

Amended 2/19/88 by 528

Reprinted 2/88

FEB 3 1988

HOUSE FILE 2170

HUMAN RESOURCES

BY FEY, CORBETT, BISIGNANO,
HAVERLAND, HANSEN of Wood-
bury, PETERSON of Carroll,
CONNORS, CHAPMAN, MULLINS,
CLARK, BRAMMER, LUNDBY,
SIEGRIST and CARPENTER

Passed House, Date 2/2/88 (by 528) Passed Senate, Date _____

Vote: Ayes 97 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

*Amended 2/19/88 by 528
Date 2/19/88*

A BILL FOR

1 An Act relating to foster care review, providing for the
2 continued existence of the state and local foster care review
3 boards, providing for the establishment of local foster care
4 review boards throughout the state, providing for review in
5 cases of children involuntarily hospitalized for mental
6 illness, revising provisions relating to confidentiality and
7 access to certain information, providing other procedural
8 revisions, and providing properly related matters.

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

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HF 2170

1 Section 1. Section 237.15, subsection 3, Code 1987, is
2 amended to read as follows:

3 3. "Child receiving foster care" means a child defined in
4 section 234.1 whose foster care placement is the financial
5 responsibility of the state pursuant to section 234.35,
6 ~~subsection 17-27-or-4~~ or 234.36, or who is under the
7 guardianship of the department, or who has been involuntarily
8 hospitalized for mental illness pursuant to chapter 229.

9 Sec. 2. Section 237.16, unnumbered paragraphs 2 and 3,
10 Code 1987, are amended to read as follows:

11 The members of the state board shall annually select a
12 chairperson, vice chairperson, and other officers the members
13 deem necessary. The members are entitled to receive
14 reimbursement for actual and necessary expenses incurred in
15 the performance of their duties. Each member of the board may
16 also be eligible to receive compensation as provided in
17 section 7E.6. The state board shall meet at least twice a
18 year.

19 An employee of the department or of the department of
20 inspections and appeals, the-department, an employee or-board
21 member of a child-placing agency, an employee of an agency
22 with which the department contracts for services for children
23 under foster care, a foster parent providing foster care, or
24 an employee of the district court is not eligible to serve on
25 the state board.

26 Sec. 3. Section 237.17, Code 1987, is amended to read as
27 follows:

28 237.17 FOSTER CARE REGISTRY.

29 The state board shall establish a registry of the
30 placements of all children receiving foster care ~~in-the-two~~
31 ~~judicial-districts-with-local-boards.~~ The department shall
32 notify the state board of each placement within three five
33 working days of the department's notification of the
34 placement. The notification to the state board shall include
35 information identifying the child receiving foster care and

1 placement information for that child.

2 Within thirty days of the placement or two days after the
3 dispositional hearing the agency responsible for the placement
4 shall submit the case permanency plan to the state board. All
5 subsequent revisions of the case permanency plan shall be
6 submitted when the revisions are developed. ~~In cases where~~
7 ~~the agency responsible for the placement is not the~~
8 ~~department, the case permanency plan shall also be submitted~~
9 ~~to the department.~~

10 Sec. 4. Section 237.18, subsection 2, paragraph a, Code
11 1987, is amended to read as follows:

12 a. Establish a ~~central~~ recordkeeping facility system for
13 the files of local review boards including individual case
14 reviews.

15 Sec. 5. Section 237.18, subsection 2, paragraph b,
16 subparagraph (4), Code 1987, is amended by striking the
17 subparagraph.

18 Sec. 6. Section 237.18, subsection 3, Code 1987, is
19 amended to read as follows:

20 3. Assign the case of each child receiving foster care
21 within the judicial district ~~selected in section 237.19,~~
22 ~~subsection 1,~~ to the appropriate local board.

23 Sec. 7. Section 237.19, subsection 1, Code 1987, is
24 amended to read as follows:

25 1. The state board shall establish local foster care
26 boards ~~in two judicial districts in the state~~ to review cases
27 of children receiving foster care. ~~These districts shall be~~
28 ~~selected to allow comparison of the effectiveness of local~~
29 ~~boards in different types of counties in the state.~~ The
30 department shall discontinue its foster care review process
31 for those children reviewed by local boards ~~in at least one of~~
32 ~~these districts when the local foster care review~~ as local
33 boards are established and operating. The state board shall
34 select five members and two alternate members to serve on each
35 local board in consultation with the chief judge of each

1 judicial district. The actual number of local boards needed
2 and established shall be determined by the state board.
3 However, the state board shall seek to establish a sufficient
4 number of boards to ensure no board must evaluate more than
5 one hundred cases annually. The members of each local board
6 shall consist of persons of the various social, economic,
7 racial, and ethnic groups and various occupations of their
8 district. A person employed by the state board or the
9 department, the department of inspections and appeals, the
10 district court, an employee of an agency with which the
11 department contracts for services for children under foster
12 care, a foster parent providing foster care, or a child-
13 placing agency shall not serve on a local board. The state
14 board shall provide the names of the members of the local
15 boards to the department.

16 Sec. 8. Section 237.20, subsection 1, unnumbered paragraph
17 4, Code 1987, is amended by striking the unnumbered paragraph.

18 Sec. 9. Section 237.20, subsection 2, Code 1987, is
19 amended to read as follows:

20 2. Submit to the appropriate court within ~~ten~~ fifteen days
21 after the review under subsection 1, the findings and
22 recommendations of the review. The findings and
23 recommendations shall include the proposed date of the next
24 review by the local board. The local board shall notify the
25 persons specified in subsection 4 of the findings and
26 recommendations.

27 Sec. 10. Section 237.21, subsection 3, Code Supplement
28 1987, is amended to read as follows:

29 3. Members of the state board and local boards and the
30 employees of the department and the department of inspections
31 and appeals are subject to standards of confidentiality
32 pursuant to sections 217.30, 228.6, subsection 1, 235A.15, and
33 600.16. Members of the state and local boards and employees
34 of the department and the department of inspections and
35 appeals who disclose information or records of the board or

1 department, other than as provided in subsection 2, are guilty
2 of a simple misdemeanor.

3 Sec. 11. Section 237.22, Code 1987, is amended by adding
4 the following new subsection after subsection 1, and
5 renumbering the subsequent subsections:

6 NEW SUBSECTION. 2. Time frames to meet the stated
7 permanency goal and short-term objectives;

8 Sec. 12. 1984 Iowa Acts, chapter 1279, section 44, is
9 amended to read as follows:

10 SEC. 44. Sections 26 through 33 of this Act are enacted as
11 a new division of chapter 237 entitled "Foster Care Review".

12 ~~Sections 26 through 33 of this Act are repealed July 1, 1988.~~

13 Sec. 13. TIME SCHEDULE FOR ADDITIONAL LOCAL BOARDS. The
14 state foster care review board, in establishing local foster
15 care review boards throughout the state as required by this
16 Act, shall establish local boards in three additional judicial
17 districts during the fiscal year beginning July 1, 1988, and
18 in three additional judicial districts during the fiscal year
19 beginning July 1, 1989.

20 EXPLANATION

21 This bill repeals statutory language which would abolish
22 the state and local foster care review boards, as established
23 in sections 237.15 through 237.22, on July 1, 1988. It also
24 provides for the establishment of local foster care review
25 boards throughout the state, to be phased in over a two-year
26 period.

27 The bill provides for review in cases of children
28 involuntarily hospitalized for mental illness.

29 In addition, the bill revises certain time limits, amends
30 provisions relating to confidentiality and access to
31 information by the child, the parents, their attorneys, and
32 the county attorney, and makes other procedural revisions.

33 COMPANION TO LSB 7716S

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HOUSE FILE 2170

H-5146

1 Amend House File 2170 as follows:

2 1. Page 1, by inserting after line 8 the fol-
3 lowing:

4 "Sec. ____ . Section 237.15, subsection 6, Code
5 1987, is amended by adding the following new
6 paragraphs:

7 NEW PARAGRAPH. e. The efforts to place the child
8 with a relative.

9 NEW PARAGRAPH. f. The rationale for an out-of-
10 state placement, and the efforts to prevent such
11 placement, if the child has been placed out-of-state.

12 NEW PARAGRAPH. g. Time frames to meet the stated
13 permanency goal and short-term objectives."

14 2. Page 4, by inserting after line 7 the
15 following:

16 "Sec. ____ . Section 237.22, Code 1987, is amended
17 by adding the following new subsections:

18 NEW SUBSECTION. 5. The efforts to place the child
19 with a relative.

20 NEW SUBSECTION. 7. The rationale for an out-of-
21 state placement, and the efforts to prevent such
22 placement, if the child has been placed out-of-state."

23 3. Page 4, by striking lines 16 through 19 and
24 inserting the following: "Act, shall establish local
25 boards in additional judicial districts as moneys
26 become available for that purpose."

27 4. Title page, line 7, by inserting after the
28 word "information," the following: "providing
29 additional requirements for case permanency plans,".

30 5. By numbering and renumbering as necessary.

H-5146 FILED FEBRUARY 23, 1988 BY COMMITTEE ON HUMAN RESOURCES

Adopted 2/2 (p. 531)

*L. State 24
Amended per 5507 x D. Pass 3/23 (p. 986)*

HOUSE FILE 2170

BY FEY, CORBETT, BISIGNANO,
HAVERLAND, HANSEN of Wood-
bury, PETERSON of Carroll,
CONNORS, CHAPMAN, MULLINS,
CLARK, BRAMMER, LUNDBY,
SIEGRIST and CARPENTER

(As Amended and Passed by the House March 2, 1988)

Passed House, Date 4/15/88 (p. 1995) Passed Senate, Date 4/14/88 (p. 1565)
Vote: Ayes 95 Nays 0 Vote: Ayes 47 Nays 0
Approved May 12, 1988

A BILL FOR

1 An Act relating to foster care review, providing for the
2 continued existence of the state and local foster care review
3 boards, providing for the establishment of local foster care
4 review boards throughout the state, providing for review in
5 cases of children involuntarily hospitalized for mental
6 illness, revising provisions relating to confidentiality and
7 access to certain information, providing additional
8 requirements for case permanency plans, providing other
9 procedural revisions, and providing properly related matters.

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

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House Amendments _____

1 Section 1. Section 237.15, subsection 3, Code 1987, is
2 amended to read as follows:

3 3. "Child receiving foster care" means a child defined in
4 section 234.1 whose foster care placement is the financial
5 responsibility of the state pursuant to section 234.35,
6 ~~subsection 17-27-or-4~~ or 234.36, or who is under the
7 guardianship of the department, or who has been involuntarily
8 hospitalized for mental illness pursuant to chapter 229.

9 Sec. 2. Section 237.15, subsection 6, Code 1987, is
10 amended by adding the following new paragraphs:

11 NEW PARAGRAPH. e. The efforts to place the child with a
12 relative.

13 NEW PARAGRAPH. f. The rationale for an out-of-state
14 placement, and the efforts to prevent such placement, if the
15 child has been placed out-of-state.

16 NEW PARAGRAPH. g. Time frames to meet the stated
17 permanency goal and short-term objectives.

18 Sec. 3. Section 237.16, unnumbered paragraphs 2 and 3,
19 Code 1987, are amended to read as follows:

20 The members of the state board shall annually select a
21 chairperson, vice chairperson, and other officers the members
22 deem necessary. The members are entitled to receive
23 reimbursement for actual and necessary expenses incurred in
24 the performance of their duties. Each member of the board may
25 also be eligible to receive compensation as provided in
26 section 7E.6. The state board shall meet at least twice a
27 year.

28 An employee of the department or of the department of
29 inspections and appeals, ~~the department,~~ an employee or board
30 member of a child-placing agency, an employee of an agency
31 with which the department contracts for services for children
32 under foster care, a foster parent providing foster care, or
33 an employee of the district court is not eligible to serve on
34 the state board.

35 Sec. 4. Section 237.17, Code 1987, is amended to read as

1 follows:

2 237.17 FOSTER CARE REGISTRY.

3 The state board shall establish a registry of the
4 placements of all children receiving foster care ~~in-the-two~~
5 ~~judicial-districts-with-local-boards~~. The department shall
6 notify the state board of each placement within ~~three~~ five
7 working days of the department's notification of the
8 placement. The notification to the state board shall include
9 information identifying the child receiving foster care and
10 placement information for that child.

11 Within thirty days of the placement or two days after the
12 dispositional hearing the agency responsible for the placement
13 shall submit the case permanency plan to the state board. All
14 subsequent revisions of the case permanency plan shall be
15 submitted when the revisions are developed. ~~in-cases-where~~
16 ~~the-agency-responsible-for-the-placement-is-not-the~~
17 ~~department; the-case-permanency-plan-shall-also-be-submitted~~
18 ~~to-the-department;~~

19 Sec. 5. Section 237.18, subsection 2, paragraph a, Code
20 1987, is amended to read as follows:

21 a. Establish a ~~central~~ recordkeeping facility system for
22 the files of local review boards including individual case
23 reviews.

24 Sec. 6. Section 237.18, subsection 2, paragraph b,
25 subparagraph (4), Code 1987, is amended by striking the
26 subparagraph.

27 Sec. 7. Section 237.18, subsection 3, Code 1987, is
28 amended to read as follows:

29 3. Assign the case of each child receiving foster care
30 within the judicial district ~~selected-in-section-237:197~~
31 ~~subsection-1,~~ to the appropriate local board.

32 Sec. 8. Section 237.19, subsection 1, Code 1987, is
33 amended to read as follows:

34 1. The state board shall establish local foster care
35 boards ~~in-two-judicial-districts-in-the-state~~ to review cases

1 of children receiving foster care. ~~These districts shall be~~
2 ~~selected to allow comparison of the effectiveness of local~~
3 ~~boards in different types of counties in the state.~~ The
4 department shall discontinue its foster care review process
5 for those children reviewed by local boards ~~in at least one of~~
6 ~~these districts when the local foster care review~~ as local
7 boards are established and operating. The state board shall
8 select five members and two alternate members to serve on each
9 local board in consultation with the chief judge of each
10 judicial district. The actual number of local boards needed
11 and established shall be determined by the state board.
12 However, the state board shall seek to establish a sufficient
13 number of boards to ensure no board must evaluate more than
14 one hundred cases annually. The members of each local board
15 shall consist of persons of the various social, economic,
16 racial, and ethnic groups and various occupations of their
17 district. A person employed by the state board or the
18 department, the department of inspections and appeals, the
19 district court, an employee of an agency with which the
20 department contracts for services for children under foster
21 care, a foster parent providing foster care, or a child-
22 placing agency shall not serve on a local board. The state
23 board shall provide the names of the members of the local
24 boards to the department.

25 Sec. 9. Section 237.20, subsection 1, unnumbered paragraph
26 (4) Code 1987, is amended by striking the unnumbered paragraph.

27 Sec. 10. Section 237.20, subsection 2, Code 1987, is
28 amended to read as follows:

29 2. Submit to the appropriate court within ten fifteen days
30 after the review under subsection 1, the findings and
31 recommendations of the review. The findings and
32 recommendations shall include the proposed date of the next
33 review by the local board. The local board shall notify the
34 persons specified in subsection 4 of the findings and
35 recommendations.

1 Sec. 11. Section 237.21, subsection 3, Code Supplement
2 1987, is amended to read as follows:

3 3. Members of the state board and local boards and the
4 employees of the department and the department of inspections
5 and appeals are subject to standards of confidentiality
6 pursuant to sections 217.30, 228.6, subsection 1, 235A.15, and
7 600.16. Members of the state and local boards and employees
8 of the department and the department of inspections and
9 appeals who disclose information or records of the board or
10 department, other than as provided in subsection 2, are guilty
11 of a simple misdemeanor.

12 Sec. 12. Section 237.22, Code 1987, is amended by adding
13 the following new subsection after subsection 1, and
14 renumbering the subsequent subsections:

15 NEW SUBSECTION. 2. Time frames to meet the stated
16 permanency goal and short-term objectives;

17 Sec. 13. Section 237.22, Code 1987, is amended by adding
18 the following new subsections:

19 NEW SUBSECTION. 6. The efforts to place the child with a
20 relative.

21 NEW SUBSECTION. 7. The rationale for an out-of-state
22 placement, and the efforts to prevent such placement, if the
23 child has been placed out-of-state.

24 Sec. 14. 1984 Iowa Acts, chapter 1279, section 44, is
25 amended to read as follows:

26 SEC. 44. Sections 26 through 33 of this Act are enacted as
27 a new division of chapter 237 entitled "Foster Care Review".
28 ~~Sections-26-through-33-of-this-Act-are-repeated-July-17-1988.~~

29 Sec. 15. TIME SCHEDULE FOR ADDITIONAL LOCAL BOARDS. The
30 state foster care review board, in establishing local foster
31 care review boards throughout the state as required by this
32 Act, shall establish local boards in additional judicial
33 districts as moneys become available for that purpose.

34 COMPANION TO LSB 7716S
35

HOUSE FILE 2170

5613

1 Amend House File 2170 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 2, by inserting after line 31 the
4 following:

5 "Sec. ____ . Section 237.18, unnumbered paragraph 2,
6 Code 1987, is amended to read as follows:

7 The state board shall make recommendations to the
8 general assembly, the department, to child-placing
9 agencies, the governor, the supreme court, the chief
10 judge of each judicial district, and to the judicial
11 department. The recommendations shall include, but
12 are not limited to, identification of systemic
13 problems in the foster care and the juvenile justice
14 systems, specific proposals for improvements that
15 assist the systems in being more cost-effective and
16 better able to protect the best interests of children,
17 and necessary changes relating to the data collected
18 and the annual report made under subsection 2,
19 paragraph "b".

20 2. Page 3, by inserting after line 24 the
21 following:

22 "Sec. ____ . Section 237.20, subsection 1,
23 unnumbered paragraph 3, Code 1987, is amended to read
24 as follows:

25 The review shall include issues pertaining to the
26 permanency plan and shall not include issues that do
27 not pertain to the permanency plan. Each review shall
28 include written testimony of any person notified
29 putsuant to subsection 4, and may include oral
30 testimony from those persons when determined to be
31 relevant and material to the child's placement. Oral
32 testimony may, upon the request of the testifier or
33 upon motion of the local board, be given in a private
34 setting when to do so would facilitate the
35 presentation of evidence. Local board questions shall
36 pertain to the permanency plan and shall not include
37 issues that do not pertain to the permanency plan."

38 3. Page 3, line 31, by inserting after the word
39 "review." the following: "The report to the court
40 shall include information regarding the permanency
41 plan and the progress in attaining the permanency
42 goals. The report shall not include issues that do
43 not pertain to the permanency plan."

44 4. Page 3, by inserting after line 35 the
45 following:

46 "Sec. ____ . Section 237.20, subsection 4,
47 paragraphs d and e, Code 1987, are amended to read as
48 follows:

49 d. The child receiving foster care if the child is
50 fourteen years of age or older. The child shall be

SENATE 10
MARCH 29, 1988

S-5613 Page 2

- 1 informed of the review's purpose and procedure, and of
- 2 the right to have a guardian ad litem present."
- 3 e. The guardian ad litem of the foster child. The
- 4 guardian ad litem shall be eligible for compensation
- 5 through section 232.141, subsection 1, paragraph "b".
- 6 5. By renumbering as necessary.

S-5613
Filed March 28, 1988
Adopted 4/14 (9-15-88)

BY CHARLES BRUNER
RICHARD VANDE HOEF
JOY CORNING
JEAN LLOYD-JONES

HOUSE FILE 2170

S-5527

- 1 Amend House File 2170, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, line 26, by striking the figure "4"
- 4 and inserting the following: "5".

S-5527
Filed March 23, 1988
Adopted 4/14 (9-15-88)

BY COMMITTEE ON STATE GOVERNMENT
ROBERT M. CARR, Chairperson

HOUSE FILE 2170

S-5627

1 Amend House File 2170 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 35 the
4 following:

5 "Sec. ____ . Section 237.21, subsection 2, Code
6 Supplement 1987, is amended to read as follows:

7 2. Information and records relating to a child
8 receiving foster care shall be provided to a local
9 board or the state board by the department or child-
10 care agency upon request by either board. A court
11 having jurisdiction of a child receiving foster care
12 shall release the information and records the court
13 deems necessary to determine the needs of the child,
14 if the information and records are not obtainable
15 elsewhere, to a local board or the state board upon
16 request by either board. If confidential information
17 and records are distributed to individual members in
18 advance of a meeting of the state board or a local
19 board, the information and records shall be clearly
20 identified as confidential and the members shall take
21 appropriate steps to prevent unauthorized disclosure."

567 22 2. Page 4, line 9, by inserting after the word
23 "disclose" the following: "or permit disclosure of".

24 3. By renumbering as necessary.

S-5627

Filed March 29, 1988

BY TOM MANN, Jr.

*Adopted as amended by S-5678
4/12/88*

HOUSE FILE 2170

S-5678

1 Amend the amendment, S-5627, to House File 2170 as
2 amended, passed, and reprinted by the House as
3 follows:

4 1. Page 1, by striking lines 22 and 23.

5 2. By renumbering as necessary.

S-5678

Filed March 30, 1988

BY RICHARD VANDE HOEF

Adopted 4/14 (p. 1565)

HOUSE FILE 2170

S-5625

1 Amend House File 2170, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 24 the
4 following:

5 "Sec. ____ . Section 237.20, subsection 1,
6 unnumbered paragraph 1, Code 1987, is amended to read
7 as follows:

8 Review every six months the case of each child
9 receiving foster care assigned to the local board by
10 the state board to determine whether satisfactory
11 progress is being made toward the goals of the case
12 permanency plan pursuant to section 237.22. As much
13 as is possible, review shall be conducted ~~immediately~~
14 prior-to-court-reviews-of-the-case at the time
15 recommended by the court responsible for the child."

16 2. By renumbering as necessary.

S-5625

Filed March 29, 1988

BY TOM MANN, Jr.

Adopted 4/14 (3-1564)

HOUSE FILE 2170

S-5626

1 Amend House File 2170 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 3, by inserting after line 24 the
4 following:

5 "Sec. ____ . Section 237.20, subsection 1, Code
6 1987, is amended by adding the following new
7 unnumbered paragraph after unnumbered paragraph 3:

8 NEW UNNUMBERED PARAGRAPH. A person who gives oral
9 testimony has the right to representation by counsel
10 at the review."

11 2. Page 3, by inserting after line 35 the
12 following:

13 "Sec. ____ . Section 237.20, subsection 4, Code
14 1987, is amended by adding the following new
15 unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. The notice shall include
17 a statement that the person notified has the right to
18 representation by counsel at the review."

19 3. By renumbering as necessary.

S-5626

Filed March 29, 1988

BY TOM MANN, Jr.

Adopted 4/14 (3-1564)

HOUSE FILE 2170

6005

1 Amend House File 2170, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 135B.9, Code 1987, is amended
6 to read as follows:

7 135B.9 INSPECTIONS AND CONSULTATIONS -- PROTECTION
8 AND ADVOCACY AGENCY INVESTIGATIONS.

9 The department of inspections and appeals shall
10 make or cause to be made such inspections as it may
11 deem necessary. The state Iowa department of public
12 health shall, with the advice of the hospital
13 licensing board, prescribe by regulations that any
14 licensee or applicant for license desiring to make
15 specified types of alteration or addition to its
16 facilities or to construct new facilities shall before
17 commencing such alteration, addition or new
18 construction, submit plans and specifications therefor
19 to the department of inspections and appeals for
20 preliminary inspection and approval or recommendations
21 with respect to compliance with the regulations and
22 standards herein authorized.

23 In the hospital-schools and mental health
24 institutes operated by the department of human
25 services, the designated protection and advocacy
26 agency as provided in section 135C.2, subsection 4,
27 shall have the authority to investigate all complaints
28 of abuse and neglect of persons with developmental
29 disabilities or mental illnesses if the complaints are
30 reported to the protection and advocacy agency or if
31 there is probable cause to believe that the abuse has
32 occurred. Such authority shall include the
33 examination of all records pertaining to the care
34 provided to the residents and contact or interview
35 with any resident, employee, or any other person who
36 might have knowledge about the operation of the
37 institution.

38 Sec. 2. Section 135B.12, Code 1987, is amended to
39 read as follows:

40 135B.12 INFORMATION CONFIDENTIAL.

41 Information received by the department of
42 inspections and appeals and the protection and
43 advocacy agency through filed reports, inspection, or
44 as otherwise authorized under this chapter, shall not
45 be disclosed publicly in such manner as to identify
46 individuals or hospitals, except in a proceeding
47 involving the question of licensure or the denial,
48 suspension or revocation of a license or civil suit or
49 administrative action by or on behalf of a patient.

50 Sec. 3. Section 135C.2, subsection 4, Code

S-6005 Page 2

1 Supplement 1987, is amended to read as follows:

2 4. The protection and advocacy agency designated
3 in the state, under Pub. L. No. 98-527, the
4 developmental disabilities Act of 1984, and Pub. L.
5 No. 99-319, the protection and advocacy for mentally
6 ill individuals Act of 1986, and Pub. L. No. 100-146,
7 the developmental disabilities assistance and bill of
8 rights Act amendments of 1987, is recognized as an
9 agency legally authorized and constituted to ensure
10 the implementation of the purposes of this chapter for
11 populations under its authority and in the manner
12 designated by Pub. L. No. 98-527, and Pub. L. No. 99-
13 319, and Pub. L. No. 100-146 and in the assurances of
14 the governor of the state."

15 2. Title page, line 1, by inserting after the
16 word "relating" the following: "to health care,
17 revising provisions relating".

18 3. Title page, line 6, by inserting after the
19 word "illness," the following: "providing for
20 investigations by the designated protection and
21 advocacy agency in hospital-schools and mental health
22 institutes, providing for the confidentiality and
23 disclosure of information,".

24 4. By renumbering as necessary.

S-6005

Filed April 14, 1988 OUT OF ORDER BY JOE WELSH

(p. 1564)

SENATE AMENDMENT TO HOUSE FILE 2170

H-6489

1 Amend House File 2170 as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 31 the
4 following:

5 "Sec. _____. Section 237.18, unnumbered paragraph 2,
6 Code 1987, is amended to read as follows:

7 The state board shall make recommendations to the
8 general assembly, the department, to child-placing
9 agencies, the governor, the supreme court, the chief
10 judge of each judicial district, and to the judicial
11 department. The recommendations shall include, but
12 are not limited to, identification of systemic
13 problems in the foster care and the juvenile justice
14 systems, specific proposals for improvements that
15 assist the systems in being more cost-effective and
16 better able to protect the best interests of children,
17 and necessary changes relating to the data collected
18 and the annual report made under subsection 2,
19 paragraph "b"."

20 2. Page 3, by inserting after line 24 the
21 following:

22 "Sec. _____. Section 237.20, subsection 1,
23 unnumbered paragraph 3, Code 1987, is amended to read
24 as follows:

25 The review shall include issues pertaining to the
26 permanency plan and shall not include issues that do
27 not pertain to the permanency plan. Each review shall
28 include written testimony of any person notified
29 pursuant to subsection 4, and may include oral
30 testimony from those persons when determined to be
31 relevant and material to the child's placement. Oral
32 testimony may, upon the request of the testifier or
33 upon motion of the local board, be given in a private
34 setting when to do so would facilitate the
35 presentation of evidence. Local board questions shall
36 pertain to the permanency plan and shall not include
37 issues that do not pertain to the permanency plan."

38 3. Page 3, by inserting after line 24 the
39 following:

40 "Sec. _____. Section 237.20, subsection 1, Code
41 1987, is amended by adding the following new
42 unnumbered paragraph after unnumbered paragraph 3:

43 NEW UNNUMBERED PARAGRAPH. A person who gives oral
44 testimony has the right to representation by counsel
45 at the review."

46 4. Page 3, line 26, by striking the figure "4"
47 and inserting the following: "5".

48 5. Page 3, line 31, by inserting after the word
49 "review." the following: "The report to the court
50 shall include information regarding the permanency

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Page 2

1 plan and the progress in attaining the permanency
2 goals. The report shall not include issues that do
3 not pertain to the permanency plan."

4 6. Page 3, by inserting after line 35 the
5 following:

6 "Sec. ____ . Section 237.20, subsection 4, Code
7 1987, is amended by adding the following new
8 unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. The notice shall include
10 a statement that the person notified has the right to
11 representation by counsel at the review."

12 7. Page 3, by inserting after line 35 the
13 following:

14 "Sec. ____ . Section 237.20, subsection 4,
15 paragraphs d and e, Code 1987, are amended to read as
16 follows:

17 d. The child receiving foster care if the child is
18 fourteen years of age or older. The child shall be
19 informed of the review's purpose and procedure, and of
20 the right to have a guardian ad litem present."

21 e. The guardian ad litem of the foster child. The
22 guardian ad litem shall be eligible for compensation
23 through section 232.141, subsection 1, paragraph "b"."

24 8. Page 3, by inserting after line 35 the
25 following:

26 "Sec. ____ . Section 237.21, subsection 2, Code
27 Supplement 1987, is amended to read as follows:

28 2. Information and records relating to a child
29 receiving foster care shall be provided to a local
30 board or the state board by the department or child-
31 care agency upon request by either board. A court
32 having jurisdiction of a child receiving foster care
33 shall release the information and records the court
34 deems necessary to determine the needs of the child,
35 if the information and records are not obtainable
36 elsewhere, to a local board or the state board upon
37 request by either board. If confidential information
38 and records are distributed to individual members in
39 advance of a meeting of the state board or a local
40 board, the information and records shall be clearly
41 identified as confidential and the members shall take
42 appropriate steps to prevent unauthorized disclosure."

43 9. By renumbering, relettering, or redesignating
44 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6489 FILED APRIL 14, 1988

House concurred 4/15 (p. 1994)

HOUSE FILE 2170
FISCAL NOTE

REQUESTED BY REPRESENTATIVE FEY

In compliance with a written request received February 4, 1988, a fiscal note for **HOUSE FILE 2170** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2170 repeals statutory language which would abolish the state and local foster care review boards on July 1, 1988. It also provides for the expansion of local foster care review boards throughout the state, to be phased in over a two-year period. The bill expands review to include children involuntarily hospitalized for mental illness, and also makes a variety of procedural revisions in sections 237.15 through 237.22 of the Iowa Code.

The fiscal effect of this bill is estimated to be as follows:

	(dollars in thousands)					
	Fiscal Year 1989			Fiscal Year 1990		
	Current Law	Proposed Law	Increase (Decrease)	Current Law	Proposed Law	Increase (Decrease)
EXPENDITURES						
Salaries (FTE's)	\$ 154,993	\$ 352,748	\$ 197,755	\$ 154,993	\$ 547,020	\$ 392,027
	(5.0)	(13.0)	(8.0)	(5.0)	(20.5)	(15.5)
Other	38,788	155,258	116,470	38,788	286,824	248,036
Total	\$ 193,781	\$ 508,006	\$ 314,225	\$ 193,781	\$ 833,844	\$ 640,063

The estimated costs of expanding citizen review of foster care statewide is based upon DHS and ISU projections on the number of children in foster care during the next two years. In fiscal year 1989 the FCRB would expand to cover the 4th, 7th and 8th districts, and voluntary placements would be covered for the first time. This would require an additional 27 local review boards. In fiscal year 1990 the Board would expand into the 1st, 2nd and 3rd districts. Source: Foster Care Review Board (LSB 7982H, TCF)

FILED MARCH 2, 1988

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2170

AN ACT

RELATING TO FOSTER CARE REVIEW, PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE AND LOCAL FOSTER CARE REVIEW BOARDS, PROVIDING FOR THE ESTABLISHMENT OF LOCAL FOSTER CARE REVIEW BOARDS THROUGHOUT THE STATE, PROVIDING FOR REVIEW IN CASES OF CHILDREN INVOLUNTARILY HOSPITALIZED FOR MENTAL ILLNESS, REVISING PROVISIONS RELATING TO CONFIDENTIALITY AND ACCESS TO CERTAIN INFORMATION, PROVIDING ADDITIONAL REQUIREMENTS FOR CASE PERMANENCY PLANS, PROVIDING OTHER PROCEDURAL REVISIONS, AND PROVIDING PROPERLY RELATED MATTERS.

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

Section 1. Section 237.15, subsection 3, Code 1987, is amended to read as follows:

3. "Child receiving foster care" means a child defined in section 234.1 whose foster care placement is the financial responsibility of the state pursuant to section 234.35, subsection 1, 2, or 4 or 234.36, or who is under the guardianship of the department, or who has been involuntarily hospitalized for mental illness pursuant to chapter 229.

Sec. 2. Section 237.15, subsection 6, Code 1987, is amended by adding the following new paragraphs:

NEW PARAGRAPH. e. The efforts to place the child with a relative.

NEW PARAGRAPH. f. The rationale for an out-of-state placement, and the efforts to prevent such placement, if the child has been placed out-of-state.

NEW PARAGRAPH. g. Time frames to meet the stated permanency goal and short-term objectives.

Sec. 3. Section 237.16, unnumbered paragraphs 2 and 3, Code 1987, are amended to read as follows:

The members of the state board shall annually select a chairperson, vice chairperson, and other officers the members deem necessary. The members are entitled to receive reimbursement for actual and necessary expenses incurred in the performance of their duties. Each member of the board may also be eligible to receive compensation as provided in section 7E.6. The state board shall meet at least twice a year.

An employee of the department or of the department of inspections and appeals, ~~the department,~~ an employee or-board member of a child-placing agency, an employee of an agency with which the department contracts for services for children under foster care, a foster parent providing foster care, or an employee of the district court is not eligible to serve on the state board.

Sec. 4. Section 237.17, Code 1987, is amended to read as follows:

237.17 FOSTER CARE REGISTRY.

The state board shall establish a registry of the placements of all children receiving foster care ~~in the two judicial districts with local boards.~~ The department shall notify the state board of each placement within three five working days of the department's notification of the placement. The notification to the state board shall include information identifying the child receiving foster care and placement information for that child.

Within thirty days of the placement or two days after the dispositional hearing the agency responsible for the placement shall submit the case permanency plan to the state board. All subsequent revisions of the case permanency plan shall be submitted when the revisions are developed. ~~in cases where the agency responsible for the placement is not the department, the case permanency plan shall also be submitted to the department.~~

Sec. 5. Section 237.18, subsection 2, paragraph a, Code 1987, is amended to read as follows:

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a. Establish a central recordkeeping facility system for the files of local review boards including individual case reviews.

Sec. 6. Section 237.18, subsection 2, paragraph b, subparagraph (4), Code 1987, is amended by striking the subparagraph.

Sec. 7. Section 237.18, subsection 3, Code 1987, is amended to read as follows:

3. Assign the case of each child receiving foster care within the judicial district ~~selected in section 237.19, subsection 7~~ to the appropriate local board.

Sec. 8. Section 237.18, unnumbered paragraph 2, Code 1987, is amended to read as follows:

The state board shall make recommendations to the general assembly, the department, to child-placing agencies, the governor, the supreme court, the chief judge of each judicial district, and to the judicial department. The recommendations shall include, but are not limited to, identification of systemic problems in the foster care and the juvenile justice systems, specific proposals for improvements that assist the systems in being more cost-effective and better able to protect the best interests of children, and necessary changes relating to the data collected and the annual report made under subsection 2, paragraph "b".

Sec. 9. Section 237.19, subsection 1, Code 1987, is amended to read as follows:

1. The state board shall establish local foster care boards ~~in two judicial districts in the state to review cases of children receiving foster care. These districts shall be selected to allow comparison of the effectiveness of local boards in different types of counties in the state:~~ The department shall discontinue its foster care review process for those children reviewed by local boards ~~in at least one of these districts when the local foster care review as local~~ boards are established and operating. The state board shall select five members and two alternate members to serve on each

local board in consultation with the chief judge of each judicial district. The actual number of local boards needed and established shall be determined by the state board. However, the state board shall seek to establish a sufficient number of boards to ensure no board must evaluate more than one hundred cases annually. The members of each local board shall consist of persons of the various social, economic, racial, and ethnic groups and various occupations of their district. A person employed by the state board or the department, the department of inspections and appeals, the district court, an employee of an agency with which the department contracts for services for children under foster care, a foster parent providing foster care, or a child-placing agency shall not serve on a local board. The state board shall provide the names of the members of the local boards to the department.

Sec. 10. Section 237.20, subsection 1, unnumbered paragraph 3, Code 1987, is amended to read as follows:

The review shall include issues pertaining to the permanency plan and shall not include issues that do not pertain to the permanency plan. Each review shall include written testimony of any person notified pursuant to subsection 4, and may include oral testimony from those persons when determined to be relevant and material to the child's placement. Oral testimony may, upon the request of the testifier or upon motion of the local board, be given in a private setting when to do so would facilitate the presentation of evidence. Local board questions shall pertain to the permanency plan and shall not include issues that do not pertain to the permanency plan.

Sec. 11. Section 237.20, subsection 1, Code 1987, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 3:

NEW UNNUMBERED PARAGRAPH. A person who gives oral testimony has the right to representation by counsel at the review.

Sec. 12. Section 237.20, subsection 1, unnumbered paragraph 5, Code 1987, is amended by striking the unnumbered paragraph.

Sec. 13. Section 237.20, subsection 2, Code 1987, is amended to read as follows:

2. Submit to the appropriate court within ten fifteen days after the review under subsection 1, the findings and recommendations of the review. The report to the court shall include information regarding the permanency plan and the progress in attaining the permanency goals. The report shall not include issues that do not pertain to the permanency plan. The findings and recommendations shall include the proposed date of the next review by the local board. The local board shall notify the persons specified in subsection 4 of the findings and recommendations.

Sec. 14. Section 237.20, subsection 4, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The notice shall include a statement that the person notified has the right to representation by counsel at the review.

Sec. 15. Section 237.20, subsection 4, paragraphs d and e, Code 1987, are amended to read as follows:

d. The child receiving foster care if the child is fourteen years of age or older. The child shall be informed of the review's purpose and procedure, and of the right to have a guardian ad litem present.

e. The guardian ad litem of the foster child. The guardian ad litem shall be eligible for compensation through section 232.141, subsection 1, paragraph "b".

Sec. 16. Section 237.21, subsection 2, Code Supplement 1987, is amended to read as follows:

2. Information and records relating to a child receiving foster care shall be provided to a local board or the state board by the department or child-care agency upon request by either board. A court having jurisdiction of a child receiving foster care shall release the information and

records the court deems necessary to determine the needs of the child, if the information and records are not obtainable elsewhere, to a local board or the state board upon request by either board. If confidential information and records are distributed to individual members in advance of a meeting of the state board or a local board, the information and records shall be clearly identified as confidential and the members shall take appropriate steps to prevent unauthorized disclosure.

Sec. 17. Section 237.21, subsection 3, Code Supplement 1987, is amended to read as follows:

3. Members of the state board and local boards and the employees of the department and the department of inspections and appeals are subject to standards of confidentiality pursuant to sections 217.30, 228.6, subsection 1, 235A.15, and 600.16. Members of the state and local boards and employees of the department and the department of inspections and appeals who disclose information or records of the board or department, other than as provided in subsection 2, are guilty of a simple misdemeanor.

Sec. 18. Section 237.22, Code 1987, is amended by adding the following new subsection after subsection 1, and renumbering the subsequent subsections:

NEW SUBSECTION. 2. Time frames to meet the stated permanency goal and short-term objectives;

Sec. 19. Section 237.22, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 6. The efforts to place the child with a relative.

NEW SUBSECTION. 7. The rationale for an out-of-state placement, and the efforts to prevent such placement, if the child has been placed out-of-state.

Sec. 20. 1984 Iowa Acts, chapter 1279, section 44, is amended to read as follows:

SEC. 44. Sections 26 through 33 of this Act are enacted as a new division of chapter 237 entitled "Foster Care Review". Sections 26 through 33 of this Act are repealed July 1, 1988.

Sec. 21. TIME SCHEDULE FOR ADDITIONAL LOCAL BOARDS. The state foster care review board, in establishing local foster care review boards throughout the state as required by this Act, shall establish local boards in additional judicial districts as moneys become available for that purpose.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2170, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 12, 1988

TERRY E. BRANSTAD
Governor