

Bartz

Hammond

Veenstra

SSB-3093

Human Resources

Succeeded By

HF 2344

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

Passed Senate, Date _____ Passed House, Date _____

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

Approved _____

A BILL FOR

1 An Act relating to child and family services administered by the
2 department of human services.

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

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DIVISION I

HOME CONDITION INVESTIGATIONS

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3 Section 1. Section 598.12, subsections 2 and 3, Code 1999,
4 are amended to read as follows:

5 2. The court may require that ~~the department of human~~
6 ~~services or~~ an appropriate agency make an investigation of
7 both parties regarding the home conditions, parenting
8 capabilities, and other matters pertinent to the best
9 interests of the child or children in a dispute concerning
10 custody of the child or children. The investigation report
11 completed by the ~~department of human services or an~~
12 appropriate agency shall be submitted to the court and
13 available to both parties. The investigation report completed
14 by the ~~department of human services or an~~ appropriate agency
15 shall be a part of the record unless otherwise ordered by the
16 court.

17 3. The court shall enter an order in favor of the
18 attorney, ~~the department of human services,~~ or an appropriate
19 agency for fees and disbursements, which and the amount shall
20 be charged against the party responsible for court costs
21 unless the court determines that the party responsible for
22 costs is indigent in which event the fees shall be borne by
23 the county.

24 DIVISION II

25 ABUSE REGISTRY ACCESS

26 Sec. 2. Section 235A.19, subsection 2, paragraph b, Code
27 1999, is amended by adding the following new subparagraph:

28 NEW SUBPARAGRAPH. (8) For statutorily authorized record
29 checks for employment of an individual by a provider of adult
30 home care, adult health facility care, or other adult
31 placement facility care.

32 Sec. 3. Section 235B.6, subsection 2, paragraph e, Code
33 Supplement 1999, is amended by adding the following new
34 subparagraph:

35 NEW SUBPARAGRAPH. (8) To the administrator of an agency

1 providing care to a dependent adult in another state, for the
2 purpose of performing an employment background check.

3 DIVISION III
4 CASE PERMANENCY PLANS

5 Sec. 4. Section 232.2, subsection 4, unnumbered paragraph
6 1, Code Supplement 1999, is amended to read as follows:

7 "Case permanency plan" means the plan, mandated by Pub. L.
8 No. 96-272 and Pub. L. No. 105-89, as codified in 42 U.S.C. §
9 671(a)(16), 627(a)(2)(B), and 675(1),(5), which is designed to
10 achieve placement in the least restrictive, most family-like
11 setting available and in close proximity to the parent's home,
12 consistent with the best interests and special needs of the
13 child, and which considers the placement's proximity to the
14 school in which the child is enrolled at the time of
15 placement. The plan shall be developed by the department or
16 agency involved and the child's parent, guardian, or
17 custodian. The plan shall specifically include all of the
18 following:

19 Sec. 5. Section 237.15, subsection 1, Code 1999, is
20 amended by striking the subsection and inserting in lieu
21 thereof the following:

22 1. "Case permanency plan" means the same as defined in
23 section 232.2, subsection 4, except the plan shall also
24 include the following:

- 25 a. The efforts to place the child with a relative.
- 26 b. The rationale for an out-of-state placement, and the
27 efforts to prevent such placement, if the child has been
28 placed out-of-state.
- 29 c. Time frames to meet the stated permanency goal and
30 short-term objectives.

31 DIVISION IV
32 GROUP FOSTER CARE

33 Sec. 6. Section 232.143, subsections 1 and 2, Code
34 Supplement 1999, are amended to read as follows:

35 1. A statewide expenditure target for children in group

1 foster care placements in a fiscal year, which placements are
2 a charge upon or are paid for by the state, shall be
3 established annually in an appropriation bill by the general
4 assembly. The department and ~~the-judicial-branch~~ juvenile
5 court services shall jointly develop a formula for allocating
6 a portion of the statewide expenditure target established by
7 the general assembly to each of the department's regions. The
8 formula shall be based upon the region's proportion of the
9 state population of children and of the statewide usage of
10 group foster care in the previous five completed fiscal years
11 and other indicators of need. The expenditure amount
12 determined in accordance with the formula shall be the group
13 foster care budget target for that region. A region may
14 exceed its budget target for group foster care by not more
15 than five twenty-five percent in a fiscal year, provided the
16 overall funding allocated by the department for all child
17 welfare and juvenile justice services in the region is not
18 exceeded. Funding needed to pay for a child placed in group
19 foster care shall be considered encumbered for the duration of
20 the child's projected or actual length of stay, whichever is
21 applicable.

22 2. For each of the department's regions, representatives
23 appointed by the department and ~~the~~ juvenile court services
24 shall establish a plan for containing the expenditures for
25 children placed in group foster care ordered by the court
26 within the budget target allocated to that region pursuant to
27 subsection 1. The plan shall include monthly targets and
28 strategies for developing alternatives to group foster care
29 placements in order to contain expenditures for child welfare
30 and juvenile justice services within the amount appropriated
31 by the general assembly for that purpose. Each regional plan
32 shall be established within sixty days of the date by which
33 the group foster care budget target for the region is
34 determined. To the extent possible, the department and ~~the~~
35 juvenile court services shall coordinate the planning required

1 under this subsection with planning for services paid under
 2 section 232.141, subsection 4. The department's regional
 3 administrator shall communicate regularly, as specified in the
 4 regional plan, with the chief officers of juvenile courts
 5 court services within that region concerning the current
 6 status of the regional plan's implementation.

7 EXPLANATION

8 This bill relates to child and family services administered
 9 by the department of human services.

10 Division I amends Code section 598.12, relating to
 11 investigations and attorneys for a minor child involving
 12 dissolution of marriage. The amendment strikes references to
 13 the department of human services in provisions authorizing the
 14 court to appoint the department or an appropriate agency to
 15 make investigations regarding placement of the child,
 16 parenting capacities, and other matters.

17 Division II relates to child and dependent adult abuse
 18 registry access.

19 Code section 235A.19, relating to requests for correction
 20 or expungement of child abuse information and appeals,
 21 prohibits the department from disclosing the information until
 22 the conclusion of proceedings. However, there is a list of
 23 exceptions to the prohibition. The bill adds to that list by
 24 allowing disclosure for statutorily authorized record checks
 25 for employment of an individual by a provider of adult home
 26 care, adult health facility care, or other adult placement
 27 facility care.

28 Code section 235B.6 is amended to allow access to dependent
 29 adult abuse information to the administrator of an agency
 30 providing care to a dependent adult in another state, for the
 31 purpose of performing an employment background check.

32 Division III relates to the definitions of case permanency
 33 plans for children removed for out-of-home placements. The
 34 bill amends the definition in Code section 232.2 of the
 35 juvenile justice code to include a reference to the federal

1 requirements for the plans in the federal Adoption and Safe
2 Families Act, Pub. L. No. 105-89. In addition, the bill
3 amends a definition of case permanency plan in Code section
4 237.15, used for the foster care review process. The bill
5 strikes and rewrites the current definition to incorporate
6 identical language in the Code section 232.2 definition by
7 reference and reinsert additional plan requirements that exist
8 in the current statute.

9 Division IV amends Code section 232.143, relating to the
10 regional group foster care budget targets. Under current law,
11 a region can exceed its budget target for group foster care by
12 not more than 5 percent, provided the overall funding
13 allocated for child welfare services in that region is not
14 exceeded. The bill increases the authorization to 25 percent
15 of the budget target and expands the overall funding source
16 which cannot be exceeded from child welfare funding to also
17 include the funding for juvenile justice services.

18 In addition, the bill changes the responsibility to plan
19 for funding with the department from the "judicial branch" and
20 "juvenile court" to "juvenile court services". Language is
21 added that provides that the funding needed to pay for a
22 child's group foster care placement is to be considered
23 encumbered for the projected or actual stay, whichever is
24 applicable. Language to this effect was included in the
25 department's appropriations legislation for fiscal years 1998-
26 1999 and 1999-2000.

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THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
JESSIE K. RASMUSSEN, DIRECTOR

January 11, 2000

To: Members of the General Assembly

From: Karla Fultz McHenry, Department of Human Services

Log No. Bill Review 2007
Bill No. LSB 5233

These amendments are proposed by the Department of Human Services to achieve consistency with federal language and other sections of the Iowa Code and to increase flexibility in meeting group care budget targets.

The following is additional information related to each section of the bill:

Division I: Currently the court can require DHS to do home study investigations in dissolution of marriage cases where child custody is an issue. This bill removes specific reference to DHS, continuing to allow the court to appoint any appropriate agency to fulfill that function.

Division II, Sec. 2: Allows release of founded child abuse information to an adult care employer even if the record of abuse is under appeal.

Division II, Sec 3: Authorizes access to dependent adult abuse records for out of state adult care facilities and adult care employers for employment record checks.

Division III, Sec.4: Modifies 232.2 to indicate compliance with federal law enacting the Adoption and Safe Families Act, and strikes other citation not necessary in code.

Division III, Sec 5: Modifies 237.15 to indicate compliance with federal law enacting the Adoption and Safe Families Act, and strikes other citation not necessary in code.

Division IV: Current law allows DHS regions to exceed group care budget targets by 5%. This bill allows them to exceed by 25%. It continues to require regions to not exceed their overall child welfare fund budget, and clarifies that the reference to child welfare service includes juvenile justice services. The bill provides that a child's group foster care placement is to be considered encumbered for the projected or actual stay, whichever is applicable. Finally, it requires the department to plan funding with "juvenile court services" instead of with the "judicial branch" or "juvenile court".

If you have any questions concerning this proposal, please contact Karla Fultz McHenry, Legislative Liaison, (515) 281-4848.

KFM/RN

Substituted for HF 2249

3-22-00 (P. 884)

H. 2344

FILED FEB 24 '00

SENATE FILE

2344

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 3093)

Passed Senate, Date 3-9-00

Passed House, Date 3/22/00

Vote: Ayes 48 Nays 0

Vote: Ayes 100 Nays 0

Approved 4-7-00

Re Passed 3-27-00

Vote 47-0

(P. 862)

A BILL FOR

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2 department of human services.

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

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DIVISION I

HOME CONDITION INVESTIGATIONS

Section 1. Section 598.12, subsections 2 and 3, Code 1999, are amended to read as follows:

2. The court may require that ~~the department of human services or~~ an appropriate agency make an investigation of both parties regarding the home conditions, parenting capabilities, and other matters pertinent to the best interests of the child or children in a dispute concerning custody of the child or children. The investigation report completed by the ~~department of human services or an~~ appropriate agency shall be submitted to the court and available to both parties. The investigation report completed by the ~~department of human services or an~~ appropriate agency shall be a part of the record unless otherwise ordered by the court.

3. The court shall enter an order in favor of the attorney, ~~the department of human services,~~ or an appropriate agency for fees and disbursements, which and the amount shall be charged against the party responsible for court costs unless the court determines that the party responsible for costs is indigent in which event the fees shall be borne by the county.

DIVISION II

ABUSE REGISTRY ACCESS

Sec. 2. Section 235A.19, subsection 2, paragraph b, Code 1999, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) For statutorily authorized record checks for employment of an individual by a provider of adult home care, adult health facility care, or other adult placement facility care.

Sec. 3. Section 235B.6, subsection 2, paragraph e, Code Supplement 1999, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) To the administrator of an agency

1 providing care to a dependent adult in another state, for the
2 purpose of performing an employment background check.

3 DIVISION III
4 CASE PERMANENCY PLANS

5 Sec. 4.. Section 232.2, subsection 4, unnumbered paragraph
6 1, Code Supplement 1999, is amended to read as follows:

7 "Case permanency plan" means the plan, mandated by Pub. L.
8 No. 96-272 and Pub. L. No. 105-89, as codified in 42 U.S.C. §
9 671(a)(16), 627(a)(2)(B), and 675(1),(5), which is designed to
10 achieve placement in the most appropriate, least restrictive,
11 and most family-like setting available and in close proximity
12 to the parent's home, consistent with the best interests and
13 special needs of the child, and which considers the
14 placement's proximity to the school in which the child is
15 enrolled at the time of placement. The plan shall be
16 developed by the department or agency involved and the child's
17 parent, guardian, or custodian. The plan shall specifically
18 include all of the following:

19 Sec. 5. Section 237.15, subsection 1, Code 1999, is
20 amended by striking the subsection and inserting in lieu
21 thereof the following:

22 1. "Case permanency plan" means the same as defined in
23 section 232.2, subsection 4, except the plan shall also
24 include the following:

- 25 a. The efforts to place the child with a relative.
- 26 b. The rationale for an out-of-state placement, and the
27 efforts to prevent such placement, if the child has been
28 placed out-of-state.
- 29 c. Time frames to meet the stated permanency goal and
30 short-term objectives.

31 EXPLANATION

32 This bill relates to child and family services administered
33 by the department of human services.

34 Division I amends Code section 598.12, relating to
35 investigations and attorneys for a minor child involving

1 dissolution of marriage. The amendment strikes references to
2 the department of human services in provisions authorizing the
3 court to appoint the department or an appropriate agency to
4 make investigations regarding placement of the child,
5 parenting capacities, and other matters.

6 Division II relates to child and dependent adult abuse
7 registry access.

8 Code section 235A.19, relating to requests for correction
9 or expungement of child abuse information and appeals,
10 prohibits the department from disclosing the information until
11 the conclusion of proceedings. However, there is a list of
12 exceptions to the prohibition. The bill adds to that list by
13 allowing disclosure for statutorily authorized record checks
14 for employment of an individual by a provider of adult home
15 care, adult health facility care, or other adult placement
16 facility care.

17 Code section 235B.6 is amended to allow access to dependent
18 adult abuse information to the administrator of an agency
19 providing care to a dependent adult in another state, for the
20 purpose of performing an employment background check.

21 Division III relates to the definitions of case permanency
22 plans for children removed for out-of-home placements. The
23 bill amends the definition in Code section 232.2 of the
24 juvenile justice code to include a reference to the federal
25 requirements for the plans in the federal Adoption and Safe
26 Families Act, Pub. L. No. 105-89. In addition, the bill
27 amends a definition of case permanency plan in Code section
28 237.15, used for the foster care review process. The bill
29 strikes and rewrites the current definition to incorporate
30 identical language in the Code section 232.2 definition by
31 reference and reinsert additional plan requirements that exist
32 in the current statute.

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SENATE FILE 2344

H-8474

1 Amend Senate File 2344, as passed by the Senate, as
2 follows:

3 1. Page 2, line 4, by inserting after the word
4 "PLANS" the following: "AND OTHER CHILD WELFARE
5 REQUIREMENTS".

6 2. Page 2, by striking line 9 and inserting the
7 following: "622(b)(10), 671(a)(16), ~~627(a)(2)(B)~~, and
8 675(1), (5), which is designed to".

9 3. Page 2, line 11, by inserting after the words
10 "family-like" the following: ", and most
11 appropriate".

12 4. Page 2, by inserting after line 18 the
13 following:

14 "Sec. _____. Section 232.2, subsection 4, Code
15 Supplement 1999, is amended by adding the following
16 new paragraphs:

17 NEW PARAGRAPH. i. A provision that a designee of
18 the department or other person responsible for
19 placement of a child out of state shall visit the
20 child at least once every twelve months.

21 NEW PARAGRAPH. j. If it has been determined that
22 the child cannot return to the child's home,
23 documentation of the steps taken to make and finalize
24 an adoption or other permanent placement.

25 Sec. _____. Section 232.78, subsection 3, Code
26 Supplement 1999, is amended to read as follows:

27 ~~3. The order shall specify the facility to which~~
28 ~~the child is to be brought.~~ Except for good cause
29 shown or unless the child is sooner returned to the
30 place where the child was residing or permitted to
31 return to the child care facility, a petition shall be
32 filed under this chapter within three days of the
33 issuance of the order.

34 Sec. _____. Section 232.78, subsection 6, Code
35 Supplement 1999, is amended to read as follows:

36 6. Any person who may file a petition under this
37 chapter may apply for, or the court on its own motion
38 may issue, an order for temporary removal under this
39 section. An appropriate person designated by the
40 court shall confer with a person seeking the removal
41 order, shall make every reasonable effort to inform
42 the parent or other person legally responsible for the
43 child's care of the application, and shall make such
44 inquiries as will aid the court in disposing of such
45 application. The person designated by the court shall
46 file with the court a complete written report
47 providing all details of the designee's conference
48 with the person seeking the removal order, the
49 designee's efforts to inform the parents or other
50 person legally responsible for the child's care of the

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1 application, any inquiries made by the designee to aid
2 the court in disposing of the application, and all
3 information the designee communicated to the court.
4 The report shall be filed within five days of the date
5 of the removal order. If the court does not designate
6 an appropriate person who performs the required
7 duties, notwithstanding section 234.39 or any other
8 provision of law, the child's parent shall not be
9 responsible for paying the cost of care and services
10 for the duration of the removal order.

11 7. Any order entered under this section
12 authorizing temporary removal of a child shall include
13 a both of the following:

14 a. A statement that the temporary removal is the
15 result of a determination that the child remaining in
16 the child's home would be contrary to the welfare of
17 the child, and that reasonable efforts have been made
18 to prevent or eliminate the need for removal of the
19 child from the child's home.

20 b. A statement informing the child's parent that
21 the consequences of a permanent removal may include
22 termination of the parent's rights with respect to the
23 child.

24 Sec. ____. Section 232.95, subsection 1, Code 1999,
25 is amended to read as follows:

26 1. At any time after the petition is filed any
27 person who may file a petition under section 232.87
28 may apply for, or the court on its own motion may
29 order, a hearing to determine whether the child should
30 be temporarily removed from home. ~~Where~~ If the child
31 is in the custody of a person other than the child's
32 parent, guardian, or custodian as the result of action
33 taken pursuant to section 232.78 or 232.79, the court
34 shall hold a hearing within ten days of the date of
35 temporary removal to determine whether the temporary
36 removal should be continued.

37 Sec. ____. Section 232.96, subsection 10, Code
38 1999, is amended to read as follows:

39 10. If the court enters an order adjudicating the
40 child to be a child in need of assistance, the court,
41 if it has not previously done so, may issue an order
42 authorizing temporary removal of the child from the
43 child's home as set forth in section 232.95,
44 subsection 2, paragraph "a", pending a final order of
45 disposition. The order shall include a both of the
46 following:

47 a. A statement that the temporary removal is the
48 result of a determination that the child remaining in
49 the child's home would be contrary to the welfare of
50 the child, and that reasonable efforts have been made

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

3 b. A statement informing the child's parent that
4 the consequences of a permanent removal may include
5 termination of the parent's rights with respect to the
6 child.

7 Sec. ____. Section 232.102, subsection 10,
8 paragraph a, unnumbered paragraph 1, Code 1999, is
9 amended to read as follows:

10 As used in this section, "reasonable efforts" means
11 the efforts made to preserve and unify a family prior
12 to the out-of-home placement of a child in foster care
13 or to eliminate the need for removal of the child or
14 make it possible for the child to safely return to the
15 family's home. If returning the child to the family's
16 home is not appropriate or not possible, reasonable
17 efforts shall include the efforts made in a timely
18 manner to finalize a permanency plan for the child. A
19 child's health and safety shall be the paramount
20 concern in making reasonable efforts. Reasonable
21 efforts may include intensive family preservation
22 services or family-centered services, if the child's
23 safety in the home can be maintained during the time
24 the services are provided. In determining whether
25 reasonable efforts have been made, the court shall
26 consider both of the following:

27 Sec. ____. Section 232.104, subsection 1, paragraph
28 a, subparagraph (2), Code 1999, is amended to read as
29 follows:

30 (2) For an order entered under section 232.102,
31 for which the court has waived reasonable efforts
32 requirements under section 232.102, subsection ~~11~~ 12,
33 the permanency hearing shall be held within thirty
34 days of the date the requirements were waived.

35 Sec. ____. Section 232.104, subsection 1, paragraph
36 c, Code 1999, is amended to read as follows:

37 c. Reasonable notice of a permanency hearing in a
38 case of juvenile delinquency shall be provided
39 pursuant to section 232.37. A permanency hearing
40 shall be conducted in substantial conformance with the
41 provisions of section 232.99. During the hearing the
42 court shall consider the child's need for a secure and
43 permanent placement in light of any permanency plan or
44 evidence submitted to the court. Upon completion of
45 the hearing the court shall enter written findings and
46 make a determination ~~based upon the permanency plan~~
47 ~~which will best serve the child's individual interests~~
48 ~~at that time~~ identifying a primary permanency goal for
49 the child. If a permanency plan is in effect at the
50 time of the hearing, the court shall also make a

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1 determination as to whether reasonable progress is
2 being made in achieving the permanency goal and other
3 provisions of that permanency plan."

4 5. Page 2, by inserting after line 30 the
5 following:

6 "DIVISION

7 STATE CHILD CARE ASSISTANCE

8 Sec. ____ . Section 237A.1, Code Supplement 1999, is
9 amended by adding the following new subsection:

10 NEW SUBSECTION. 12A. "Poverty level" means the
11 poverty level defined by the most recently revised
12 poverty income guidelines published by the United
13 States department of health and human services.

14 Sec. ____ . NEW SECTION. 237A.13 STATE CHILD CARE
15 ASSISTANCE.

16 1. A state child care assistance program is
17 established in the department to assist children in
18 families who meet eligibility guidelines and are
19 described by any of the following circumstances:

20 a. The child's parent, guardian, or custodian is
21 participating in approved academic or vocational
22 training.

23 b. The child's parent, guardian, or custodian is
24 seeking employment. Eligibility for assistance while
25 seeking employment shall be limited to thirty days
26 during a twelve-month period.

27 c. The child's parent, guardian, or custodian is
28 employed and the family income meets income
29 requirements.

30 d. The child's parent, guardian, or custodian is
31 absent for a limited period of time due to
32 hospitalization, physical illness, or mental illness.

33 e. The child needs protective services to prevent
34 or alleviate child abuse or neglect.

35 2. Services under the program may be provided in a
36 licensed child care center, a registered group child
37 care home, a registered family child care home, the
38 home of a relative, the child's own home, an
39 unregistered family child care home, or in a facility
40 exempt from licensing or registration.

41 3. The department shall set reimbursement rates as
42 authorized by appropriations enacted for payment of
43 the reimbursements. The department shall conduct a
44 statewide reimbursement rate survey to compile
45 information on each county and the survey shall be
46 conducted at least every two years. The department
47 shall set rates in a manner so as to provide
48 incentives for an unregistered provider to become
49 registered.

50 4. The department shall not apply waiting list

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- 1 requirements to any of the following persons:
2 a. Persons deemed to be eligible for benefits
3 under the state child care assistance program in
4 accordance with section 239B.24.
5 b. A family that is receiving state child care
6 assistance at the time a child is born into the
7 family. The newborn child shall be approved for
8 services when the family reports the birth of the
9 child.
10 c. Children who need protective services to
11 prevent or alleviate child abuse or neglect.
12 5. Based upon the availability of the funding
13 appropriated for state child care assistance for a
14 fiscal year, the department shall establish waiting
15 lists for state child care assistance in descending
16 order of prioritization as follows:
17 a. Families with an income at or below one hundred
18 percent of the federal poverty level whose members are
19 employed at least twenty-eight hours per week, and
20 parents with a family income at or below one hundred
21 percent of the federal poverty level who are under the
22 age of twenty-one years and are participating in an
23 educational program leading to a high school diploma
24 or the equivalent.
25 b. Parents with a family income at or below one
26 hundred percent of the federal poverty level who are
27 under the age of twenty-one years and are
28 participating, at a satisfactory level, in an approved
29 training program or in an educational program.
30 c. Families with an income of more than one
31 hundred percent but not more than one hundred forty
32 percent of the federal poverty level whose members are
33 employed at least twenty-eight hours per week.
34 d. Families with an income at or below one hundred
35 seventy-five percent of the federal poverty level
36 whose members are employed at least twenty-eight hours
37 per week with a special needs child as a member of the
38 family.
39 6. Nothing in this section shall be construed as
40 or is intended as, or shall imply, a grant of
41 entitlement for services to persons who are eligible
42 for assistance due to an income level or other
43 eligibility circumstance addressed in this section.
44 Any state obligation to provide services pursuant to
45 this section is limited to the extent of the funds
46 appropriated for the purposes of state child care
47 assistance.
48 Sec. _____. Section 239B.24, subsection 1, Code
49 Supplement 1999, is amended to read as follows:
50 1. The following persons are deemed to be eligible

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1 for benefits under the state child care assistance
2 program administered by the department in accordance
3 with section 237A.13, notwithstanding the program's
4 eligibility requirements or any waiting list:
5 Sec. ____ . CHILD CARE REIMBURSEMENT ALTERNATIVES.
6 The department of human services shall review
7 alternatives for applying child care reimbursement
8 rates on a county, cluster, and regional basis. The
9 department shall prepare a report concerning the
10 review, including findings and recommendations. The
11 report shall be submitted to the members of the joint
12 appropriations subcommittee on human services,
13 legislative fiscal bureau, and legislative service
14 bureau on or before December 15, 2000."
15 6. By renumbering, relettering, or redesignating
16 and correcting internal references as necessary.

By CARROLL of Poweshiek

H-8474 FILED MARCH 21, 2000

*Adopted
3/22/00
(P. 890)*

HOUSE AMENDMENT TO
SENATE FILE 2344

S-5210

1 Amend Senate File 2344, as passed by the Senate, as
2 follows:

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5 REQUIREMENTS".

6 2. Page 2, by striking line 9 and inserting the
7 following: "622(b)(10), 671(a)(16), ~~627(a)(2)(B)~~, and
8 675(1), (5), which is designed to".

9 3. Page 2, line 11, by inserting after the words
10 "family-like" the following: ", and most
11 appropriate".

12 4. Page 2, by inserting after line 18 the
13 following:

14 "Sec. _____. Section 232.2, subsection 4, Code
15 Supplement 1999, is amended by adding the following
16 new paragraphs:

17 NEW PARAGRAPH. i. A provision that a designee of
18 the department or other person responsible for
19 placement of a child out of state shall visit the
20 child at least once every twelve months.

21 NEW PARAGRAPH. j. If it has been determined that
22 the child cannot return to the child's home,
23 documentation of the steps taken to make and finalize
24 an adoption or other permanent placement.

25 Sec. _____. Section 232.78, subsection 3, Code
26 Supplement 1999, is amended to read as follows:

27 3. ~~The order shall specify the facility to which~~
28 ~~the child is to be brought.~~ Except for good cause
29 shown or unless the child is sooner returned to the
30 place where the child was residing or permitted to
31 return to the child care facility, a petition shall be
32 filed under this chapter within three days of the
33 issuance of the order.

34 Sec. _____. Section 232.78, subsection 6, Code
35 Supplement 1999, is amended to read as follows:

36 6. Any person who may file a petition under this
37 chapter may apply for, or the court on its own motion
38 may issue, an order for temporary removal under this
39 section. An appropriate person designated by the
40 court shall confer with a person seeking the removal
41 order, shall make every reasonable effort to inform
42 the parent or other person legally responsible for the
43 child's care of the application, and shall make such
44 inquiries as will aid the court in disposing of such
45 application. The person designated by the court shall
46 file with the court a complete written report
47 providing all details of the designee's conference
48 with the person seeking the removal order, the
49 designee's efforts to inform the parents or other
50 person legally responsible for the child's care of the

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1 application, any inquiries made by the designee to aid
2 the court in disposing of the application, and all
3 information the designee communicated to the court.
4 The report shall be filed within five days of the date
5 of the removal order. If the court does not designate
6 an appropriate person who performs the required
7 duties, notwithstanding section 234.39 or any other
8 provision of law, the child's parent shall not be
9 responsible for paying the cost of care and services
10 for the duration of the removal order.

11 7. Any order entered under this section
12 authorizing temporary removal of a child shall include
13 a both of the following:

14 a. A statement that the temporary removal is the
15 result of a determination that the child remaining in
16 the child's home would be contrary to the welfare of
17 the child, and that reasonable efforts have been made
18 to prevent or eliminate the need for removal of the
19 child from the child's home.

20 b. A statement informing the child's parent that
21 the consequences of a permanent removal may include
22 termination of the parent's rights with respect to the
23 child.

24 Sec. ____. Section 232.95, subsection 1, Code 1999,
25 is amended to read as follows:

26 1. At any time after the petition is filed any
27 person who may file a petition under section 232.87
28 may apply for, or the court on its own motion may
29 order, a hearing to determine whether the child should
30 be temporarily removed from home. Where if the child
31 is in the custody of a person other than the child's
32 parent, guardian, or custodian as the result of action
33 taken pursuant to section 232.78 or 232.79, the court
34 shall hold a hearing within ten days of the date of
35 temporary removal to determine whether the temporary
36 removal should be continued.

37 Sec. ____. Section 232.96, subsection 10, Code
38 1999, is amended to read as follows:

39 10. If the court enters an order adjudicating the
40 child to be a child in need of assistance, the court,
41 if it has not previously done so, may issue an order
42 authorizing temporary removal of the child from the
43 child's home as set forth in section 232.95,
44 subsection 2, paragraph "a", pending a final order of
45 disposition. The order shall include a both of the
46 following:

47 a. A statement that the temporary removal is the
48 result of a determination that the child remaining in
49 the child's home would be contrary to the welfare of
50 the child, and that reasonable efforts have been made

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

3 b. A statement informing the child's parent that
4 the consequences of a permanent removal may include
5 termination of the parent's rights with respect to the
6 child.

7 Sec. ____ . Section 232.102, subsection 10,
8 paragraph a, unnumbered paragraph 1, Code 1999, is
9 amended to read as follows:

10 As used in this section, "reasonable efforts" means
11 the efforts made to preserve and unify a family prior
12 to the out-of-home placement of a child in foster care
13 or to eliminate the need for removal of the child or
14 make it possible for the child to safely return to the
15 family's home. If returning the child to the family's
16 home is not appropriate or not possible, reasonable
17 efforts shall include the efforts made in a timely
18 manner to finalize a permanency plan for the child. A
19 child's health and safety shall be the paramount
20 concern in making reasonable efforts. Reasonable
21 efforts may include intensive family preservation
22 services or family-centered services, if the child's
23 safety in the home can be maintained during the time
24 the services are provided. In determining whether
25 reasonable efforts have been made, the court shall
26 consider both of the following:

27 Sec. ____ . Section 232.104, subsection 1, paragraph
28 a, subparagraph (2), Code 1999, is amended to read as
29 follows:

30 (2) For an order entered under section 232.102,
31 for which the court has waived reasonable efforts
32 requirements under section 232.102, subsection ~~11~~ 12,
33 the permanency hearing shall be held within thirty
34 days of the date the requirements were waived.

35 Sec. ____ . Section 232.104, subsection 1, paragraph
36 c, Code 1999, is amended to read as follows:

37 c. Reasonable notice of a permanency hearing in a
38 case of juvenile delinquency shall be provided
39 pursuant to section 232.37. A permanency hearing
40 shall be conducted in substantial conformance with the
41 provisions of section 232.99. During the hearing the
42 court shall consider the child's need for a secure and
43 permanent placement in light of any permanency plan or
44 evidence submitted to the court. Upon completion of
45 the hearing the court shall enter written findings and
46 make a determination ~~based-upon-the-permanency-plan~~
47 ~~which-will-best-serve-the-child's-individual-interests~~
48 ~~at-that-time~~ identifying a primary permanency goal for
49 the child. If a permanency plan is in effect at the
50 time of the hearing, the court shall also make a

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1 determination as to whether reasonable progress is
2 being made in achieving the permanency goal and other
3 provisions of that permanency plan."

4 5. Page 2, by inserting after line 30 the
5 following:

6 "DIVISION

7 STATE CHILD CARE ASSISTANCE

8 Sec. ____ . Section 237A.1, Code Supplement 1999, is
9 amended by adding the following new subsection:

10 NEW SUBSECTION. 12A. "Poverty level" means the
11 poverty level defined by the most recently revised
12 poverty income guidelines published by the United
13 States department of health and human services.

14 Sec. ____ . NEW SECTION. 237A.13 STATE CHILD CARE
15 ASSISTANCE.

16 1. A state child care assistance program is
17 established in the department to assist children in
18 families who meet eligibility guidelines and are
19 described by any of the following circumstances:

20 a. The child's parent, guardian, or custodian is
21 participating in approved academic or vocational
22 training.

23 b. The child's parent, guardian, or custodian is
24 seeking employment. Eligibility for assistance while
25 seeking employment shall be limited to thirty days
26 during a twelve-month period.

27 c. The child's parent, guardian, or custodian is
28 employed and the family income meets income
29 requirements.

30 d. The child's parent, guardian, or custodian is
31 absent for a limited period of time due to
32 hospitalization, physical illness, or mental illness.

33 e. The child needs protective services to prevent
34 or alleviate child abuse or neglect.

35 2. Services under the program may be provided in a
36 licensed child care center, a registered group child
37 care home, a registered family child care home, the
38 home of a relative, the child's own home, an
39 unregistered family child care home, or in a facility
40 exempt from licensing or registration.

41 3. The department shall set reimbursement rates as
42 authorized by appropriations enacted for payment of
43 the reimbursements. The department shall conduct a
44 statewide reimbursement rate survey to compile
45 information on each county and the survey shall be
46 conducted at least every two years. The department
47 shall set rates in a manner so as to provide
48 incentives for an unregistered provider to become
49 registered.

50 4. The department shall not apply waiting list

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1 requirements to any of the following persons:

2 a. Persons deemed to be eligible for benefits
3 under the state child care assistance program in
4 accordance with section 239B.24.

5 b. A family that is receiving state child care
6 assistance at the time a child is born into the
7 family. The newborn child shall be approved for
8 services when the family reports the birth of the
9 child.

10 c. Children who need protective services to
11 prevent or alleviate child abuse or neglect.

12 5. Based upon the availability of the funding
13 appropriated for state child care assistance for a
14 fiscal year, the department shall establish waiting
15 lists for state child care assistance in descending
16 order of prioritization as follows:

17 a. Families with an income at or below one hundred
18 percent of the federal poverty level whose members are
19 employed at least twenty-eight hours per week, and
20 parents with a family income at or below one hundred
21 percent of the federal poverty level who are under the
22 age of twenty-one years and are participating in an
23 educational program leading to a high school diploma
24 or the equivalent.

25 b. Parents with a family income at or below one
26 hundred percent of the federal poverty level who are
27 under the age of twenty-one years and are
28 participating, at a satisfactory level, in an approved
29 training program or in an educational program.

30 c. Families with an income of more than one
31 hundred percent but not more than one hundred forty
32 percent of the federal poverty level whose members are
33 employed at least twenty-eight hours per week.

34 d. Families with an income at or below one hundred
35 seventy-five percent of the federal poverty level
36 whose members are employed at least twenty-eight hours
37 per week with a special needs child as a member of the
38 family.

39 6. Nothing in this section shall be construed as
40 or is intended as, or shall imply, a grant of
41 entitlement for services to persons who are eligible
42 for assistance due to an income level or other
43 eligibility circumstance addressed in this section.
44 Any state obligation to provide services pursuant to
45 this section is limited to the extent of the funds
46 appropriated for the purposes of state child care
47 assistance.

48 Sec. _____. Section 239B.24, subsection 1, Code
49 Supplement 1999, is amended to read as follows:

50 1. The following persons are deemed to be eligible

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1 for benefits under the state child care assistance
2 program administered by the department in accordance
3 with section 237A.13, notwithstanding the program's
4 eligibility requirements or any waiting list:
5 Sec. ____ . CHILD CARE REIMBURSEMENT ALTERNATIVES.
6 The department of human services shall review
7 alternatives for applying child care reimbursement
8 rates on a county, cluster, and regional basis. The
9 department shall prepare a report concerning the
10 review, including findings and recommendations. The
11 report shall be submitted to the members of the joint
12 appropriations subcommittee on human services,
13 legislative fiscal bureau, and legislative service
14 bureau on or before December 15, 2000."
15 6. By renumbering, relettering, or redesignating
16 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5210 FILED MARCH 22, 2000

Senate Concurred

3-27-00

(p. 862)

SENATE FILE 2344

AN ACT
RELATING TO CHILD AND FAMILY SERVICES ADMINISTERED BY THE
DEPARTMENT OF HUMAN SERVICES.

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

DIVISION I

HOME CONDITION INVESTIGATIONS

Section 1. Section 598.12, subsections 2 and 3, Code 1999,
are amended to read as follows:

2. The court may require that the ~~department of human services or~~ an appropriate agency make an investigation of both parties regarding the home conditions, parenting capabilities, and other matters pertinent to the best interests of the child or children in a dispute concerning custody of the child or children. The investigation report completed by the ~~department of human services or an~~ appropriate agency shall be submitted to the court and available to both parties. The investigation report completed by the ~~department of human services or an~~ appropriate agency shall be a part of the record unless otherwise ordered by the court.

3. The court shall enter an order in favor of the attorney, ~~the department of human services,~~ or an appropriate agency for fees and disbursements, which and the amount shall be charged against the party responsible for court costs unless the court determines that the party responsible for costs is indigent in which event the fees shall be borne by the county.

DIVISION II

ABUSE REGISTRY ACCESS

Sec. 2. Section 235A.19, subsection 2, paragraph b, Code 1999, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) For statutorily authorized record checks for employment of an individual by a provider of adult

home care, adult health facility care, or other adult placement facility care.

Sec. 3. Section 235B.6, subsection 2, paragraph e, Code Supplement 1999, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) To the administrator of an agency providing care to a dependent adult in another state, for the purpose of performing an employment background check.

DIVISION III

CASE PERMANENCY PLANS
AND OTHER CHILD WELFARE
REQUIREMENTS

Sec. 4. Section 232.2, subsection 4, unnumbered paragraph 1, Code Supplement 1999, is amended to read as follows:

"Case permanency plan" means the plan, mandated by Pub. L. No. 96-272 and Pub. L. No. 105-89, as codified in 42 U.S.C. § 622(b)(10), 671(a)(16), ~~627(a)(2)(B)~~, and 675(1),(5), which is designed to achieve placement in the most appropriate, least restrictive, and most family-like, and most appropriate setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child, and which considers the placement's proximity to the school in which the child is enrolled at the time of placement. The plan shall be developed by the department or agency involved and the child's parent, guardian, or custodian. The plan shall specifically include all of the following:

Sec. 5. Section 232.2, subsection 4, Code Supplement 1999, is amended by adding the following new paragraphs:

NEW PARAGRAPH. i. A provision that a designee of the department or other person responsible for placement of a child out of state shall visit the child at least once every twelve months.

NEW PARAGRAPH. j. If it has been determined that the child cannot return to the child's home, documentation of the steps taken to make and finalize an adoption or other permanent placement.

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As used in this section, "reasonable efforts" means the efforts made to preserve and unify a family prior to the out-of-home placement of a child in foster care or to eliminate the need for removal of the child or make it possible for the child to safely return to the family's home. If returning the child to the family's home is not appropriate or not possible, reasonable efforts shall include the efforts made in a timely manner to finalize a permanency plan for the child. A child's health and safety shall be the paramount concern in making reasonable efforts. Reasonable efforts may include intensive family preservation services or family-centered services, if the child's safety in the home can be maintained during the time the services are provided. In determining whether reasonable efforts have been made, the court shall consider both of the following:

Sec. 11. Section 232.104, subsection 1, paragraph a, subparagraph (2), Code 1999, is amended to read as follows:

(2) For an order entered under section 232.102, for which the court has waived reasonable efforts requirements under section 232.102, subsection ~~11~~ 12, the permanency hearing shall be held within thirty days of the date the requirements were waived.

Sec. 12. Section 232.104, subsection 1, paragraph c, Code 1999, is amended to read as follows:

c. Reasonable notice of a permanency hearing in a case of juvenile delinquency shall be provided pursuant to section 232.37. A permanency hearing shall be conducted in substantial conformance with the provisions of section 232.99. During the hearing the court shall consider the child's need for a secure and permanent placement in light of any permanency plan or evidence submitted to the court. Upon completion of the hearing the court shall enter written findings and make a determination ~~based-upon-the-permanency plan-which-will-best-serve-the-child's-individual-interests-at-that-time~~ identifying a primary permanency goal for the child. If a permanency plan is in effect at the time of the hearing, the court shall also make a determination as to whether

reasonable progress is being made in achieving the permanency goal and other provisions of that permanency plan.

Sec. 13. Section 237.15, subsection 1, Code 1999, is amended by striking the subsection and inserting in lieu thereof the following:

1. "Case permanency plan" means the same as defined in section 232.2, subsection 4, except the plan shall also include the following:

- a. The efforts to place the child with a relative.
- b. The rationale for an out-of-state placement, and the efforts to prevent such placement, if the child has been placed out-of-state.
- c. Time frames to meet the stated permanency goal and short-term objectives.

DIVISION IV

STATE CHILD CARE ASSISTANCE

Sec. 14. Section 237A.1, Code Supplement 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 12A. "Poverty level" means the poverty level defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

Sec. 15. NEW SECTION. 237A.13 STATE CHILD CARE ASSISTANCE.

1. A state child care assistance program is established in the department to assist children in families who meet eligibility guidelines and are described by any of the following circumstances:

- a. The child's parent, guardian, or custodian is participating in approved academic or vocational training.
- b. The child's parent, guardian, or custodian is seeking employment. Eligibility for assistance while seeking employment shall be limited to thirty days during a twelve-month period.
- c. The child's parent, guardian, or custodian is employed and the family income meets income requirements.

appropriations subcommittee on human services, legislative fiscal bureau, and legislative service bureau on or before December 15, 2000.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2344, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/7, 2000

THOMAS J. VILSACK
Governor