



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

May 22, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 152, an Act relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver", with a long horizontal flourish extending to the right.

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





SENATE FILE 152

AN ACT

RELATING TO ADMINISTRATIVE AND PLANNING REQUIREMENTS INVOLVING CHILDREN FOR WHOM THE DEPARTMENT OF HUMAN SERVICES HAS RESPONSIBILITY UNDER STATE OR FEDERAL LAW.

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

DIVISION I

TRANSITION PLANNING

Section 1. Section 232.2, subsection 4, paragraph f, Code 2009, is amended to read as follows:

f. (1) When a child is sixteen years of age or older, a written transition plan of services which, based upon an assessment of the child's needs, would assist the child in preparing for the transition from foster care to adulthood. The written transition plan of-services and needs assessment shall be developed with a focus on the services, other support, and actions necessary to facilitate the child's successful entry into adulthood. The transition plan shall be personalized at the direction of the child and shall be developed with the child present, honoring the goals and concerns of the child, and shall address the following areas of need when the child becomes an adult, including but not limited to all of the following:

- (a) Education.
- (b) Employment services and other workforce support.
- (c) Health and health care coverage.
- (d) Housing.
- (e) Relationships, including local opportunities to have a mentor.

(f) If the needs assessment indicates the child is reasonably likely to need or be eligible for services or other support from the adult service system upon reaching age eighteen, the transition plan shall provide for the child's application for adult services.

(2) The transition plan shall be considered a working document and shall be reviewed and updated for each permanency hearing by the court or other formal case permanency plan review. The transition plan shall also be reviewed and updated during the ninety calendar-day period preceding the child's eighteenth birthday and during the ninety calendar-day period immediately preceding the date the child is expected to exit foster care, if the child remains in foster care after the child's eighteenth birthday. The transition plan may be reviewed and updated more frequently.

(3) The transition plan shall be developed and reviewed by the department in collaboration with a child-centered transition team. The transition team shall be comprised of the child's caseworker and persons selected by the child, persons who have knowledge of services available to the child, and any person who may reasonably be expected to be a service provider for the child when the child becomes an adult or to become responsible for the costs of services at that time, including. If the child is reasonably likely to need or be eligible for adult services, the transition team membership shall include representatives from the adult services system. The adult services system representatives may include but are not limited to the administrator of county general relief under chapter 251 or 252 or of the central point of coordination process implemented under section 331.440. The membership of the transition team and the meeting dates for the team shall be documented in the transition plan.

(4) The final transition plan shall specifically identify how the need for housing will be addressed.

(5) If the child is interested in pursuing higher education, the transition plan shall provide for the child's participation in the college student aid commission's program of assistance in applying for federal and state aid under section 261.2.

~~(2)~~ (6) If the needs assessment indicates the child is reasonably likely to need or be eligible for services or other

support from the adult service system upon reaching age eighteen, the transition plan shall be reviewed and approved by the transition committee for the area in which the child resides, in accordance with section 235.7, before the child reaches age seventeen and one-half. The transition committee's review and approval shall be indicated in the case permanency plan.

~~(3)~~ (7) Provision for the department or a designee of the department on or before the date the child reaches age eighteen to provide to the child a certified copy of the child's birth certificate and to facilitate securing a federal social security card. The fee for the certified copy that is otherwise chargeable under section 144.13A, 144.46, or 331.605 shall be waived by the state or county registrar.

DIVISION II

EDUCATION-RELATED REQUIREMENTS, RELATIVE
PLACEMENT, AND SIBLING CONSIDERATIONS

Sec. 2. Section 232.2, subsection 4, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. Documentation of the educational stability of the child while in foster care. The documentation shall include but is not limited to all of the following:

(1) Evidence there was an evaluation of the appropriateness of the child's educational setting while in placement and of the setting's proximity to the educational setting in which the child was enrolled at the time of placement.

(2) An assurance either that the department coordinated with appropriate local educational agencies to identify how the child could remain in the educational setting in which the child was enrolled at the time of placement or, if it was determined it was not in the child's best interest to remain in that setting, that the affected educational agencies would immediately and appropriately enroll the child in another educational setting during the child's placement and ensure that the child's educational records were provided for use in the new educational setting. For the purposes of this subparagraph, "local educational agencies" means the same as defined in the federal Elementary and Secondary Education Act of 1965, section 9101, as codified in 20 U.S.C. section 7801(26).

Sec. 3. NEW SECTION. 232.84 TRANSFER OF CUSTODY --
NOTICE TO ADULT RELATIVES.

1. For the purposes of this section, unless the context otherwise requires, "agency" means the department, juvenile court services, or a private agency.

2. Within thirty days after the entry of an order under this chapter transferring custody of a child to an agency for placement, the agency shall exercise due diligence in identifying and providing notice to the child's grandparents, aunts, uncles, adult siblings, and adult relatives suggested by the child's parents, subject to exceptions due to the presence of family or domestic violence.

3. The notice content shall include but is not limited to all of the following:

a. A statement that the child has been or is being removed from the custody of the child's parent or parents.

b. An explanation of the options the relative has under federal, state, and other law to participate in the care and placement of the child on a temporary or permanent basis. The options addressed shall include but are not limited to assistance and support options, options for participating in legal proceedings, and any options that may be lost by failure to respond to the notice.

c. A description of the requirements for the relative to serve as a foster family home provider or other type of care provider for the child and the additional services, training, and other support available for children receiving such care.

d. Information concerning the option to apply for kinship guardianship assistance payments.

Sec. 4. NEW SECTION. 234.4 EDUCATION OF CHILDREN IN
DEPARTMENTAL PROGRAMS.

If the department of human services has custody or has other responsibility for a child based upon the child's involvement in a departmental program involving foster care, preadoption or adoption, or subsidized guardianship placement and the child is subject to the compulsory attendance law under chapter 299, the department shall fulfill the responsibilities outlined in section 299.1 and other responsibilities under federal and state law regarding the child's school attendance. As part of fulfilling the responsibilities described in this section, if the department

has custody or other responsibility for placement and care of a child and the child transfers to a different school during or immediately preceding the period of custody or other responsibility, within the first six weeks of the transfer date the department shall assess the student's degree of success in adjusting to the different school.

Sec. 5. NEW SECTION. 280.29 ENROLLMENT OF CHILDREN IN FOSTER CARE -- TRANSFER OF EDUCATIONAL RECORDS.

In order to facilitate the educational stability of children in foster care, a school district, upon notification by an agency of the state that a child in foster care is transferring into the school district, shall provide for the immediate and appropriate enrollment of the child. A school district or an accredited nonpublic school, upon notification by an agency of the state that a child in foster care is transferring from the school district or accredited nonpublic school to another school district or accredited nonpublic school, shall promptly provide for the transfer of all of the educational records of the child not later than five school days after receiving the notification.

Sec. 6. Section 282.1, subsection 3, Code 2009, is amended to read as follows:

3. Lives in a juvenile detention center~~7-foster-care facility~~₇ or residential facility in the district.

Sec. 7. Section 282.19, Code 2009, is amended to read as follows:

282.19 CHILD LIVING IN SUBSTANCE ABUSE OR FOSTER CARE FACILITY PLACEMENT.

1. A child who is living in a ~~licensed-child-foster-care facility-as-defined-in-section-237.17-or-in-a~~ facility that provides residential treatment as "facility" is defined in section 125.2, which is located in a school district other than the school district in which the child resided before ~~receiving-foster-care~~ entering the facility may enroll in and attend an accredited school in the school district in which the child is living.

2. A child who is living in a licensed individual or agency child foster care facility, as defined in section 237.1, or in an unlicensed relative foster care placement, shall remain enrolled in and attend an accredited school in the school district in which the child resided and is enrolled

at the time of placement, unless it is determined by the juvenile court or the public or private agency of this state that has responsibility for the child's placement that remaining in such school is not in the best interests of the child. If such a determination is made, the child may attend an accredited school located in the school district in which the child is living and not in the school district in which the child resided prior to receiving foster care.

3. The instructional costs for students who do not require special education shall be paid as provided in section 282.31, subsection 1, paragraph "b" or for students who require special education shall be paid as provided in section 282.31, subsections 2 or 3.

Sec. 8. Section 282.29, Code 2009, is amended to read as follows:

282.29 CHILDREN PLACED BY DISTRICT COURT.

Notwithstanding section 282.31, subsection 1, a child who has been identified as requiring special education, who has been placed in a facility, ~~or~~ home, or other placement by the district court, and for whom parental rights have been terminated by the district court, shall be provided special education programs and services on the same basis as the programs and services are provided for children requiring special education who are residents of the school district in which the child has been placed. The special education instructional costs shall be paid as provided in section 282.31, subsection 2 or 3.

Sec. 9. Section 282.31, subsection 1, paragraph b, subparagraph (1), Code 2009, is amended to read as follows:

(1) A child who lives in a facility or other placement pursuant to section 282.19, and who does not require special education and who is enrolled in the educational program of the district of residence at the time the child is placed, shall be included in the basic enrollment of the school district in which the child is enrolled. A child who lives in a facility or ~~home~~ other placement pursuant to section 282.19, and who does not require special education and who is not enrolled in the educational program of the district of residence of the child, shall be included in the basic enrollment of the school district in which the facility or ~~home~~ other placement is located.

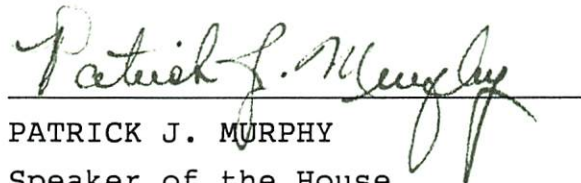
Sec. 10. Section 282.31, subsection 2, paragraph a, Code 2009, is amended to read as follows:

a. The actual special education instructional costs incurred for a child who lives in a facility or other placement pursuant to section 282.19 or for a child who is placed in a facility or home pursuant to section 282.29, who requires special education and who is not enrolled in the educational program of the district of residence of the child but who receives an educational program from the district in which the facility, or home, or other placement is located, shall be paid by the district of residence of the child to the district in which the facility, or home, or other placement is located, and the costs shall include the cost of transportation.



JOHN P. KIBBIE

President of the Senate



PATRICK J. MURPHY

Speaker of the House

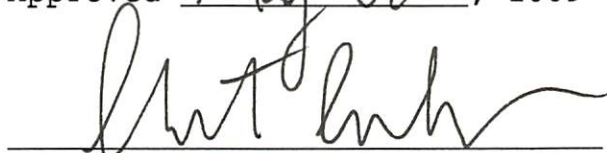
I hereby certify that this bill originated in the Senate and is known as Senate File 152, Eighty-third General Assembly.



MICHAEL E. MARSHALL

Secretary of the Senate

Approved May 22nd, 2009



CHESTER J. CULVER

Governor