

MAR 13 1974

HOUSE FILE 1430

Place On Calendar

See Human Resources 4/17, Base 4/24

By COMMITTEE ON HUMAN RESOURCES

Passed House, Date 4-10-74 (1638) Passed Senate, Date 5-3-74 (1965)

Vote: Ayes 90 Nays 0 Vote: Ayes 44 Nays 0

Approved 5-29-74

Passed House as amended by Senate

5-3-74 (2463)

89-1

A BILL FOR

1 An Act relating to authority of the department of social ser-
 2 vices to arrange foster care placements for children com-
 3 mitted to the commissioner of social services or his
 4 designee, children transferred to the custody of the de-
 5 partment, or children whose parents or guardians have so
 6 authorized the department, permitting the department to
 7 pay foster parents directly for foster care, and authorizing
 8 the department to maintain accounts in the names of such
 9 children in which the funds of the children may be placed.

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

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1 Section 1. Section two hundred thirty-two point two
2 (232.2), subsection thirteen (13), Code 1973, is amended by
3 striking paragraphs c and d.

4 Sec. 2. Section two hundred thirty-two point two (232.2),
5 Code 1973, is amended by inserting after subsection fifteen
6 (15) the following new subsection:

7 NEW SUBSECTION. "Child in need of supervision" means a
8 child:

9 a. Who is uncontrolled by the child's parents, guardian
10 or legal custodian by reason of being wayward or habitually
11 disobedient.

12 b. Who habitually departs himself in a manner that is
13 injurious to himself or to others.

14 Sec. 3. Section two hundred thirty-two point two (232.2),
15 subsection seventeen (17), Code 1973, is amended to read as
16 follows:

17 17. The terms "director" or "state director" means the
18 director of the division of ~~child-and-family-services-of~~ the
19 department of social services to which the commissioner of
20 social services has assigned responsibility for foster care
21 and related services to children.

22 Sec. 4. Section two hundred thirty-two point thirty-three
23 (232.33), Code 1973, is amended to read as follows:

24 232.33 DISPOSITION OF CASE OF NEGLECT ~~OR~~, DEPENDENCY OR
25 NEED OF SUPERVISION. If the court finds that the child is
26 neglected or dependent or is a child in need of supervision,
27 the court shall enter an order making any one or more of the
28 following dispositions of the case:

29 1. Continue the proceedings from time to time under such
30 supervision as the court may direct.

31 2. Place the child under the protective supervision of
32 the ~~county~~ state department of social ~~welfare~~ services or
33 a child placing agency in the home of the child under condi-
34 tions prescribed by the court directed to the correction of
35 the neglect or dependency or lack of supervision of the child.

1 3. Transfer legal custody of the child, subject to the
2 continued jurisdiction of the court, to one of the following:

3 a. A child placing agency.

4 b. The ~~county-department-of-social-welfare-or-the~~ state
5 department of social services.

6 ~~or--A-reputable-individual-of-good-moral-character.~~

7 4. Commit the child to the commissioner of social services
8 or his designee for placement.

9 5. Commit to or place the child in any private institu-
10 tion or hospital for the care and training of children or
11 any public institution or hospital for the care and training
12 of children other than an institution ~~named-in-subsection~~
13 ~~4-of-this-section-and-section-232.347-subsection-4~~ admin-
14 istered by the department of social services.

15 6. If the child is in need of special treatment or care
16 for his physical or mental health, the court may order the
17 parents, guardian, or custodian of the child to provide such
18 treatment or care. If the parents, guardian, or custodian
19 fail to provide the treatment or care, the court may order
20 the treatment or care provided.

21 7. At any time while the child is under the jurisdiction
22 of the court, the court may terminate the proceedings and
23 order the child released from the control of the court.

24 Sec. 5. Section two hundred thirty-two point thirty-four
25 (232.34), subsection three (3), Code 1973, is amended by
26 adding the following new paragraph:

27 NEW PARAGRAPH. The state department of social services.

28 Sec. 6. Section two hundred thirty-two point thirty-four
29 (232.34), subsection five (5), Code 1973, is amended to read
30 as follows:

31 5. Commit to or place the child in any private institu-
32 tion or hospital for care and training or any public insti-
33 tution or hospital for care and training other than an
34 institution ~~named-in-subsection-4-of-this-section-and-sec-~~
35 ~~tion-232.337-subsection-4~~ administered by the department of

1 social services.

2 Sec. 7. Section two hundred thirty-two point thirty-five
3 (232.35), Code 1973, is amended by striking the section and
4 inserting in lieu thereof the following:

5 232.35 COMMITMENT TO COMMISSIONER OR DESIGNEE. Commit-
6 ment of a child to the commissioner of social services or
7 his designee shall vest guardianship of that child in the
8 commissioner. The department of social services shall at
9 least every six months submit to the court reports of the
10 child's circumstances and response to efforts to meet the
11 needs which resulted in the commitment. The department shall
12 also report to the court in advance each time a different
13 placement or other significant change in the child's status
14 is proposed. It shall not be necessary for the court to
15 affirmatively approve the proposed placement or change of
16 status, but the court may at any time inquire into the child's
17 circumstances and, if deemed appropriate, consult with the
18 department regarding the child's placement or status. If
19 the commissioner or his designee conclude that the child is
20 unlikely to receive further benefit from the department's
21 services, a recommendation shall be made to the court that
22 the child's commitment to the commissioner or his designee
23 be terminated. The court, after making any inquiry it deems
24 appropriate, may order the commitment continued or may make
25 any other disposition of the case authorized by this chapter.

26 Sec. 8. Section two hundred thirty-two point forty-eight
27 (232.48), subsection one (1), Code 1973, is amended to read
28 as follows:

29 1. The ~~county-department-of-social-welfare-or-the~~
30 commissioner of social services or his designee.

31 Sec. 9. Section two hundred thirty-two point fifty-one
32 (232.51), Code 1973, as amended by Acts of the Sixty-fifth
33 General Assembly, 1973 Session, chapter one hundred twenty-
34 two (122), section seventeen (17), is amended to read as
35 follows:

1 232.51 EXPENSES. Whenever legal custody of a minor is
2 transferred by the court or whenever the minor is placed by
3 the court with someone other than the parents or whenever
4 a minor is given physical or mental examinations or treat-
5 ment under order of the court and no provision is otherwise
6 made by law for payment for the care, examination, or treat-
7 ment of the minor, the costs shall be charged upon the funds
8 of the county in which the proceedings are held upon certifi-
9 cation of the judge to the board of supervisors. Except where
10 the parent-child relationship is terminated, the court may
11 shall inquire into the ability of the parents to support the
12 minor and after giving the parents a reasonable opportunity
13 to be heard may order the parents to pay in the manner and
14 to whom the court may direct, such sums as will cover in whole
15 or in part the cost of care, examination, or treatment of
16 the minor. The party to which the parents are ordered to
17 make payment under this section may be the state department
18 of social services. If the parents fail to pay the sum without
19 good reason, the parents may be proceeded against for contempt
20 or the court may inform the county attorney who shall proceed
21 against the parents to collect the unpaid sums or both.

22 Any such sums ordered by the court shall be a judgment
23 against each of the parents and a lien as provided in section
24 624.23. If all or any part of the sums that the parents are
25 ordered to pay, is subsequently paid by the county or the
26 state department of social services, the judgment and lien
27 shall thereafter be against each of the parents in favor of
28 the county or the department, as the case may be, to the
29 extent of such payments.

30 Sec. 10. Section two hundred thirty-two point fifty-three
31 (232.53), Code 1973, as amended by Acts of the Sixty-fifth
32 General Assembly, 1973 Session, chapter one hundred five
33 (105), section six (6), is amended to read as follows:

34 232.53 RECOVERY OF COSTS--FROM ANOTHER COUNTY OR FROM
35 THE STATE. The county charged with the cost and expenses

1 under sections 232.51 and 232.52 may recover the costs and
2 expenses from the county where the child has legal settlement
3 by filing verified claims which shall be payable as are other
4 claims against the county. A detailed statement of the facts
5 upon which the claim is based shall accompany the claim.
6 Any dispute involving the legal settlement of a child for
7 which the court has ordered payment under authority of this
8 section shall be settled in accordance with sections 252.22
9 and 252.23. ~~The county charged with the cost of foster home
10 care for a child may recover the cost of such care from the
11 general fund of the state if the child would otherwise have
12 been eligible for admission to the Iowa juvenile home or the
13 Annie Wittenmyer Home under the provisions of subsection 4
14 of section 244.3. The county shall make claim to the state
15 department of social services which shall audit the claim
16 and certify it to the state comptroller for payment.~~

17 Sec. 11. Chapter two hundred thirty-two (232), Code 1973,
18 is amended by adding the following new section:

19 NEW SECTION. WHEN STATE TO PAY FOSTER CARE COSTS. The
20 department of social services shall be responsible for paying
21 the cost of foster care for a child under any of the follow-
22 ing circumstances:

23 1. When a court has committed the child to the commis-
24 sioner of social services or his designee.

25 2. When a court has transferred legal custody of the child
26 to the department.

27 3. When the department has agreed to provide foster care
28 services for the child on the basis of a signed placement
29 agreement between the department and the child's parent or
30 guardian.

31 Sec. 12. Chapter two hundred thirty-four (234), Code 1973,
32 is amended by adding the following new section:

33 NEW SECTION. DEPARTMENT MAY ESTABLISH ACCOUNTS FOR CER-
34 TAIN CHILDREN. The department of social services is authorized
35 to establish an account in the name of any child committed

1 to the commissioner of social services or his designee, or
2 whose legal custody has been transferred to the department.
3 Any money which the child receives from the United States
4 government or any private source shall be placed in the child's
5 account, unless a guardian of the child's property has been
6 appointed and demands the money, in which case it shall be
7 paid to the guardian. The account shall be maintained by
8 the central office of the department, in the child's name,
9 in an interest bearing account at a reputable bank or savings
10 and loan association, except that if the child is residing
11 at an institution administered by the department a limited
12 amount of the child's funds may be maintained in a separate
13 account, which need not be interest bearing, in the child's
14 name at the institution. Any money held in an account in
15 the child's name under this section may be used, at the
16 discretion of the department and subject to restrictions
17 lawfully imposed by the United States government or other
18 source from which the child receives the funds, for the
19 purchase of personal incidentals, desires and comforts of
20 the child. All of the money held for a child by the department
21 under this section and not used in the child's behalf as
22 authorized by law shall be promptly paid to the child or his
23 parent or legal guardian upon termination of the commitment
24 of the child to the commissioner or his designee, or upon
25 transfer or cessation of legal custody of the child by the
26 department.

27 Sec. 13. Chapter two hundred thirty-four (234), Code 1973,
28 is amended by adding the following new section:

29 NEW SECTION. DEPARTMENT MAY PAY FOSTER PARENTS DIRECTLY.
30 The department of social services is authorized to make pay-
31 ments directly to foster parents for services provided to
32 children pursuant to Acts of the Sixty-fifth General Assembly,
33 1973 Session, chapter one hundred eighty-six (186), section
34 fifteen (15), paragraph b, or section eleven (11) of this
35 Act. The rate of payment by the department for foster care

1 shall be fixed by the department by rules adopted pursuant
2 to chapter seventeen A (17A) of the Code. Payments may be
3 made from any money legally available to the department for
4 that purpose, including but not limited to funds appropriated
5 by the general assembly, money available under section twelve
6 (12) of this Act, and money received from the parent or legal
7 guardian of a child to pay for that child's foster care.

8 The department shall certify to the comptroller each month
9 the number of children served in foster care during the pre-
10 ceding month who are the children of veterans as defined by
11 applicable laws of the United States or of this state, and
12 the extent to which the cost of foster care for them was paid
13 from funds appropriated to the department by the general
14 assembly. The comptroller shall reimburse the department
15 for the appropriated funds so expended, from any money in
16 the general fund of the state not otherwise appropriated,
17 and the reimbursement shall be placed in the department's
18 foster care account.

19 Sec. 14. Chapter two hundred thirty-four (234), Code 1973,
20 is amended by adding the following new section:

21 NEW SECTION. RESPONSIBILITY FOR COST OF SERVICES. It
22 is the intent of this Act that individuals served by the
23 department of social services, and their respective parents
24 or guardians, shall have primary responsibility for paying
25 the cost of the services provided by the department, to the
26 extent consistent with their incomes and resources. The
27 department shall establish a schedule of charges to be made
28 for services provided, on a graduated scale related to the
29 income and resources of the person responsible for payment,
30 by rules adopted pursuant to chapter seventeen A (17A) of
31 the Code.

32 Sec. 15. Section two hundred forty-two point seven (242.7),
33 Code 1973, is amended to read as follows:

34 242.7 PLACING IN FAMILIES. All children committed to
35 and received in the training schools may, with the written

1 approval of the state director, be placed by the
2 superintendent, under foster care arrangements, with any
3 persons or in families of good standing and character where
4 they will be properly cared for and educated. The cost of
5 foster care provided under these arrangements shall be paid
6 as provided in section eleven (11) of this Act.

7 Sec. 16. Section two hundred forty-two point ten (242.10),
8 Code 1973, is amended to read as follows:

9 242.10 UNLAWFUL INTERFERENCE. It shall be unlawful for
10 any parent or other person not a party to such placing of
11 a child to interfere in any manner or assume or exercise any
12 control over such child or his earnings. Said earnings shall
13 be used, held, or otherwise applied for the exclusive bene-
14 fit of such child, in accordance with section twelve (12) of
15 this Act.

16 Sec. 17. Section two hundred forty-four point six (244.6),
17 Code 1973, is amended to read as follows:

18 244.6 PROFITS AND EARNINGS. Any profits arising from
19 labor at the homes shall be placed at interest in some state
20 bank or national bank authorized to do business in this state,
21 and each child paid, when discharged, in proportion as his
22 labor contributed to the fund. The earnings of a child who
23 is placed with others under contract shall be used, held,
24 or otherwise applied for the exclusive benefit of said child,
25 in accordance with section twelve (12) of this Act.

26 Sec. 18. Section two hundred forty-four point ten (244.10),
27 Code 1973, is amended to read as follows:

28 244.10 PLACING CHILD UNDER CONTRACT. Any child received
29 in said homes, unless adopted, may, under written foster care
30 contract approved by the state director, be placed by the
31 superintendent in the custody and care of any proper per-
32 son or family. Such contract shall provide for the custody,
33 care, education, maintenance, and earnings of the child for
34 a fixed time which shall not extend beyond the age of majority,
35 except that the time may extend beyond the child's eighteenth

1 birthday until he is twenty-one years of age if he is regularly
2 attending an approved school in pursuance of a course of
3 study leading to a high school diploma or its equivalent,
4 or regularly attending a course of vocational technical training
5 either as a part of a regular school program or under special
6 arrangements adapted to the individual person's needs. Such
7 contract shall provide for the cost of foster care furnished
8 under the contract to be paid as provided in section eleven
9 (11) of this Act, and shall be signed by the superintendent
10 and by the person taking the child.

11 Sec. 19. Section four hundred forty-four point twelve
12 (444.12), subsection one (1), paragraph f, Code 1973, is
13 amended to read as follows:

14 f. Care of children admitted or committed to the Iowa
15 juvenile home at Toledo or The Iowa Annie Wittenmyer home,
16 ~~or placed in a foster home from either of such institutions~~
17 ~~if the cost of foster home care does not exceed the average~~
18 ~~cost of care of a child in the institution from which the~~
19 ~~placement was made.~~

20 Sec. 20. Section four hundred forty-four point twelve
21 (444.12), Code 1973, is amended by inserting after subsection
22 four (4), the following new subsection:

23 NEW SUBSECTION. Foster care and related services pro-
24 vided to any child who is under the jurisdiction of the
25 juvenile court, if provided upon the order of the court.

26 EXPLANATION

27 This bill authorizes the Department of Social Services
28 to obtain foster care for children for whom it has
29 responsibility by reason of commitment, transfer of legal
30 custody, or agreement between the Department and the parent
31 or guardian of a child. The bill also empowers the Department
32 to pay foster parents directly for this service, on the basis
33 of a uniform rate established by departmental rule, and to use
34 for this purpose funds available from a child's parent or
35 guardian or available from the federal government or other

1 sources for use on the child's behalf, as well as money
2 appropriated by the Legislature.

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HOUSE FILE 1430

H-2791

1 Amend House File 1430 by striking all after the
2 enacting clause and inserting in lieu thereof the
3 following:

4 Section 1. Section two hundred thirty-two point
5 fifty-three (232.53), Code 1973, as amended by Acts
6 of the Sixty-fifth General Assembly, 1973 Session,
7 chapter one hundred five (105), section six (6),
8 is amended to read as follows:

9 232.53 RECOVERY OF COSTS--FROM ANOTHER COUNTY
10 ~~OR-FROM-THE-STATE.~~ The county charged with the cost
11 and expenses under sections 232.51 and 232.52 may
12 recover the costs and expenses from the county where
13 the child has legal settlement by filing verified
14 claims which shall be payable as are other claims
15 against the county. A detailed statement of the
16 facts upon which the claim is based shall accompany
17 the claim. Any dispute involving the legal settlement
18 of a child for which the court has ordered payment
19 under authority of this section shall be settled
20 in accordance with sections 252.22 and 252.23. ~~The~~
21 ~~county-charged-with-the-cost-of-foster-home-care~~
22 ~~for-a-child-may-recover-the-cost-of-such-care-from~~
23 ~~the-general-fund-of-the-state-if-the-child-would~~
24 ~~otherwise-have-been-eligible-for-admission-to-the~~
25 ~~Iowa-juvenile-home-or-The-Annie-Wittenmyer-Home-under~~
26 ~~the-provisions-of-subsection-1-of-section-244.3-~~
27 ~~The-county-shall-make-claim-to-the-state-department~~
28 ~~of-social-services-which-shall-audit-the-claim-and~~
29 ~~certify-it-to-the-state-comptroller-for-payment-~~

30 Sec. 2. Chapter two hundred thirty-four (234),
31 Code 1973, is amended by adding the following new
32 section:

33 NEW SECTION. WHEN STATE TO PAY FOSTER CARE COSTS.
34 The department of social services shall be initially
35 responsible for paying the cost of foster care for
36 a child under any of the following circumstances:

37 1. When a court has committed the child to the
38 commissioner of social services or his designee.

39 2. When a court has transferred legal custody
40 of the child to the department of social services.

41 3. When the department has agreed to provide
42 foster care services for the child on the basis of
43 a signed placement agreement between the department
44 and the child's parent or guardian.

45 4. When the child has been placed in emergency
46 care for a period of not more than thirty days upon
47 approval of the commissioner or his designee.

48 5. When a court has placed the child for care
49 as provided in section two hundred thirty-two point
50 thirty-three (232.33), subsection three (3) or four

51 (4), or section two hundred thirty-two point thirty-
52 four (232.34), subsection three (3) or four (4) of
53 the Code, and the placement has been approved by
54 the commissioner or his designee.

55 Sec. 3. Chapter two hundred thirty-four (234),
56 Code 1973, is amended by adding the following new
57 section:

58 NEW SECTION. DEPARTMENT MAY ESTABLISH ACCOUNTS
59 FOR CERTAIN CHILDREN. The department of social
60 services is authorized to establish an account in
61 the name of any child committed to the commissioner
62 of social services or his designee, or whose legal
63 custody has been transferred to the department, or
64 who is voluntarily placed in foster care pursuant
65 to section two (2), subsection three (3) of this
66 Act. Any money which the child receives from the
67 United States government or any private source shall
68 be placed in the child's account, unless a guardian
69 of the child's property has been appointed and demands
70 the money, in which case it shall be paid to the
71 guardian. The account shall be maintained by the
72 department as trustee for the child in an interest-
73 bearing account at a reputable bank or savings and
74 loan association, except that if the child is residing
75 at an institution administered by the department
76 a limited amount of the child's funds may be
77 maintained in a separate account, which need not
78 be interest bearing, in the child's name at the
79 institution. Any money held in an account in the
80 child's name or in trust for the child under this
81 section may be used, at the discretion of the
82 department and subject to restrictions lawfully
83 imposed by the United States government or other
84 source from which the child receives the funds, for
85 the purchase of personal incidentals, desires and
86 comforts of the child. All of the money held for
87 a child by the department under this section and
88 not used in the child's behalf as authorized by law
89 shall be promptly paid to the child or his parent
90 or legal guardian upon termination of the commitment
91 of the child to the commissioner or his designee,
92 or upon transfer or cessation of legal custody of
93 the child by the department.

94 Sec. 4. Chapter two hundred thirty-four (234),
95 Code 1973, is amended by adding the following new
96 section:

97 NEW SECTION. DEPARTMENT MAY PAY FOSTER PARENTS
98 DIRECTLY. The department of social services is
99 authorized to make payments directly to foster parents
100 for services provided to children pursuant to Acts

101 of the Sixty-fifth General Assembly, 1973 Session,
102 chapter one hundred eighty-six (186), section fifteen
103 (15), paragraph b, or section two (2) of this Act.
104 The rate of payment by the department for foster
105 care shall be fixed by the department by rules adopted
106 pursuant to chapter seventeen A (17A) of the Code.
107 Payments may be made from any money legally available
108 to the department for that purpose, including but
109 not limited to funds appropriated by the general
110 assembly, money available under section three (3)
111 of this Act, and money received from the parent or
112 legal guardian of a child to pay for that child's
113 foster care.

114 The department shall certify to the comptroller
115 each month the number of children served in foster
116 care during the preceding month who are the children
117 of veterans as defined by applicable laws of the
118 United States or of this state, and the extent to
119 which the cost of foster care for them was paid from
120 funds appropriated to the department by the general
121 assembly. The comptroller shall reimburse the
122 department for the appropriated funds so expended,
123 from any money in the general fund of the state not
124 otherwise appropriated, and the reimbursement shall
125 be placed in the department's foster care account.

126 Sec. 5. Chapter two hundred thirty-four (234),
127 Code 1973, is amended by adding the following new
128 section:

129 NEW SECTION. RESPONSIBILITY FOR COST OF SERVICES.
130 It is the intent of this Act that individuals served
131 by the department of social services, and their
132 respective parents or guardians shall have primary
133 responsibility for paying the cost of care and
134 services provided by the department, to the extent
135 consistent with their incomes and resources. The
136 department shall establish a schedule of charges
137 to be made for care and services provided, on a
138 graduated scale related to the income and resources
139 of the person responsible for payment, by rules
140 adopted pursuant to chapter seventeen A (17A) of
141 the Code. The schedule of charges established and
142 adopted under this section shall not be inconsistent
143 with the limitations on legal liability established
144 under sections two hundred twenty-two point seventy-
145 eight (222.78) and two hundred thirty point fifteen
146 (230.15) of the Code, and by any other statute
147 limiting legal liability which may be imposed on
148 any person for the cost of care and services provided
149 by the department of social services.

150 Sec. 6. Section two hundred forty-two point seven

151 (242.7), Code 1973, is amended to read as follows:
152 242.7 PLACING IN FAMILIES. All children committed
153 to and received in the training schools may, ~~with~~
154 ~~the-written-approval-of-the-state-director,~~ be placed
155 by the superintendent department, under foster care
156 arrangements, with any persons or in families of
157 good standing and character where they will be
158 properly cared for and educated. The cost of foster
159 care provided under these arrangements shall be paid
160 as provided in section two (2) of this Act.

161 Sec. 7. Section two hundred forty-two point ten
162 (242.10), Code 1973, is amended to read as follows:

163 242.10 UNLAWFUL INTERFERENCE. It shall be
164 unlawful for any parent or other person not a party
165 to such placing of a child to interfere in any manner
166 or assume or exercise any control over such child
167 or his earnings. Said earnings shall be used, held,
168 or otherwise applied for the exclusive benefit of
169 such child, in accordance with section three (3)
170 of this Act.

171 Sec. 8. Section two hundred forty-four point
172 six (244.6), Code 1973, is amended by striking the
173 section and inserting in lieu thereof the following:

174 244.6 PROFITS AND EARNINGS. Any money earned
175 by a child who is admitted to or placed in foster
176 care from either of the homes shall be used, held
177 or otherwise applied for the exclusive benefit of
178 that child, in accordance with section three (3)
179 of this Act.

180 Sec. 9. Section two hundred forty-four point
181 ten (244.10), Code 1973, is amended to read as
182 follows:

183 244.10 PLACING CHILD UNDER CONTRACT. Any child
184 received in said homes, unless adopted, may, ~~under~~
185 ~~written-contract-approved-by-the-state-director,~~
186 be placed by the superintendent department in the
187 custody-and foster care of with any proper person
188 or family. Such-contract The foster-care arrangement
189 shall provide for the custody, care, education,
190 maintenance, and earnings of the child for a fixed
191 time which shall not extend beyond the age of
192 majority, except that the time may extend beyond
193 the child's eighteenth birthday until he is twenty-
194 one years of age if he is regularly attending an
195 approved school in pursuance of a course of study
196 leading to a high school diploma or its equivalent,
197 or regularly attending a course of vocational
198 technical training either as a part of a regular
199 school program or under special arrangements adapted
200 to the individual person's needs. Such-contract

201 ~~shall-be-signed-by-the-superintendent-and-by-the~~
202 ~~person-taking-the-child.~~
203 Sec. 10. Section four hundred forty-four point
204 twelve (444.12), subsection one (1), paragraph f,
205 Code 1973, is amended to read as follows:
206 f. Care of children admitted or committed to
207 the Iowa juvenile home at Toledo or The Iowa Annie
208 Wittenmyer home, ~~or placed in a foster home from~~
209 ~~either of such institutions if the cost of foster~~
210 ~~home care does not exceed the average cost of care~~
211 ~~of a child in the institution from which the placement~~
212 ~~was made.~~
213 Sec. 11. Section four hundred forty-four point
214 twelve (444.12), Code 1973, is amended by inserting
215 after subsection four (4), the following new
216 subsection:
217 NEW SUBSECTION. Foster care and related services
218 provided to any child who is under the jurisdiction
219 of the juvenile court, if provided upon the order
220 of the court.

H-2791 Filed *Adopted as amended* By LIPSKY of Linn
April 5, 1974 *by 2813 4/10* DEN HERDER of Sioux

HOUSE FILE 1430

H-2682

1 Amend House File 1430 as follows:

2 1. Page 2, by striking lines 1 through 13.

3 2. Page 2, lines 24 and 25, by striking the words
4 "~~OR, DEPENDENCY OR NEED OF SUPERVISION~~" and inserting
5 in lieu thereof the words "OR DEPENDENCY".

6 3. Page 2, line 26, by striking the words "or is a
7 child in need of supervision".

8 4. Page 2, line 35, by striking the words "or lack
9 of supervision".

10 5. Page 3, by striking line 6 and inserting in lieu
11 thereof the words "c. A reputable individual of good
12 moral character."

13 6. Page 3, by striking lines 24 through 27.

14 7. Page 4, line 8, by inserting after the word
15 "commissioner" the words "or his designee".

16 8. Page 4, line 12, by striking the words "in
17 advance".

18 9. Page 4, by striking lines 14 through 16 and in-
19 serting in lieu thereof the words "takes place. The
20 court may at any time inquire into the child's".

21 10. Page 4, line 24, by inserting after the word
22 "commitment" the words "terminated or".

23 11. Page 4, by inserting after line 30 the follow-
24 ing new section:

25 Sec. _____. Section two hundred thirty-two point
26 forty-eight (232.48), Code 1973, is amended by striking
27 subsection four (4).

28 12. Page 5, line 11, by inserting after the word
29 "parents" the words ", guardian or conservator".

30 13. Page 5, line 12, by inserting after the word
31 "parents" the words ", guardian or conservator".

32 14. Page 5, line 13, by inserting after the word
33 "parents" the words ", guardian or conservator".

34 15. Page 5, line 16, by striking the word "are"
35 and inserting in lieu thereof the words ", guardian or
36 conservator is".

37 16. Page 5, line 18, by inserting after the word
38 "services" the words ", and the payments so ordered may
39 be reimbursement for costs initially paid by the de-
40 partment pursuant to section eleven (11) of this Act".

41 17. Page 5, line 18, by inserting after the word
42 "parents" the words ", guardian or conservator".

43 18. Page 5, lines 34 and 35, by striking the words
44 "OR FROM THE STATE" and inserting in lieu thereof the
45 words "~~OR-FROM-THE-STATE~~".

46 19. Page 6, line 17, by striking the words and
47 figures "two hundred thirty-two (232)" and inserting
48 in lieu thereof the words and figures "two hundred
49 thirty-four (234)".

50 20. Page 6, line 20, by inserting after the word

51 "be" the word "initially".
52 21. Page 6, line 26, by inserting after the word
53 "department" the words "of social services".
54 22. Page 6, by inserting after line 30 the follow-
55 ing:
56 "4. When the child has been placed in emergency
57 care for a period of not more than thirty days upon
58 approval of the commissioner of social services or his
59 designee."
60 23. Page 7, line 2, by inserting after the word
61 "department" the words ", or who is voluntarily placed
62 in foster care pursuant to section eleven (11), sub-
63 section three (3) of this Act."
64 24. Page 7, by striking line 8 and inserting in
65 lieu thereof the words "the department, as trustee for
66 the child,".
67 25. Page 7, line 15, by inserting after the word
68 "name" the words "or in trust for the child".
69 26. Page 8, line 25, by striking the word "the"
70 which precedes the word "services" in that line and
71 inserting in lieu thereof the words "care and".
72 27. Page 8, line 28, by inserting after the word
73 "for" the words "care and".
74 28. Page 8, line 31, by inserting after the period
75 the following:
76 "The schedule of charges established and adopted
77 under this section shall not be inconsistent with the
78 limitations on legal liability established under sec-
79 tions two hundred twenty-two point seventy-eight
80 (222.78) and two hundred thirty point fifteen (230.15)
81 of the Code, and by any other statute limiting legal
82 liability which may be imposed on any person for the
83 cost of care and services provided by the department
84 of social services."
85 29. Page 8, line 35, and page 9, lines 1 and 2,
86 by striking the words ", with the written approval of
87 the state director, be placed by the superintendent"
88 and inserting in lieu thereof the words "~~7-with-the~~
89 ~~written-approval-of-the-state-director,~~ be placed by
90 the superintendent department".
91 30. Page 9, by striking lines 17 through 25 and
92 inserting in lieu thereof the following:
93 244.6 PROFITS AND EARNINGS. Any money earned by a
94 child who is admitted to or placed in foster care from
95 either of the homes shall be used, held or otherwise
96 applied for the exclusive benefit of that child, in
97 accordance with section twelve (12) of this Act."
98 31. Page 9, by striking lines 29 through 32 and
99 inserting in lieu thereof the following:
100 "in said homes, unless adopted, may~~7-under-written~~
101 ~~contract-approved-by-the-state-director,~~ be placed by
102 the superintendent department in the custody and foster
103 care of with any proper person or family. ~~Such-contract~~
104 The foster care arrangement shall provide for the
105 custody,".
106 32. Page 10, by striking the word "Such" in line 6
107 and all of lines 7 through 10 and inserting in lieu
108 thereof the words:
109 "~~Such-contract-shall-be-signed-by-the-superintendent~~
110 ~~and-by-the-person-taking-the-child-~~"

SENATE AMENDMENT TO HOUSE FILE 1430

1 Amend House File 1430 as amended and passed by the
2 House as follows:

3 1. Page 3, by striking line 4 and inserting in lieu
4 thereof the following: "sections:".

5 2. Page 3, by striking lines 20 through 25,
6 inclusive, and page 4, by striking line 1, and
7 inserting in lieu thereof the following:

8 NEW SECTION. WHEN COUNTY TO PAY FOSTER CARE
9 COSTS. Each county shall pay from the county mental
10 health and institutions fund as provided by section
11 eleven (11) of this Act the cost of foster care for
12 a child placed by a court as provided in section two
13 hundred thirty-two point thirty-three (232.33),
14 subsection three (3) or four (4), or section two
15 hundred thirty-two point thirty-four (232.34), sub-
16 section three (3) or four (4) of the Code. However,
17 in any fiscal year for which the general assembly
18 appropriates state funds to pay for foster care for
19 children placed by courts under the statutes cited
20 in this section, the county shall become responsible
21 for these costs only when the funds so appropriated
22 to the department for that fiscal year have been
23 exhausted. The rate of payment by the county or
24 the state, as the case may be, under this section
25 shall be that fixed by the department of social
26 services pursuant to section four (4) of this Act.

27 2. Page 10, by adding the following section after
28 line 9:

29 Sec. _____. Section four hundred forty-four point
30 twelve (444.12), subsection two (2), unnumbered para-
31 graph one (1), Code 1973, is amended to read as
32 follows:

33 Any portion which the board of supervisors may
34 deem advisable of the cost of psychiatric examination
35 and treatment of persons in need thereof or of pro-
36 fessional evaluation, treatment, training, habilita-
37 tion, and care of persons who are mentally retarded
38 persons or are afflicted by any other developmental
39 disability, at any suitable public or private facility
40 providing inpatient or outpatient care in such county.
41 As used in this subsection, "developmental disability"
42 has the meaning assigned that term by title forty-two
43 (42), section two thousand six hundred ninety-one
44 (2691), subsection one (1), United States Code, as
45 amended to January 1, 1974.

46 3.. By renumbering sections as necessary.

Received from the Senate
May 3, 1974

House renewed 5/3

H-2814

1 Amend House File 1430, page 6, by inserting after
2 line 30 the following:
3 "4. When a court has placed the child in the legal
4 custody of a licensed child-placing agency, a licensed
5 group home, a private institution or hospital for the
6 care, training and treatment of children, or a
7 reputable individual of good moral character, under
8 supervision of the juvenile court or the department
9 of social services."

H-2814 Filed. *Withdrawn 4/10*
April 9, 1974

By MILLER of Buchanan

H--2844

1 Amend the title to House File 1430 by striking
2 all of the title after the word "children" in line 2
3 and inserting in lieu thereof the following: ", per-
4 mitting the department to pay foster care parents
5 directly for foster care, relating to responsibility
6 for cost of foster care services, and authorizing the
7 department to maintain accounts in the names of such
8 children in which the funds of the children may be
9 placed."

H--2844 Filed and Adopted
April 10, 1974

LIPSKY of Linn

H-2813

1 Amend the Lipsky and Den Herder amendment H-2791
2 to House File 1430 as follows:
3 1. Line 52, by striking the words and figure "or
4 four (4)" and inserting in lieu thereof the words and
5 figures ", four (4) or five (5)".
6 2. Line 220, by inserting after the word "court"
7 the words "and if the cost thereof is not paid by the
8 department of social services pursuant to section two
9 (2), subsection five (5) of this Act".

H-2813 Filed. *Withdrawn 4/10*
April 9, 1974

By MILLER of Buchanan

Senate

S-2875

1 Amend House File 1430, as amended and passed by the
 2 House, as follows:
 3 1. Page 10, by adding the following section after
 4 line 9:
 5 Sec. _____. Section four hundred forty-four point
 6 twelve (444.12), subsection two (2), unnumbered para-
 7 graph one (1), Code 1973, is amended to read as
 8 follows:
 9 Any portion which the board of supervisors may
 10 deem advisable of the cost of psychiatric examination
 11 and treatment of persons in need thereof or of pro-
 12 fessional evaluation, treatment, training, habilita-
 13 tion, and care of persons who are mentally retarded
 14 persons or are afflicted by any other developmental
 15 disability, at any suitable public or private facility
 16 providing inpatient or outpatient care in such county.
 17 As used in this subsection, "developmental disability"
 18 has the meaning assigned that term by title forty-two
 19 (42), section two thousand six hundred ninety-one
 20 (2691), subsection one (1), United States Code, as
 21 amended to January 1, 1974.
 22 2. By renumbering sections as necessary.

S-2875 Filed - *Adopted 5/3*
April 25, 1974

By RILEY

S-2925

1 Amend House File 1430 as amended and passed by the
 2 House as follows:
 3 1. Page 3, by striking line 4 and inserting in
 4 lieu thereof the following: "sections:".
 5 2. Page 3, by striking lines 20 through 25,
 6 inclusive, and page 4, by striking line 1, and
 7 inserting in lieu thereof the following:
 8 NEW SECTION. WHEN COUNTY TO PAY FOSTER CARE
 9 COSTS. Each county shall pay from the county mental
 10 health and institutions fund as provided by section
 11 eleven (11) of this Act the cost of foster care for
 12 a child placed by a court as provided in section two
 13 hundred thirty-two point thirty-three (232.33),
 14 subsection three (3) or four (4), or section two
 15 hundred thirty-two point thirty-four (232.34), sub-
 16 section three (3) or four (4) of the Code. However,
 17 in any fiscal year for which the general assembly
 18 appropriates state funds to pay for foster care for
 19 children placed by courts under the statutes cited
 20 in this section, the county shall become responsible
 21 for these costs only when the funds so appropriated
 22 to the department for that fiscal year have been
 23 exhausted. The rate of payment by the county or
 24 the state, as the case may be, under this section
 25 shall be that fixed by the department of social

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1 services pursuant to section four (4) of this Act.
 2 3. By renumbering the sections.

S-2925 Filed - *Adopted 5/3*
April 29, 1974

By DE KOSTER