

DO PASS 3-14-89 (p. 772)

FILED JAN 30 1989

SENATE FILE 110

BY VANDE HOEF

Passed Senate, Date 3-21-89 (p. 922) Passed House, Date 4-11-89 (p. 1464)
 Vote: Ayes 45 Nays 0 Vote: Ayes 97 Nays 0
 Approved 4-27-89 (p. 1740)

A BILL FOR

1 An Act relating to foster care review by establishing certain
2 reporting requirements.

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

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SF 110

3349-1

Section 1. Section 232.44, subsection 4, Code 1989, is amended to read as follows:

4. At the hearing the court shall admit only testimony and other evidence relevant to the determination of whether there is probable cause to believe the child has committed the act as alleged in the petition and to the determination of whether the placement of the child in detention or shelter care is authorized under section 232.21 or 232.22. The county attorney shall provide the court with the child's latest local foster care review board report, if any, developed pursuant to section 237.20. Any written reports or records made available to the court at the hearing shall be made available to the parties. A copy of the petition shall be given to each of the parties at or before the hearing.

Sec. 2. Section 232.47, subsection 4, Code 1989, is amended to read as follows:

4. At an adjudicatory hearing the state shall have the burden of proving the allegations of the petition. The county attorney shall provide the court with the child's latest local foster care review board report, if any, developed pursuant to section 237.20.

Sec. 3. Section 232.96, subsection 4, Code 1989, is amended to read as follows:

4. a. A report made to the department of human services pursuant to chapter 235A shall be admissible in evidence, but such a report shall not alone be sufficient to support a finding that the child is a child in need of assistance unless the attorneys for the child and the parents consent to such a finding.

b. The county attorney shall provide the court with the child's latest local foster care review board report, if any, developed pursuant to section 237.20.

Sec. 4. Section 232.114, Code 1989, is amended to read as follows:

232.114 DUTIES OF COUNTY ATTORNEY.

1 Upon the filing of a petition the county attorney shall
2 represent the state in all adversary proceedings arising under
3 this division and shall present evidence in support of the
4 petition. The county attorney shall provide the court with
5 the child's latest local foster care review board report, if
6 any, developed pursuant to section 237.20.

7 Sec. 5. NEW SECTION. 237.14 REPORT REQUIRED.

8 The department and an agency or individual receiving state
9 moneys shall make periodic reports regarding a child's foster
10 care placement to the local foster care review board pursuant
11 to section 237.20.

12 Sec. 6. Section 237.20, subsection 1, unnumbered paragraph
13 2, Code 1989, is amended to read as follows:

134 14 During each six month review, the agency responsible for
15 the placement of the child shall appear before the local board
16 and the local board shall review all of the following:

17 Sec. 7. Section 237.20, subsection 1, unnumbered paragraph
18 5, Code 1989, is amended to read as follows:

19 An agency or individual receiving state moneys shall submit
20 testimony as requested by the board. The testimony may be
21 written or oral, or may be a tape recorded telephone call.
22 Written testimony from other interested parties may also be

3249 23 considered by the board in its review.

24 EXPLANATION

25 This bill relates to foster care review reporting
26 requirements. In hearings relating to a child's shelter care,
27 detention, release from detention upon a change of
28 circumstance, delinquency adjudication, and child in need of
29 assistance (CINA) adjudication, the county attorney is
30 required to submit to the court a child's latest foster care
31 review board report, if available.

32 The bill requires the department of human services and
33 agencies or individuals providing foster care who receive
34 state moneys to submit reports to a local foster care review
35 board as provided in section 237.20. This section is amended

1 to require the agency responsible for the child to appear
2 before the review board. Current law requires written
3 testimony only. The licensee providing foster care to a child
4 is required to submit testimony as requested by the review
5 board. The licensee's testimony may be written, oral, or a
6 tape recorded telephone call.

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SENATE FILE 110

S-3349

1 Amend Senate File 110 as follows:

2 1. By striking page 1, line 1, through page 2,
3 line 11.

4 2. Page 2, by striking line 15 and inserting the
5 following: "the placement of the child shall attend
6 the review".

7 3. Page 2, line 19, by striking the words
8 "receiving state moneys" and inserting the following:
9 "providing services to the child".

10 4. Page 2, by inserting after line 23 the fol-
11 lowing:

12 "Sec. ____ . Section 237.20, subsection 2, Code
13 1989, is amended to read as follows:

14 2. Submit to the appropriate court within fifteen
15 days after the review under subsection 1, the findings
16 and recommendations of the review. The local board
17 shall ensure that the most recent report is available
18 for a court hearing. The report to the court shall
19 include information regarding the permanency plan and
20 the progress in attaining the permanency goals. The
21 report shall not include issues that do not pertain to
22 the permanency plan. The findings and recommendations
23 shall include the proposed date of the next review by
24 the local board. The local board shall notify the
25 persons specified in subsection 4 of the findings and
26 recommendations.

27 Sec. ____ . Section 237.21, subsection 2, Code 1989,
28 is amended to read as follows:

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

46 5. By renumbering as necessary.

By RICHARD VANDE HOEF

S-3349 FILED MARCH 21, 1989

ADOPTED

3-21-89 (p.922)

House Human Res
XPAS 5 4-4-89 (p. 1250)

SENATE FILE 110
BY VANDE HOEF

(AS AMENDED AND PASSED BY THE SENATE MARCH 21, 1989)

- _____ - New Language by the Senate
- * - Language Stricken by the Senate

Passed Senate, Date 3/21/89 (p. 922) Passed House, Date 4-1-89 (p. 1464)
 Vote: Ayes 45 Nays 0 Vote: Ayes 97 Nays 0
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A BILL FOR

1 An Act relating to foster care review by establishing certain
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S.F. 110

* 1 Section 1. Section 237.20, subsection 1, unnumbered
2 paragraph 2, Code 1989, is amended to read as follows:

3 During each six month review, the agency responsible for
4 the placement of the child shall attend the review and the
5 local board shall review all of the following:

6 Sec. 2. Section 237.20, subsection 1, unnumbered paragraph
7 5, Code 1989, is amended to read as follows:

8 An agency or individual providing services to the child
9 shall submit testimony as requested by the board. The
10 testimony may be written or oral, or may be a tape recorded
11 telephone call. Written testimony from other interested
12 parties may also be considered by the board in its review.

13 Sec. 3. Section 237.20, subsection 2, Code 1989, is
14 amended to read as follows:

15 2. Submit to the appropriate court within fifteen days
16 after the review under subsection 1, the findings and
17 recommendations of the review. The local board shall ensure
18 that the most recent report is available for a court hearing.
19 The report to the court shall include information regarding
20 the permanency plan and the progress in attaining the
21 permanency goals. The report shall not include issues that do
22 not pertain to the permanency plan. 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. 4. Section 237.21, subsection 2, Code 1989, is
28 amended to read as follows:

29 2. Information and records relating to a child receiving
30 foster care and to the child's family shall be provided to a
31 local board or the state board by the department or child-care
32 agency receiving purchase of service funds from the department
33 upon request by either board. A court having jurisdiction of
34 a child receiving foster care shall release the information
35 and records the court deems necessary to determine the needs

1 of the child, if the information and records are not
2 obtainable elsewhere, to a local board or the state board upon
3 request by either board. If confidential information and
4 records are distributed to individual members in advance of a
5 meeting of the state board or a local board, the information
6 and records shall be clearly identified as confidential and
7 the members shall take appropriate steps to prevent
8 unauthorized disclosure.

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SENATE FILE 110

AN ACT

RELATING TO FOSTER CARE REVIEW BY ESTABLISHING CERTAIN REPORTING REQUIREMENTS.

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

Section 1. Section 237.20, subsection 1, unnumbered paragraph 2, Code 1989, is amended to read as follows:

During each six month review, the agency responsible for the placement of the child shall attend the review and the local board shall review all of the following:

Sec. 2. Section 237.20, subsection 1, unnumbered paragraph 5, Code 1989, is amended to read as follows:

An agency or individual providing services to the child shall submit testimony as requested by the board. The testimony may be written or oral, or may be a tape recorded telephone call. Written testimony from other interested parties may also be considered by the board in its review.

Sec. 3. Section 237.20, subsection 2, Code 1989, is amended to read as follows:

2. Submit to the appropriate court within fifteen days after the review under subsection 1, the findings and recommendations of the review. The local board shall ensure that the most recent report is available for a court hearing. 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. 4. Section 237.21, subsection 2, Code 1989, is amended to read as follows:

2. Information and records relating to a child receiving foster care and to the child's family shall be provided to a

local board or the state board by the department or child-care agency receiving purchase of service funds from the department 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.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 110, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved 4/27, 1989

TERRY E. BRANSTAD
Governor

SF 110