 cases of children involuntarily hospitalized for mental
6 illness, revising provisions relating to confidentiality and
7 access to certain information, providing other procedural
8 revisions, and providing properly related matters.

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

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SF 2104

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

3 3. "Child receiving foster care" means a child defined in
4 section 234.1 whose foster care placement is the financial
5 responsibility of the state pursuant to section 234.35,
6 ~~subsection 17-27-or-4~~ or 234.36, or who is under the
7 guardianship of the department, or who has been involuntarily
8 hospitalized for mental illness pursuant to chapter 229.

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

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

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

26 Sec. 3. Section 237.17, Code 1987, is amended to read as
27 follows:

28 237.17 FOSTER CARE REGISTRY.

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

1 placement information for that child.

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

10 Sec. 4. Section 237.18, subsection 2, paragraph a, Code
11 1987, is amended to read as follows:

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

15 Sec. 5. Section 237.18, subsection 2, paragraph b,
16 subparagraph (4), Code 1987, is amended by striking the
17 subparagraph.

18 Sec. 6. Section 237.18, subsection 3, Code 1987, is
19 amended to read as follows:

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

23 Sec. 7. Section 237.19, subsection 1, Code 1987, is
24 amended to read as follows:

25 1. The state board shall establish local foster care
26 boards ~~in two judicial districts in the state~~ to review cases
27 of children receiving foster care. ~~These districts shall be~~
28 ~~selected to allow comparison of the effectiveness of local~~
29 ~~boards in different types of counties in the state.~~ The
30 department shall discontinue its foster care review process
31 for those children reviewed by local boards ~~in at least one of~~
32 ~~these districts when the local foster care review as local~~
33 boards are established and operating. The state board shall
34 select five members and two alternate members to serve on each
35 local board in consultation with the chief judge of each

1 judicial district. The actual number of local boards needed
2 and established shall be determined by the state board.
3 However, the state board shall seek to establish a sufficient
4 number of boards to ensure no board must evaluate more than
5 one hundred cases annually. The members of each local board
6 shall consist of persons of the various social, economic,
7 racial, and ethnic groups and various occupations of their
8 district. A person employed by the state board or the
9 department, the department of inspections and appeals, the
10 district court, an employee of an agency with which the
11 department contracts for services for children under foster
12 care, a foster parent providing foster care, or a child-
13 placing agency shall not serve on a local board. The state
14 board shall provide the names of the members of the local
15 boards to the department.

16 Sec. 8. Section 237.20, subsection 1, unnumbered paragraph
17 4, Code 1987, is amended by striking the unnumbered paragraph.

18 Sec. 9. Section 237.20, subsection 2, Code 1987, is
19 amended to read as follows:

20 2. Submit to the appropriate court within ~~ten~~ fifteen days
21 after the review under subsection 1, the findings and
22 recommendations of the review. The findings and
23 recommendations shall include the proposed date of the next
24 review by the local board. The local board shall notify the
25 persons specified in subsection 4 of the findings and
26 recommendations.

27 Sec. 10. Section 237.21, subsection 3, Code Supplement
28 1987, is amended to read as follows:

29 3. Members of the state board and local boards and the
30 employees of the department and the department of inspections
31 and appeals are subject to standards of confidentiality
32 pursuant to sections 217.30, 228.6, subsection 1, 235A.15, and
33 600.16. Members of the state and local boards and employees
34 of the department and the department of inspections and
35 appeals who disclose information or records of the board or

1 department, other than as provided in subsection 2, are guilty
2 of a simple misdemeanor.

3 Sec. 11. Section 237.22, Code 1987, is amended by adding
4 the following new subsection after subsection 1, and
5 renumbering the subsequent subsections:

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

8 Sec. 12. 1984 Iowa Acts, chapter 1279, section 44, is
9 amended to read as follows:

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

13 Sec. 13. TIME SCHEDULE FOR ADDITIONAL LOCAL BOARDS. The
14 state foster care review board, in establishing local foster
15 care review boards throughout the state as required by this
16 Act, shall establish local boards in three additional judicial
17 districts during the fiscal year beginning July 1, 1988, and
18 in three additional judicial districts during the fiscal year
19 beginning July 1, 1989.

20 EXPLANATION

21 This bill repeals statutory language which would abolish
22 the state and local foster care review boards, as established
23 in sections 237.15 through 237.22, on July 1, 1988. It also
24 provides for the establishment of local foster care review
25 boards throughout the state, to be phased in over a two-year
26 period.

27 The bill provides for review in cases of children
28 involuntarily hospitalized for mental illness.

29 In addition, the bill revises certain time limits, amends
30 provisions relating to confidentiality and access to
31 information by the child, the parents, their attorneys, and
32 the county attorney, and makes other procedural revisions.

33 COMPANION TO LSB 7982H

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SENATE FILE 2104

S-5144

1 Amend Senate File 2104 as follows:

2 1. Page 1, by inserting after line 8 the fol-
3 lowing:

4 "Sec. ____ . Section 237.15, subsection 6, Code
5 1987, is amended by adding the following new
6 paragraphs:

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

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

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

14 2. Page 4, by inserting after line 7 the
15 following:

16 "Sec. ____ . Section 237.22, Code 1987, is amended
17 by adding the following new subsections:

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

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

23 3. Page 4, by striking lines 16 through 19 and
24 inserting the following: "Act, shall establish local
25 boards in additional judicial districts as moneys
26 become available for that purpose."

27 4. Title page, line 7, by inserting after the
28 word "information," the following: "providing
29 additional requirements for case permanency plans,".

30 5. By numbering and renumbering as necessary.

S-5144

Filed February 25, 1988

BY COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

STATE OF IOWA

FILED FEB 24 1988

FISCAL NOTE

LSB No. 7716S

Staff ID. JMN

REQ. BY SENATOR VANDE HOEF SENATE FILE 2104

In compliance with a written request received February 1, 1988, a fiscal note for SENATE FILE 2104 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2104 repeals statutory language which would abolish the state and local foster care review boards on July 1, 1988. It also provides for the expansion of local foster care review boards throughout the state, to be phased in over a two-year period. The bill expands review to include children involuntarily hospitalized for mental illness, and also makes a variety of procedural revisions in sections 237.15 through 237.22 of the Iowa Code.

The fiscal effect of this bill is estimated to be as follows:

EXPENDITURES	(dollars in thousands)					
	Fiscal Year 1989			Fiscal Year 1990		
	Current Law	Proposed Law	Increase (Decrease)	Current Law	Proposed Law	Increase (Decrease)
Salaries (FTE's)	\$ 154,993 (5.0)	\$ 352,748 (13.0)	\$ 197,755 (8.0)	\$ 154,993 (5.0)	\$ 547,020 (20.5)	\$ 392,027 (15.5)
Other	38,788	155,258	116,470	38,788	286,824	248,036
Total	\$ 193,781	\$ 508,006	\$ 314,225	\$ 193,781	\$ 833,844	\$ 640,063

The estimated costs of expanding citizen review of foster care statewide based upon DHS and ISU projections on the number of children in foster care during the next two years. In fiscal year 1989 the FCRB would expand to cover the 7th, 8th and 4th districts, and voluntary placements would be covered for the first time. This would require an additional 27 local review boards.

Source: Foster Care Review Board

(LSB 7716S, JMN)

Dennis Prouty
Fiscal Director
Legislative Fiscal Bureau
Date: 2/23/85