

FEB 21 1979

Place On Calendar

HOUSE FILE 470

See House File 470

Do Pass 3/28 (p. 1002)

By COMMITTEE ON HUMAN RESOURCES

Human Resources
Carney, Chairperson
Yenger
A. Miller

(Formerly House File 69)

Passed House, Date 3-16-79 (p. 997) Passed Senate, Date 4-6-79 (p. 1114)

Vote: Ayes 86 Nays 2 Vote: Ayes 44 Nays 0

Approved March 4 1979

*Repassed House as amended by Senate
4-25-79 (p. 1810)
93-0*

A BILL FOR

1 An Act to provide that foster children and foster parents stand
2 in the same relationship as children and their natural par-
3 ents for certain purposes.

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

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470

1 Section 1. Section ninety-two point seventeen (92.17),
2 subsection four (4), Code 1979, is amended to read as follows:

3 4. A child from working in any occupation or business
4 operated by ~~his~~ the child's parents. For the purposes of
5 this subsection, "child" and "parents" include a foster child
6 and the child's foster parents who are licensed under chapter
7 two hundred thirty-seven (237) of the Code.

8 Sec. 2. Section two hundred thirty-four point forty-one
9 (234.41), Code 1979, is amended by striking the section.

10 Sec. 3. Chapter two hundred thirty-seven (237), Code 1979,
11 is amended by adding the following new section:

12 NEW SECTION. Foster parents licensed by the state director
13 stand in the same relationship to their minor foster children,
14 for purposes of tort actions by or on behalf of the foster
15 child against the foster parents, as do natural parents to
16 their minor children who reside at home. This section does
17 not apply to a foster parent whose malicious, willful and
18 wanton conduct causes injury or damage to a foster child or
19 exposes the foster child to a danger caused by violation of
20 a statute or the rules of the department.

21 EXPLANATION

22 This bill provides that foster children and foster parents
23 stand in the same relationship as do children and their natural
24 parents for purposes of tort actions by the child and for
25 the purposes of the familial exception to the child labor
26 law. The bill strikes a similar provision from chapter 234
27 of the Code to avoid duplication. The new section also refers
28 to violation of a statute, which the stricken section does
29 not do.

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S-3396

1 Amend House File 470 as follows:

2 1. Page 1, lines 6 and 7, by striking the words
3 "under chapter two hundred thirty-seven (237) of the
4 Code" and inserting in lieu thereof the words "by
5 the department of social services".

6 2. Page 1, by striking lines 10 through 20 and
7 inserting in lieu thereof the following:

8 "Sec. 3. NEW SECTION. TORT ACTIONS. A foster
9 parent licensed by the department of social services
10 stands in the same relationship to his or her minor
11 foster child, for purposes of tort actions by or on
12 behalf of the foster child against the foster parent,
13 as a natural parent to his or her minor child who
14 resides at home. This section does not apply to a
15 foster parent whose malicious, willful and wanton
16 conduct causes injury or damage to a foster child
17 or exposes the foster child to a danger caused by
18 violation of a statute or the rules of the department
19 of social services."

S-3396 FILED *adopted 4/6 (p. 1114)* BY JULIA GENTLEMAN
APRIL 5, 1979

SENATE AMENDMENT TO
HOUSE FILE 470

H-3826

1 Amend House File 470 as follows:

2 1. Page 1, lines 6 and 7, by striking the words
3 "under chapter two hundred thirty-seven (237) of the
4 Code" and inserting in lieu thereof the words "by
5 the department of social services".

6 2. Page 1, by striking lines 10 through 20 and
7 inserting in lieu thereof the following:

8 "Sec. 3. NEW SECTION. TORT ACTIONS. A foster
9 parent licensed by the department of social services
10 stands in the same relationship to his or her minor
11 foster child, for purposes of tort actions by or on
12 behalf of the foster child against the foster parent,
13 as a natural parent to his or her minor child who
14 resides at home. This section does not apply to a
15 foster parent whose malicious, willful and wanton
16 conduct causes injury or damage to a foster child
17 or exposes the foster child to a danger caused by
18 violation of a statute or the rules of the department
19 of social services."

H-3826 FILED
APRIL 10, 1979

RECEIVED FROM THE SENATE

House concurred 4/25 (p. 1807)

HOUSE FILE 470

AN ACT TO PROVIDE THAT FOSTER CHILDREN AND FOSTER PARENTS
STAND IN THE SAME RELATIONSHIP AS CHILDREN AND THEIR
NATURAL PARENTS FOR CERTAIN PURPOSES.

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

Section 1. Section ninety-two point seventeen (92.17),
subsection four (4), Code 1979, is amended to read as follows:

4. A child from working in any occupation or business
operated by ~~his~~ the child's parents. For the purposes of
this subsection, "child" and "parents" include a foster child
and the child's foster parents who are licensed by the
department of social services.

Sec. 2. Section two hundred thirty-four point forty-one
(234.41), Code 1979, is amended by striking the section.

Sec. 3. NEW SECTION. TORT ACTIONS. A foster parent
licensed by the department of social services stands in the

same relationship to his or her minor foster child, for
purposes of tort actions by or on behalf of the foster child
against the foster parent, as a natural parent to his or her
minor child who resides at home. This section does not apply
to a foster parent whose malicious, willful and wanton conduct
causes injury or damage to a foster child or exposes the
foster child to a danger caused by violation of a statute
or the rules of the department of social services.

FLOYD H. MILLEN
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 470, Sixty-eighth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved May 4, 1979

ROBERT D. RAY
Governor