

# House File 753 - Enrolled

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HOUSE FILE 753

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## AN ACT

REQUIRING CERTAIN SAFETY-RELATED INFORMATION CONCERNING A CHILD TO BE PROVIDED TO A PARENT, GUARDIAN, OR FOSTER PARENT OR OTHER CUSTODIAN OF A CHILD.

1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 9

1 10 Section 1. Section 232.2, subsection 4, Code 2005, is  
1 11 amended by adding the following new paragraph:  
1 12 NEW PARAGRAPH. k. If it is part of the child's records or  
1 13 it is otherwise known that the child has behaved in a manner  
1 14 that threatened the safety of another person, has committed a  
1 15 violent act causing bodily injury to another person, or has  
1 16 been a victim or perpetrator of sexual abuse, that information  
1 17 shall be addressed in the plan and shall be provided to the  
1 18 child's parent, guardian, or foster parent or other person  
1 19 with custody of the child. The information shall be provided  
1 20 whether the child's placement is voluntary or made pursuant to  
1 21 a court determination. The information shall be provided at  
1 22 the time it is learned by the department or agency developing  
1 23 the plan and, if possible, at the time of the child's  
1 24 placement. The information shall only be withheld if ordered  
1 25 by the court or it is determined by the department or agency  
1 26 developing the plan that providing the information would be  
1 27 detrimental to the child or to the family with whom the child  
1 28 is living. In determining whether providing the information  
1 29 would be detrimental, the court, department, or agency shall  
1 30 consider any history of abuse within the child's family or  
1 31 toward the child.

1 32 Sec. 2. Section 232.48, subsection 4, Code 2005, is  
1 33 amended to read as follows:

1 34 4. A predisposition report shall not be disclosed except  
1 35 as provided in this section and in division VIII of this  
2 1 chapter. The court shall permit the child's attorney to  
2 2 inspect the predisposition report prior to consideration by  
2 3 the court. The court may order counsel not to disclose parts  
2 4 of the report to the child, or to the child's parent,  
2 5 guardian, guardian ad litem, or custodian if the court finds  
2 6 that disclosure would seriously harm the treatment or  
2 7 rehabilitation of the child. If the report indicates the  
2 8 child has behaved in a manner that threatened the safety of  
2 9 another person, has committed a violent act causing bodily  
2 10 injury to another person, or has been a victim or perpetrator  
2 11 of sexual abuse, unless otherwise ordered by the court, the  
2 12 child's parent, guardian, or foster parent or other person  
2 13 with custody of the child shall be provided with that  
2 14 information.

2 15 Sec. 3. Section 232.49, subsection 1, Code 2005, is  
2 16 amended to read as follows:

2 17 1. Following the entry of an order of adjudication under  
2 18 section 232.47 the court may, after a hearing which may be  
2 19 simultaneous with the adjudicatory hearing, order a physical  
2 20 or mental examination of the child if it finds that an  
2 21 examination is necessary to determine the child's physical or  
2 22 mental condition. The court may consider chemical dependency  
2 23 as either a physical or mental condition and may consider a  
2 24 chemical dependency evaluation as either a physical or mental  
2 25 examination. If the examination indicates the child has  
2 26 behaved in a manner that threatened the safety of another  
2 27 person, has committed a violent act causing bodily injury to  
2 28 another person, or has been a victim or perpetrator of sexual  
2 29 abuse, unless otherwise ordered by the court, the child's  
2 30 parent, guardian, or foster parent or other person with  
2 31 custody of the child shall be provided with that information.

2 32 Sec. 4. Section 232.97, subsection 3, Code 2005, is  
2 33 amended to read as follows:

2 34 3. The social report shall not be disclosed except as  
2 35 provided in this section and except as otherwise provided in  
3 1 this chapter. Prior to the hearing at which the disposition  
3 2 is determined, the court shall permit counsel for the child,  
3 3 counsel for the child's parent, guardian, or custodian, and  
3 4 the guardian ad litem to inspect any social report to be  
3 5 considered by the court. The court may in its discretion

3 6 order counsel not to disclose parts of the report to the  
3 7 child, or to the parent, guardian, or custodian if disclosure  
3 8 would seriously harm the treatment or rehabilitation of the  
3 9 child or would violate a promise of confidentiality given to a  
3 10 source of information. If the report indicates the child has  
3 11 behaved in a manner that threatened the safety of another  
3 12 person, has committed a violent act causing bodily injury to  
3 13 another person, or has been a victim or perpetrator of sexual  
3 14 abuse, unless otherwise ordered by the court, the child's  
3 15 parent, guardian, or foster parent or other person with  
3 16 custody of the child shall be provided with that information.

3 17 Sec. 5. Section 232.181, Code 2005, is amended to read as  
3 18 follows:

3 19 232.181 SOCIAL HISTORY REPORT.

3 20 Upon the filing of a petition, the department shall submit  
3 21 a social history report regarding the child and the child's  
3 22 family. The report shall include a description of the child's  
3 23 disability and resultant functional limitations, the case  
3 24 permanency plan, a description of the proposed foster care  
3 25 placement, and a description of family participation in  
3 26 developing the child's case permanency plan and the commitment  
3 27 of the parent, guardian, or custodian in fulfilling the  
3 28 responsibilities defined in the plan. If the report indicates  
3 29 the child has behaved in a manner that threatened the safety  
3 30 of another person, has committed a violent act causing bodily  
3 31 injury to another person, or has been a victim or perpetrator  
3 32 of sexual abuse, unless otherwise ordered by the court, the  
3 33 child's parent, guardian, or foster parent or other person  
3 34 with custody of the child shall be provided with that  
3 35 information.

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CHRISTOPHER C. RANTS  
Speaker of the House

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JOHN P. KIBBIE  
President of the Senate

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4 12 I hereby certify that this bill originated in the House and  
4 13 is known as House File 753, Eighty-first General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

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4 19 Approved \_\_\_\_\_, 2005

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4 23 THOMAS J. VILSACK  
4 24 Governor