

Reprinted

FILED MAR 13 1991

SENATE FILE **372**
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 75)

Passed Senate, Date 4/2/91 (p. 1166) Passed House, Date _____
Vote: Ayes 54 Nays 14 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to child in need of assistance proceedings and
2 certain child abuse registry information.

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

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SF 372

1 Section 1. Section 232.78, subsection 1, paragraph a, Code
2 1991, is amended by striking the paragraph.

3 Sec. 2. Section 232.90, subsection 2, Code 1991, is
4 amended to read as follows:

5 2. The county attorney shall represent the department in
6 proceedings arising under this division. However, ~~if there is~~
7 ~~disagreement between the department and the county attorney~~
8 ~~regarding the appropriate action to be taken~~ at the request of
9 the county attorney or the department, the department may
10 request to be represented by the attorney general in place of
11 the county attorney.

12 Sec. 3. Section 232.102, subsection 7, Code 1991, is
13 amended to read as follows:

14 7. In any order transferring custody to the department or
15 an agency, or in orders pursuant to a custody order, the court
16 shall specify the nature and category of disposition which
17 will serve the best interests of the child, and shall
18 prescribe the means by which the placement shall be monitored
19 by the court. If the court orders the transfer of the custody
20 of the child to the department of human services or other
21 agency for placement, the department or agency shall submit a
22 case permanency plan to the court and shall make every
23 reasonable effort to return the child to the child's home as
24 quickly as possible consistent with the best interest of the
25 child. When the child is not returned to the child's home and
26 if the child has been previously placed in a licensed foster
27 care facility, the department or agency shall consider placing
28 the child in the same licensed foster care facility. If the
29 court orders the transfer of custody to a relative or other
30 suitable person, the court may direct the department or other
31 agency to provide services to the child's parent, guardian or
32 custodian in order to enable them to resume custody of the
33 child. If the court orders the transfer of custody to the
34 department of human services or to another agency for
35 placement in foster group care, the department or agency shall

1 make every reasonable effort to place the child within Iowa,
2 in the least restrictive setting available, and in close
3 proximity to the parents' home, consistent with the child's
4 best interests and special needs.

5 Sec. 4. Section 232.114, subsection 2, Code 1991, is
6 amended to read as follows:

7 2. The county attorney shall represent the department in
8 proceedings arising under this division. However, ~~if there is~~
9 ~~disagreement between the department and the county attorney~~
10 ~~regarding the appropriate action to be taken~~ at the request of
11 the county attorney or the department, the department may
12 ~~request to be represented by the attorney general in place of~~
13 the county attorney.

14 Sec. 5. Section 235A.15, subsection 2, paragraph e, Code
15 1991, is amended by adding the following new subparagraph:

16 NEW SUBPARAGRAPH. (11) To the department of personnel as
17 necessary for presentation in grievance procedures provided
18 for in sections 19A.14 and 20.18. Child abuse information
19 introduced into a grievance or arbitration proceeding shall
20 not be considered a part of the public record of a case.

21 EXPLANATION

22 Section 1 allows the temporary removal of a child pursuant
23 to an ex parte court order when immediate removal is necessary
24 to avoid imminent danger to the child's life or health and
25 there is not time for a hearing, by removing the requirement
26 that permission to remove the child be requested of the
27 child's caretaker, parent, guardian, or custodian.

28 Sections 2 and 4 amend provisions relating to department
29 representation in child in need of assistance or termination
30 proceedings by providing that either the county attorney or
31 the department can request that the attorney general represent
32 the department in place of the county attorney.

33 Section 3 provides that the department should make every
34 reasonable effort, rather than every effort, to return a child
35 in its custody to the child's home as quickly as possible,

1 consistent with the best interest of the child.

2 Section 5 provides that child abuse information other than
3 unfounded child abuse information can be given to the depart-
4 ment of personnel, as necessary for certain grievance
5 procedures, and that child abuse information introduced into
6 grievance or arbitration proceedings shall not be considered a
7 part of the public record of the case.

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SENATE FILE 372

S-3227

- 1 Amend Senate File 372 as follows:
2 1. Page 1, line 2, by inserting after the word
3 "paragraph" the following: "and inserting in lieu
4 thereof the following:
5 a. The person responsible for the care of the
6 child was informed of the intent to apply for an order
7 under this section."
8 2. Page 2, by striking lines 14 through 20 and
9 inserting the following:
10 "Sec. ____ . Section 235A.15, subsection 1, Code
11 1991, is amended to read as follows:
12 1. Notwithstanding chapter 22, the confidentiality
13 of all child abuse information shall be maintained,
14 except as specifically provided by subsection 2, and
15 subsection 3, and subsection 4.
16 Sec. ____ . Section 235A.15, Code 1991, is amended
17 by adding the following new subsection:
18 NEW SUBSECTION. 4. Access to founded child abuse
19 information only is authorized to the department of
20 personnel as necessary for presentation in grievance
21 procedures provided for in sections 19A.14 and 20.18.
22 Child abuse information introduced into a grievance or
23 arbitration proceeding shall not be considered a part
24 of the public record of a case."
25 3. By renumbering as necessary.

By MAGGIE TINSMAN
ELAINE SZYMONIAK

S-3227 FILED MARCH 28, 1991

Adopted 4/8/91 (p. 1106)

1 Section 1. Section 232.78, subsection 1, paragraph a, Code
2 1991, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 a. The person responsible for the care of the child was
5 informed of the intent to apply for an order under this
6 section.

7 Sec. 2. Section 232.90, subsection 2, Code 1991, is
8 amended to read as follows:

9 2. The county attorney shall represent the department in
10 proceedings arising under this division. However, ~~if there is~~
11 ~~disagreement between the department and the county attorney~~
12 ~~regarding the appropriate action to be taken~~ at the request of
13 the county attorney or the department, the department may
14 ~~request to be represented by the attorney general in place of~~
15 the county attorney.

16 Sec. 3. Section 232.102, subsection 7, Code 1991, is
17 amended to read as follows:

18 7. In any order transferring custody to the department or
19 an agency, or in orders pursuant to a custody order, the court
20 shall specify the nature and category of disposition which
21 will serve the best interests of the child, and shall
22 prescribe the means by which the placement shall be monitored
23 by the court. If the court orders the transfer of the custody
24 of the child to the department of human services or other
25 agency for placement, the department or agency shall submit a
26 case permanency plan to the court and shall make every
27 reasonable effort to return the child to the child's home as
28 quickly as possible consistent with the best interest of the
29 child. When the child is not returned to the child's home and
30 if the child has been previously placed in a licensed foster
31 care facility, the department or agency shall consider placing
32 the child in the same licensed foster care facility. If the
33 court orders the transfer of custody to a relative or other
34 suitable person, the court may direct the department or other
35 agency to provide services to the child's parent, guardian or

1 custodian in order to enable them to resume custody of the
2 child. If the court orders the transfer of custody to the
3 department of human services or to another agency for
4 placement in foster group care, the department or agency shall
5 make every reasonable effort to place the child within Iowa,
6 in the least restrictive setting available, and in close
7 proximity to the parents' home, consistent with the child's
8 best interests and special needs.

9 Sec. 4. Section 232.114, subsection 2, Code 1991, is
10 amended to read as follows:

11 2. The county attorney shall represent the department in
12 proceedings arising under this division. However, ~~if there is~~
13 ~~disagreement between the department and the county attorney~~
14 ~~regarding the appropriate action to be taken~~ at the request of
15 the county attorney or the department, the department may
16 ~~request to~~ be represented by the attorney general in place of
17 the county attorney.

18 Sec. 5. Section 235A.15, subsection 1, Code 1991, is
19 amended to read as follows:

20 1. Notwithstanding chapter 22, the confidentiality of all
21 child abuse information shall be maintained, except as
22 specifically provided by subsection 2, and subsection 3, and
23 subsection 4.

24 Sec. 6. Section 235A.15, Code 1991, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 4. Access to founded child abuse
27 information only is authorized to the department of personnel
28 as necessary for presentation in grievance procedures provided
29 for in sections 19A.14 and 20.18. Child abuse information
30 introduced into a grievance or arbitration proceeding shall
31 not be considered a part of the public record of a case.

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TINSMAN, CH.
BUNK
MURPHY

SSB 75
HUMAN RESOURCES

SENATE/HOUSE FILE 372
BY (PROPOSED GOVERNOR'S BILL)

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Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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