

Senate Amendment 5320

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1 1 Amend House File 2390, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. Section 225C.42, subsection 1, Code
1 6 Supplement 2003, is amended to read as follows:
1 7 1. The department shall conduct ~~an annual a~~
1 8 periodic evaluation of the family support subsidy
1 9 program and shall submit the evaluation report with
1 10 recommendations to the governor and general assembly
1 11 ~~by September 30 following the end of the fiscal year.~~
1 12 Sec. _____. Section 225C.42, subsection 2, paragraph
1 13 a, Code Supplement 2003, is amended to read as
1 14 follows:
1 15 a. A statement of the number of children and
1 16 families served by the program during the ~~fiscal year~~
1 17 period and the number remaining on the waiting list at
1 18 the end of the ~~fiscal year period~~.
1 19 Sec. _____. Section 232.2, subsection 13, Code
1 20 Supplement 2003, is amended to read as follows:
1 21 13. "Department" means the department of human
1 22 services and includes the local, county, and ~~regional~~
1 23 service area officers of the department.
1 24 Sec. _____. Section 232.52, subsection 2A, Code
1 25 Supplement 2003, is amended to read as follows:
1 26 2A. Notwithstanding subsection 2, the court shall
1 27 not order group foster care placement of the child
1 28 which is a charge upon the state if that placement is
1 29 not in accordance with the ~~regional~~ service area plan
1 30 for group foster care established pursuant to section
1 31 232.143 for the departmental ~~region~~ service area in
1 32 which the court is located.
1 33 Sec. _____. Section 232.52, subsection 7, Code
1 34 Supplement 2003, is amended to read as follows:
1 35 7. If the court orders the transfer of the custody
1 36 of the child to the department of human services or to
1 37 another agency for placement in group foster care, the
1 38 department or agency shall make every reasonable
1 39 effort to place the child ~~within the state~~, in the
1 40 least restrictive, most family-like, and most
1 41 appropriate setting available and in close proximity
1 42 to the parents' home, consistent with the child's best
1 43 interests and special needs, and shall consider the
1 44 placement's proximity to the school in which the child
1 45 is enrolled at the time of placement.
1 46 Sec. _____. Section 232.68, subsection 4, Code
1 47 Supplement 2003, is amended to read as follows:
1 48 4. "Department" means the state department of
1 49 human services and includes the local, county, and
1 50 ~~regional~~ service area offices of the department.
2 1 Sec. _____. Section 232.72, subsection 1, Code
2 2 Supplement 2003, is amended to read as follows:
2 3 1. For the purposes of this division, the terms
2 4 "department of human services", "department", or
2 5 "county attorney" ordinarily refer to the ~~regional~~
2 6 service area or local office of the department of
2 7 human services or of the county attorney's office
2 8 serving the county in which the child's home is
2 9 located.
2 10 Sec. _____. Section 232.102, subsection 1A, Code
2 11 Supplement 2003, is amended to read as follows:
2 12 1A. The court shall not order group foster care
2 13 placement of the child which is a charge upon the
2 14 state if that placement is not in accordance with the
2 15 ~~regional~~ service area plan for group foster care
2 16 established pursuant to section 232.143 for the
2 17 departmental ~~region~~ service area in which the court is
2 18 located.
2 19 Sec. _____. Section 232.102, subsection 7, Code
2 20 Supplement 2003, is amended to read as follows:
2 21 7. In any order transferring custody to the

2 22 department or an agency, or in orders pursuant to a
2 23 custody order, the court shall specify the nature and
2 24 category of disposition which will serve the best
2 25 interests of the child, and shall prescribe the means
2 26 by which the placement shall be monitored by the
2 27 court. If the court orders the transfer of the
2 28 custody of the child to the department of human
2 29 services or other agency for placement, the department
2 30 or agency shall submit a case permanency plan to the
2 31 court and shall make every reasonable effort to return
2 32 the child to the child's home as quickly as possible
2 33 consistent with the best interests of the child. When
2 34 the child is not returned to the child's home and if
2 35 the child has been previously placed in a licensed
2 36 foster care facility, the department or agency shall
2 37 consider placing the child in the same licensed foster
2 38 care facility. If the court orders the transfer of
2 39 custody to a parent who does not have physical care of
2 40 the child, other relative, or other suitable person,
2 41 the court may direct the department or other agency to
2 42 provide services to the child's parent, guardian, or
2 43 custodian in order to enable them to resume custody of
2 44 the child. If the court orders the transfer of
2 45 custody to the department of human services or to
2 46 another agency for placement in group foster care, the
2 47 department or agency shall make every reasonable
2 48 effort to place the child ~~within Iowa~~, in the least
2 49 restrictive, most family-like, and most appropriate
2 50 setting available, and in close proximity to the
3 1 parents' home, consistent with the child's best
3 2 interests and special needs, and shall consider the
3 3 placement's proximity to the school in which the child
3 4 is enrolled at the time of placement.

3 5 Sec. _____. Section 232.102, Code Supplement 2003,
3 6 is amended by adding the following new subsection:
3 7 NEW SUBSECTION. 13. Unless prohibited by the
3 8 court order transferring custody of the child for
3 9 placement or other court order or the department or
3 10 agency that received the custody transfer finds that
3 11 allowing the visitation would not be in the child's
3 12 best interest, the department or agency may authorize
3 13 reasonable visitation with the child by the child's
3 14 grandparent, great-grandparent, or other adult
3 15 relative who has established a substantial
3 16 relationship with the child. The visitation shall not
3 17 be authorized for a grandparent or great-grandparent
3 18 whose petition for visitation under section 598.35 has
3 19 been denied. If visitation with the grandparent,
3 20 great-grandparent, or other relative was authorized by
3 21 court order prior to removal of the child, a
3 22 visitation authorization under this subsection shall
3 23 comply with the court order.

3 24 Sec. _____. Section 232.117, subsection 4, Code
3 25 Supplement 2003, is amended to read as follows:
3 26 4. The court shall not order group foster care
3 27 placement of the child which is a charge upon the
3 28 state if that placement is not in accordance with the
3 29 ~~regional service area~~ plan for group foster care
3 30 established pursuant to section 232.143 for the
3 31 departmental ~~region~~ region service area in which the court is
3 32 located.

3 33 Sec. _____. Section 232.127, subsection 8, Code
3 34 Supplement 2003, is amended to read as follows:
3 35 8. The court shall not order group foster care
3 36 placement of the child which is a charge upon the
3 37 state if that placement is not in accordance with the
3 38 ~~regional service area~~ plan for group foster care
3 39 established pursuant to section 232.143 for the
3 40 departmental ~~region~~ region service area in which the court is
3 41 located.

3 42 Sec. _____. Section 232.143, Code Supplement 2003,
3 43 is amended to read as follows:

3 44 232.143 ~~REGIONAL SERVICE AREA~~ GROUP FOSTER CARE
3 45 BUDGET TARGETS.

3 46 1. A statewide expenditure target for children in
3 47 group foster care placements in a fiscal year, which
3 48 placements are a charge upon or are paid for by the
3 49 state, shall be established annually in an
3 50 appropriation bill by the general assembly. ~~The~~
4 1 ~~Representatives of the department and the judicial~~
4 2 ~~branch juvenile court services~~ shall jointly develop a

4 3 formula for allocating a portion of the statewide
4 4 expenditure target established by the general assembly
4 5 to each of the department's ~~regions~~ service areas.
4 6 The formula shall be based upon the ~~region's~~ service
4 7 area's proportion of the state population of children
4 8 and of the statewide usage of group foster care in the
4 9 previous five completed fiscal years and upon other
4 10 indicators of need. The expenditure amount determined
4 11 in accordance with the formula shall be the group
4 12 foster care budget target for that ~~region~~ service
4 13 area. A ~~region~~ service area may exceed ~~its~~ the
4 14 service area's budget target for group foster care by
4 15 not more than five percent in a fiscal year, provided
4 16 the overall funding allocated by the department for
4 17 all child welfare services in the ~~region~~ service area
4 18 is not exceeded.

4 19 2. For each of the department's ~~regions~~ service
4 20 areas, representatives appointed by the department and
4 21 ~~the~~ juvenile court services shall establish a plan for
4 22 containing the expenditures for children placed in
4 23 group foster care ordered by the court within the
4 24 budget target allocated to that ~~region~~ service area
4 25 pursuant to subsection 1. The plan shall be
4 26 established in a manner so as to ensure the budget
4 27 target amount will last the entire fiscal year. The
4 28 plan shall include monthly targets and strategies for
4 29 developing alternatives to group foster care
4 30 placements in order to contain expenditures for child
4 31 welfare services within the amount appropriated by the
4 32 general assembly for that purpose. Funds for a child
4 33 placed in group foster care shall be considered
4 34 encumbered for the duration of the child's projected
4 35 or actual length of stay, whichever is applicable.

4 36 Each ~~regional~~ service area plan shall be established
4 37 within sixty days of the date by which the group
4 38 foster care budget target for the ~~region~~ service area
4 39 is determined. To the extent possible, the department
4 40 and ~~the~~ juvenile court services shall coordinate the
4 41 planning required under this subsection with planning
4 42 for services paid under section 232.141, subsection 4.
4 43 The department's ~~regional administrator~~ service area
4 44 manager shall communicate regularly, as specified in
4 45 the ~~regional~~ service area plan, with the chief
4 46 juvenile courts court officers within that ~~region~~
4 47 service area concerning the current status of the
4 48 ~~regional~~ service area plan's implementation.

4 49 3. State payment for group foster care placements
4 50 shall be limited to those placements which are in
5 1 accordance with the ~~regional~~ service area plans
5 2 developed pursuant to subsection 2.

5 3 Sec. ____ Section 232.188, subsection 4, Code
5 4 Supplement 2003, is amended to read as follows:

5 5 4. In a decategorization agreement, the department
5 6 and the county's or group of counties'
5 7 decategorization governance board shall agree on all
5 8 of the following items: the governance relationship
5 9 between the department and the decategorization
5 10 governance board; the respective areas of autonomy of
5 11 the department and the board; the budgeting structure
5 12 for the decategorization; and a method for resolving
5 13 disputes between the department and the board. The
5 14 decategorization agreement shall require the
5 15 department and the decategorization governance board
5 16 to agree upon a budget within sixty days of the date
5 17 by which the ~~regional~~ group foster care budget targets
5 18 are determined for departmental service areas under
5 19 section 232.143 for the fiscal year to which the
5 20 budget applies. The budget may later be modified to
5 21 reflect new or changed circumstances.

5 22 Sec. ____ Section 234.35, subsection 1, paragraph
5 23 e, Code Supplement 2003, is amended to read as
5 24 follows:

5 25 e. When a court has entered an order transferring
5 26 the legal custody of the child to a foster care
5 27 placement pursuant to section 232.52, subsection 2,
5 28 paragraph "d", or section 232.102, subsection 1.
5 29 However, payment for a group foster care placement
5 30 shall be limited to those placements which conform to
5 31 a ~~regional~~ service area group foster care plan
5 32 established pursuant to section 232.143.

5 33 Sec. ____ Section 235B.1, subsection 4, paragraph

5 34 a, subparagraph (1), Code 2003, is amended to read as
5 35 follows:

5 36 (1) Advise the director of human services ~~and the~~
5 37 ~~administrator of the division of child and family~~
5 38 ~~services of the department of human services, the~~
5 39 ~~director of elder affairs, the director of inspections~~
5 40 ~~and appeals, the director of public health, the~~
5 41 ~~director of the department of corrections, and the~~
5 42 ~~director of human rights~~ regarding dependent adult
5 43 abuse.>

5 44 #2. By striking page 1, line 3, through page 2,
5 45 line 2, and inserting the following:

5 46 <2. ~~All of the following persons shall report~~
5 47 ~~suspected dependent adult abuse to the department:~~

5 48 a. ~~A social worker.~~

5 49 b. ~~A certified psychologist.~~

5 50 c. 2. A person who, in the course of employment,
6 1 examines, attends, counsels, or treats a dependent
6 2 adult and reasonably believes the dependent adult has
6 3 suffered abuse, shall report the suspected dependent
6 4 adult abuse to the department including all of the
6 5 following:

6 6 (1) a. A member of the staff of a community
6 7 mental health center, a member of the staff of a
6 8 hospital, a member of the staff or employee of a
6 9 public or private health care facility as defined in
6 10 section 135C.1, a member of the staff or employee of
6 11 an elder group home as defined in section 231B.1, a
6 12 member of the staff or employee of an assisted living
6 13 program certified under section 231C.3, and a member
6 14 of the staff or employee of an adult day services
6 15 program as defined in section 231D.1.

6 16 (2) b. A peace officer.

6 17 (3) c. An in-home homemaker=home health aide.

6 18 (4) d. An individual employed as an outreach
6 19 person.

6 20 (5) e. A health practitioner, as defined in
6 21 section 232.68.

6 22 (6) f. A member of the staff or an employee of a
6 23 supported community living service, sheltered
6 24 workshop, or work activity center.

6 25 g. A social worker.

6 26 h. A certified psychologist.

6 27 d. ~~A person who performs inspections of elder~~
6 28 ~~group homes for the department of inspections and~~
6 29 ~~appeals and a resident advocate committee member~~
6 30 ~~assigned to an elder group home pursuant to chapter~~
6 31 ~~231B.~~

6 32 3. a. If a staff member or employee is required
6 33 to report pursuant to this section, the person shall
6 34 immediately notify the department and may also
6 35 immediately notify the person in charge or the
6 36 person's designated agent, ~~and the person in charge or~~
6 37 the designated agent shall make the report by the end
6 38 of the next business day.

6 39 b. The employer or supervisor of a person who is
6 40 required to or may make a report pursuant to this
6 41 section shall not apply a policy, work rule, or other
6 42 requirement that interferes with the person making a
6 43 report of dependent adult abuse or that results in the
6 44 failure of another person to make the report.>

6 45 #3. Page 2, by inserting before line 3, the
6 46 following:

6 47 <Sec. _____. Section 235B.3, Code Supplement 2003,
6 48 is amended by adding the following new subsection:

6 49 NEW SUBSECTION. 3A. An employee of a financial
6 50 institution may report suspected financial
7 1 exploitation of a dependent adult to the department.>

7 2 #4. Page 2, by inserting before line 3 the
7 3 following:

7 4 <Sec. _____. Section 237.5A, Code 2003, is amended
7 5 by adding the following new unnumbered paragraph:

7 6 NEW UNNUMBERED PARAGRAPH. A licensee who is unable
7 7 to complete six hours of foster parent training prior
7 8 to annual licensure renewal because the licensee is
7 9 engaged in active duty in the military service shall
7 10 be considered to be in compliance with the training
7 11 requirement for annual licensure renewal.>

7 12 #5. By striking page 3, line 27, through page 4,
7 13 line 22, and inserting the following:

7 14 <Sec. _____. Section 235A.15, subsection 10, if

7 15 enacted by 2004 Iowa Acts, House File 2328, section 7,
7 16 is amended to read as follows:

7 17 10. The information released by the director of
7 18 human services or the director's designee pursuant to
7 19 a request made under subsection 9 relating to a case
7 20 of founded child abuse involving a fatality or near
7 21 fatality to a child shall ~~be a summary of~~ include all
7 22 of the following, unless such information is excepted
7 23 from disclosure under subsection 9:

7 24 a. Any relevant child abuse ~~report data~~
7 25 information concerning the child or the child's family
7 26 and the department's response and findings ~~concerning~~
~~7 27 the report data, including but not limited to~~
~~7 28 assessment and disposition data.~~

7 29 b. ~~Information~~ A summary of information, that
7 30 would otherwise be confidential under section 217.30,
7 31 as to whether or not the child or a member of the
7 32 child's family was utilizing social services provided
7 33 by the department at the time of the child fatality or
7 34 near fatality or within the five-year period preceding
7 35 the fatality or near fatality.

7 36 c. Any recommendations made by the department to
7 37 the county attorney or the juvenile court.

7 38 d. If applicable, a summary of an evaluation of
7 39 the department's responses in the case.

7 40 Sec. ____ CHILD DEVELOPMENT HOMES == PROVIDER
7 41 QUALIFICATIONS. The department of human services
7 42 shall revise the department's standards for child
7 43 development home provider qualifications under
7 44 category "C" which are applicable at times when more
7 45 than one qualified provider must be present. The
7 46 revised standards shall provide that one of the
7 47 providers required to be present must meet the
7 48 provider qualifications for category "C" and allow any
7 49 other providers required to be present to meet the
7 50 provider qualifications for either category "B" or
8 1 "C". Until the revised standards are adopted, a
8 2 provider to which the revised standards would be
8 3 applicable may request approval from the department
8 4 for an exception to policy for the provider to operate
8 5 under the revised standards as described in this
8 6 section prior to adoption of the revised standards.

8 7 Sec. ____ EFFECTIVE DATES.

8 8 1. The section of this Act amending section
8 9 237A.3A, subsection 3, being deemed of immediate
8 10 importance, takes effect upon enactment.>

8 11 #6. Title page, by striking lines 2 and 3 and
8 12 inserting the following: <the department of human
8 13 services and providing an effective date.>

8 14 #7. By renumbering as necessary.

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8 16

8 17

8 18 KEN VEENSTRA

8 19 HF 2390.312 80

8 20 pf/cf