

*Reprinted*

FILED FEB 25 1992

SENATE FILE 2197

BY COMMITTEE ON STATE GOVERNMENT  
*Approved (p. 47)*

(SUCCESSOR TO SSB 2028)

Passed Senate, Date 3/23/92 (p. 925)

Passed House, Date 4/7/92 <sup>(p. 1166)</sup>

Vote: Ayes 47 Nays 0

Vote: Ayes 94 Nays 0

Approved April 27, 1992

A BILL FOR

1 An Act relating to state and local foster care review boards.

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

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SENATE FILE 2197

S-5160

1 Amend Senate File 2197 as follows:

2 1. Page 5, line 14, by striking the words

3 "person, court," and inserting the following:

4 "person".

By RALPH ROSENBERG

S-5160 FILED MARCH 10, 1992

*Adopted 3/23 (p. 925)*

SF 2197

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1 Section 1. Section 10A.104, subsection 2, Code 1991, is  
2 amended to read as follows:

3 2. Appoint the administrators of the divisions within the  
4 department and all other personnel deemed necessary for the  
5 administration of this chapter, except the state public  
6 defender, assistant state public defenders, administrator of  
7 the racing and gaming commission, members of the employment  
8 appeal board, and administrator of the state citizen foster  
9 care review board. All persons appointed and employed in the  
10 department are covered by the provisions of chapter 19A, but  
11 persons not appointed by the director are exempt from the  
12 merit system provisions of chapter 19A.

13 Sec. 2. Section 232.175, Code 1991, is amended to read as  
14 follows:

15 232.175 PURPOSE AND POLICY.

16 It is the purpose and policy of this division to provide  
17 court oversight for placements that involve a handicapped  
18 child placed voluntarily in foster care by the child's parent  
19 or guardian, through review of the voluntary placements every  
20 six months by the department's foster care review committees  
21 or by a local citizen foster care review board. It is the  
22 purpose and policy of this division to assure the additional  
23 safeguard of court oversight as required by Pub. L. No. 96-  
24 272, as codified in 42 U.S.C. § 671(a)(16), 627(a)(2)(B), and  
25 675(1),(5), while maintaining parental decision-making  
26 authority.

27 Sec. 3. Section 232.183, subsection 7, Code 1991, is  
28 amended to read as follows:

29 7. A dispositional hearing is not required if the court  
30 has approved either the local citizen foster care review board  
31 review or the department's administrative review procedure as  
32 defined under section 234.42, and all parties agree. This  
33 provision does not eliminate the initial judicial  
34 determination required under section 232.182.

35 Sec. 4. Section 235A.15, subsection 2, paragraph e,

1 subparagraph (6), Code Supplement 1991, is amended to read as  
2 follows:

3 (6) To the state and local citizen foster care review  
4 boards created pursuant to sections 237.16 and 237.19.

5 Sec. 5. Section 237.15, subsections 2, 4, and 6, Code  
6 Supplement 1991, are amended to read as follows:

7 2. "Child receiving foster care" means a child defined in  
8 section 234.1 whose who is described by any of the following  
9 circumstances:

10 a. The child's foster care placement is the financial  
11 responsibility of the state pursuant to section 234.35~~7~~-who.

12 b. The child is under the guardianship of the department~~7~~  
13 or-who.

14 c. The child has been involuntarily hospitalized for  
15 mental illness pursuant to chapter 229.

16 d. The child is at-risk of being placed outside the  
17 child's home, the department or court is providing or planning  
18 to provide services to the child, and the department or court  
19 has requested the involvement of the state or local board.

20 4. "Local board" means a local citizen foster care review  
21 board created pursuant to section 237.19.

22 6. "State board" means the state citizen foster care  
23 review board created pursuant to section 237.16.

24 Sec. 6. Section 237.16, Code 1991, is amended to read as  
25 follows:

26 237.16 STATE CITIZEN FOSTER CARE REVIEW BOARD.

27 1. The state citizen foster care review board is created  
28 within the department of inspections and appeals. The state  
29 board consists of seven members appointed by the governor,  
30 subject to confirmation by the senate and directly responsible  
31 to the governor. The appointment is for a term of four years  
32 which begins and ends as provided in section 69.19. Vacancies  
33 on the state board shall be filled in the same manner as  
34 original appointments are made.

35 2. The members of the state board shall annually select a

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

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

14 Sec. 7. Section 237.19, Code 1991, is amended to read as  
15 follows:

16 237.19 LOCAL CITIZEN FOSTER CARE REVIEW BOARDS.

17 1. The state board shall establish local citizen foster  
18 care review boards to review cases of children receiving  
19 foster care. The department shall discontinue its foster care  
20 review process for those children reviewed by local boards as  
21 local boards are established and operating. The state board  
22 shall select five members and two alternate members to serve  
23 on each local board in consultation with the chief judge of  
24 each judicial district. The actual number of local boards  
25 needed and established shall be determined by the state board.  
26 ~~However, the state board shall seek to establish a sufficient~~  
27 ~~number of boards to ensure no board must evaluate more than~~  
28 ~~one hundred cases annually.~~ The members of each local board  
29 shall consist of persons of the various social, economic,  
30 racial, and ethnic groups and various occupations of their  
31 district. A person employed by the state board or the  
32 department, the department of inspections and appeals, the  
33 district court, an employee of an agency with which the  
34 department contracts for services for children under foster  
35 care, a foster parent providing foster care, or a child-

1 placing agency shall not serve on a local board. The state  
2 board shall provide the names of the members of the local  
3 boards to the department.

4 2. Vacancies on a local board shall be filled in the same  
5 manner as original appointments. The members shall not  
6 receive per diem but shall receive reimbursement for actual  
7 and necessary expenses incurred in their duties as members.

8 Sec. 8. Section 237.20, subsection 1, unnumbered  
9 paragraphs 1 and 2, Code 1991, are amended to read as follows:

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

16 During each six-month review, the agency responsible for  
17 the placement of or services provided to the child shall  
18 attend the review and the local board shall review all of the  
19 following:

20 Sec. 9. Section 237.20, subsection 1, unnumbered paragraph  
21 3, Code 1991, is amended to read as follows:

22 The review shall include issues pertaining to the case  
23 permanency plan and shall not include issues that do not  
24 pertain to the case permanency plan. ~~Each-review-shall~~  
25 ~~include-written-testimony-of-any~~ A person notified pursuant to  
26 ~~subsection 4,-and-may-include-oral-testimony-from-these~~  
27 ~~persons-when-determined-to-be-relevant-and-material-to-the~~  
28 ~~child's-placement~~ shall either attend the review or submit  
29 testimony as requested by the board. Oral testimony may, upon  
30 the request of the testifier or upon motion of the local  
31 board, be given in a private setting when to do so would  
32 facilitate the presentation of evidence. Local board  
33 questions shall pertain to the permanency plan and shall not  
34 include issues that do not pertain to the permanency plan.

35 Sec. 10. Section 237.20, subsection 2, Code 1991, is

1 amended to read as follows:

2 2. a. Submit to the appropriate court within fifteen days  
3 after the review under subsection 4, the findings and  
4 recommendations of the review. The local board shall ensure  
5 that the most recent report is available for a court hearing.  
6 The report to the court shall include information regarding  
7 the case permanency plan and the progress in attaining the  
8 permanency goals. The report shall not include issues that do  
9 not pertain to the case permanency plan. The findings and  
10 recommendations shall include the proposed date of the next  
11 review by the local board. The local board shall notify the  
12 persons specified in subsection 4 of the findings and  
13 recommendations.

14 b. If the person, court, or agency responsible for the  
15 child disagrees with the review findings and recommendations,  
16 within fifteen days of receiving the report, the person,  
17 court, or agency shall submit a written statement to the board  
18 which includes a statement explaining why the review findings  
19 and recommendations cannot be implemented.

20 Sec. 11. Section 237.20, subsection 4, Code 1991, is  
21 amended by adding the following new paragraph:

22 NEW PARAGRAPH. h. The person providing services to the  
23 child or the child's family.

24 Sec. 12. Section 237.23, Code 1991, is amended to read as  
25 follows:

26 237.23 AUTOMATIC REPEAL.

27 Sections 237.15 through 237.22, ~~Code-1987~~ and this section,  
28 are repealed July 1, ~~1992~~ 1996.

29 EXPLANATION

30 This bill relates to state and local foster care review  
31 boards. The word "citizen" is added to the name of the boards  
32 so that the boards would be known as the state citizen foster  
33 care review board and local citizen foster care review board.

34 In addition, a requirement is stricken that the state board  
35 must seek to establish a sufficient number of local boards so

1 that no local board must evaluate more than 100 cases  
2 annually.

3 Section 5 expands the definition of foster care reviewed by  
4 the foster care review board. With this change, review would  
5 be provided at the request of the department of human services  
6 or the court, for children who are at risk of being placed  
7 outside the child's home and for children who are or may be  
8 provided services to prevent the placement.

9 Section 8 permits foster care review to be provided more  
10 often than every six months.

11 Section 9 establishes the authority of a local board to  
12 require certain persons to attend or submit testimony in a  
13 review hearing.

14 Section 10 establishes a procedure for submission of a  
15 written statement in the event a person associated with a  
16 child's case disagrees with the review findings and  
17 recommendations.

18 Section 11 includes a person providing services to a child  
19 or the child's family in the list of persons who receive  
20 notice of a review hearing and who may be required to provide  
21 testimony at the hearing.

22 Section 12 extends the automatic repeal provision applying  
23 to the foster care review boards under the department of  
24 inspections and appeals from July 1992, until July 1996.

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9 circumstances:

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11 responsibility of the state pursuant to section 234.357-who.

12 b. The child is under the guardianship of the department,  
13 or-who.

14 c. The child has been involuntarily hospitalized for  
15 mental illness pursuant to chapter 229.

16 d. The child is at-risk of being placed outside the  
17 child's home, the department or court is providing or planning  
18 to provide services to the child, and the department or court  
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32 which begins and ends as provided in section 69.19. Vacancies  
33 on the state board shall be filled in the same manner as  
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35 2. The members of the state board shall annually select a

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2 deem necessary. The members are entitled to receive  
3 reimbursement for actual and necessary expenses incurred in  
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6 section 7E.6. The state board shall meet at least twice a  
7 year.

8 3. An employee of the department or of the department of  
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10 agency, an employee of an agency with which the department  
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9 paragraphs 1 and 2, Code 1991, are amended to read as follows:

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12 board to determine whether satisfactory progress is being made  
13 toward the goals of the case permanency plan pursuant to  
14 section 237.22. As much as is possible, review shall be  
15 conducted immediately prior to court reviews of the case.

16 During each six-month review, the agency responsible for  
17 the placement of or services provided to the child shall  
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25 ~~include written testimony of any~~ A person notified pursuant to  
26 ~~subsection 4 and may include oral testimony from those~~  
27 ~~persons when determined to be relevant and material to the~~  
28 child's placement shall either attend the review or submit  
29 testimony as requested by the board. Oral testimony may, upon  
30 the request of the testifier or upon motion of the local  
31 board, be given in a private setting when to do so would  
32 facilitate the presentation of evidence. Local board  
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34 include issues that do not pertain to the permanency plan.

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3 after the review under subsection 1, the findings and  
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5 that the most recent report is available for a court hearing.  
6 The report to the court shall include information regarding  
7 the case permanency plan and the progress in attaining the  
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9 not pertain to the case permanency plan. The findings and  
10 recommendations shall include the proposed date of the next  
11 review by the local board. The local board shall notify the  
12 persons specified in subsection 4 of the findings and  
13 recommendations.

14 b. If the person or agency responsible for the child  
15 disagrees with the review findings and recommendations, within  
16 fifteen days of receiving the report, the person, court, or  
17 agency shall submit a written statement to the board which  
18 includes a statement explaining why the review findings and  
19 recommendations cannot be implemented.

20 Sec. 11. Section 237.20, subsection 4, Code 1991, is  
21 amended by adding the following new paragraph:

22 NEW PARAGRAPH. h. The person providing services to the  
23 child or the child's family.

24 Sec. 12. Section 237.23, Code 1991, is amended to read as  
25 follows:

26 237.23 AUTOMATIC REPEAL.

27 Sections 237.15 through 237.22, Code-1987 and this section,  
28 are repealed July 1, 1992 1996.

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SENATE FILE 2197

H-5554

- 1 Amend Senate File 2197, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 16, by striking the word
- 4 "court".

By COMMITTEE ON HUMAN RESOURCES  
HAVERLAND of Polk, CHAIRPERSON

H-5554 FILED MARCH 26, 1992

*Adopted 4/7 (p. 1164)*  
*Out of order (p. 1165) H-5613*

SENATE FILE 2197

H-5613

- 1 Amend Senate File 2197, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by striking lines 28 and 29, and
- 4 inserting the following: "child's placement shall
- 5 either attend the review or submit testimony as
- 6 requested by the local board or in accordance with a
- 7 written protocol jointly developed by the state board
- 8 and the department. Oral testimony may, upon".
- 9 2. Page 5, by striking lines 14 through 19, and
- 10 inserting the following:
- 11 "b. If the person or agency responsible for
- 12 services provided to the child disagrees with the
- 13 review findings or recommendations, the person or
- 14 agency shall respond during the review or submit a
- 15 statement to the local board and the court within ten
- 16 working days of receiving the local board's report.
- 17 The response shall explain the reasons the person or
- 18 agency disagrees with the board's findings or does not
- 19 plan to implement the board's recommendations."

By OSTERBERG of Linn

H-5613 FILED MARCH 31, 1992

*Adopted 4/7 (p. 1165)*

SENATE FILE 2197

H-5678

- 1 Amend Senate File 2197, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 13, the
- 4 following:
- 5 "Sec. \_\_\_\_ . Section 237.18, Code 1991, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 6. In conjunction with the
- 8 legislative fiscal bureau and in consultation with the
- 9 department of human services, supreme court, and
- 10 private foster care providers, develop and maintain an
- 11 evaluation program regarding citizen foster care
- 12 review programming. The state board shall submit an
- 13 annual evaluation report to the governor and the
- 14 general assembly."
- 15 2. By renumbering as necessary.

By NEUHAUSER of Johnson  
CARPENTER of Polk  
OSTERBERG of Linn

H-5678 FILED APRIL 2, 1992

*Adopted as amended 4/7 (p. 1165)*

SENATE FILE 2197

H-5756

1 Amend the amendment, H-5678, to Senate File 2197,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, line 12, by inserting after the word  
5 "programming." the following: "The evaluation program  
6 shall be designed to evaluate the effectiveness of  
7 citizen reviews in improving case permanency planning  
8 and meeting case permanency planning goals, identify  
9 the amount of time children spend in foster care  
10 placements, and identify problem issues in the foster  
11 care system."

By OSTERBERG of Linn

H-5756 FILED APRIL 6, 1992

*Adopted 4/7 (p.1165)*

HOUSE AMENDMENT TO  
SENATE FILE 2197

S-5509

1 Amend Senate File 2197, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 13, the  
4 following:

5 "Sec. \_\_\_\_ . Section 237.18, Code 1991, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 6. In conjunction with the  
8 legislative fiscal bureau and in consultation with the  
9 department of human services, supreme court, and  
10 private foster care providers, develop and maintain an  
11 evaluation program regarding citizen foster care  
12 review programming. The evaluation program shall be  
13 designed to evaluate the effectiveness of citizen  
14 reviews in improving case permanency planning and  
15 meeting case permanency planning goals, identify the  
16 amount of time children spend in foster care  
17 placements, and identify problem issues in the foster  
18 care system. The state board shall submit an annual  
19 evaluation report to the governor and the general  
20 assembly."

21 2. Page 4, by striking lines 28 and 29, and  
22 inserting the following: "child's placement shall  
23 either attend the review or submit testimony as  
24 requested by the local board or in accordance with a  
25 written protocol jointly developed by the state board  
26 and the department. Oral testimony may, upon".

27 3. Page 5, by striking lines 14 through 19, and  
28 inserting the following:

29 "b. If the person or agency responsible for  
30 services provided to the child disagrees with the  
31 review findings or recommendations, the person or  
32 agency shall respond during the review or submit a  
33 statement to the local board and the court within ten  
34 working days of receiving the local board's report.  
35 The response shall explain the reasons the person or  
36 agency disagrees with the board's findings or does not  
37 plan to implement the board's recommendations."

38 4. By renumbering, relettering, or redesignating  
39 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5609 FILED APRIL 9, 1992

*Senate concurred 4/13/92 (p. 136.2)*

SORENSEN, CH.  
BUHR  
WELSH  
LIND  
KRAMER

SSB 2028

STATE GOVERNMENT

*Now*

SENATE/HOUSE FILE 2197  
BY (PROPOSED DEPARTMENT OF  
INSPECTIONS AND APPEALS  
BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to state and local foster care review boards.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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9 6. "State board" means the state citizen foster care  
10 review board created pursuant to section 237.16.

11 Sec. 6. Section 237.16, Code 1991, is amended to read as  
12 follows:

13 237.16 STATE CITIZEN FOSTER CARE REVIEW BOARD.

14 1. The state citizen foster care review board is created  
15 within the department of inspections and appeals. The state  
16 board consists of seven members appointed by the governor,  
17 subject to confirmation by the senate and directly responsible  
18 to the governor. The appointment is for a term of four years  
19 which begins and ends as provided in section 69.19. Vacancies  
20 on the state board shall be filled in the same manner as  
21 original appointments are made.

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

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

1 Sec. 7. Section 237.19, Code 1991, is amended to read as  
2 follows:

3 237.19 LOCAL CITIZEN FOSTER CARE REVIEW BOARDS.

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

26 2. Vacancies on a local board shall be filled in the same  
27 manner as original appointments. The members shall not  
28 receive per diem but shall receive reimbursement for actual  
29 and necessary expenses incurred in their duties as members.

30 Sec. 8. Section 237.23, Code 1991, is amended to read as  
31 follows:

32 237.23 AUTOMATIC REPEAL.

33 Sections 237.15 through 237.22, ~~Code 1987~~ and this section,  
34 are repealed July 1, ~~1992~~ 1996.

35

EXPLANATION

1 This bill relates to state and local foster care review  
2 boards. The word "citizen" is added to the name of the boards  
3 so that the boards would be known as the state citizen foster  
4 care review board and local citizen foster care review board.

5 In addition, a requirement is stricken that the state board  
6 must seek to establish a sufficient number of local boards so  
7 that no local board must evaluate more than 100 cases  
8 annually. Section 7 extends the automatic repeal provision  
9 applying to the foster care review boards under the department  
10 of inspections and appeals from July 1992, until July 1996.

11 BACKGROUND STATEMENT

12 SUBMITTED BY THE AGENCY

13 Sections 1 through 8 revise the names of the state and  
14 local foster care review boards to citizen foster care review  
15 boards. Nationally, states' review board systems are referred  
16 to as citizen foster care review boards. The state and local  
17 boards are made up of private citizens. The name change will  
18 highlight the citizen volunteer aspect of the boards.

19 Section 7 also deletes the restriction that boards may only  
20 evaluate up to 100 cases annually. The deletion will allow  
21 those boards, which are able, to review as many children as  
22 possible or needed.

23 Section 8 modifies the date for the repeal of Code sections  
24 authorizing the foster care review board system. The citizen  
25 review board program is an important factor in maintaining  
26 foster care system accountability and in giving the citizens  
27 of Iowa the opportunity to change the foster care system at  
28 the grass-roots level. The continued existence of a sunset  
29 clause provides for accountability of the review board system.  
30 The state board has been monitoring the positive impact  
31 citizen review boards can have on Iowa's foster care system,  
32 both on a case-by-case basis and on a statewide systems level.  
33 The state board has determined that the program's  
34 accomplishments demonstrate the value of maintaining a  
35 citizen-staffed independent foster care review system. The

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 state board would welcome a review of the system again in four  
2 years to ensure that the gains made in the past are maintained  
3 in the next four years.

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SENATE FILE 2197

AN ACT

RELATING TO STATE AND LOCAL FOSTER CARE REVIEW BOARDS.

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

Section 1. Section 10A.104, subsection 2, Code 1991, is amended to read as follows:

2. Appoint the administrators of the divisions within the department and all other personnel deemed necessary for the administration of this chapter, except the state public defender, assistant state public defenders, administrator of the racing and gaming commission, members of the employment appeal board, and administrator of the state citizen foster care review board. All persons appointed and employed in the department are covered by the provisions of chapter 19A, but persons not appointed by the director are exempt from the merit system provisions of chapter 19A.

Sec. 2. Section 232.175, Code 1991, is amended to read as follows:

232.175 PURPOSE AND POLICY.

It is the purpose and policy of this division to provide court oversight for placements that involve a handicapped child placed voluntarily in foster care by the child's parent or guardian, through review of the voluntary placements every six months by the department's foster care review committees or by a local citizen foster care review board. It is the purpose and policy of this division to assure the additional safeguard of court oversight as required by Pub. L. No. 96-272, as codified in 42 U.S.C. § 671(a)(16), 627(a)(2)(B), and 675(1),(5), while maintaining parental decision-making authority.

Sec. 3. Section 232.181, subsection 7, Code 1991, is amended to read as follows:

7. A dispositional hearing is not required if the court has approved either the local citizen foster care review board review or the department's administrative review procedure as defined under section 234.42, and all parties agree. This provision does not eliminate the initial judicial determination required under section 232.182.

Sec. 4. Section 235A.15, subsection 2, paragraph e, subparagraph (6), Code Supplement 1991, is amended to read as follows:

(6) To the state and local citizen foster care review boards created pursuant to sections 237.16 and 237.19.

Sec. 5. Section 237.15, subsections 2, 4, and 6, Code Supplement 1991, are amended to read as follows:

2. "Child receiving foster care" means a child defined in section 234.1 whose who is described by any of the following circumstances:

a. The child's foster care placement is the financial responsibility of the state pursuant to section 234.357-who.

b. The child is under the guardianship of the department or-who.

c. The child has been involuntarily hospitalized for mental illness pursuant to chapter 229.

d. The child is at-risk of being placed outside the child's home, the department or court is providing or planning to provide services to the child, and the department or court has requested the involvement of the state or local board.

4. "Local board" means a local citizen foster care review board created pursuant to section 237.19.

6. "State board" means the state citizen foster care review board created pursuant to section 237.16.

Sec. 6. Section 237.16, Code 1991, is amended to read as follows:

237.16 STATE CITIZEN FOSTER CARE REVIEW BOARD.

1. The state citizen foster care review board is created within the department of inspections and appeals. The state board consists of seven members appointed by the governor, subject to confirmation by the senate and directly responsible

to the governor. The appointment is for a term of four years which begins and ends as provided in section 69.19. Vacancies on the state board shall be filled in the same manner as original appointments are made.

2. 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.

3. An employee of the department or of the department of inspections and appeals, an employee 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. 7. Section 237.18, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. In conjunction with the legislative fiscal bureau and in consultation with the department of human services, supreme court, and private foster care providers, develop and maintain an evaluation program regarding citizen foster care review programming. The evaluation program shall be designed to evaluate the effectiveness of citizen reviews in improving case permanency planning and meeting case permanency planning goals, identify the amount of time children spend in foster care placements, and identify problem issues in the foster care system. The state board shall submit an annual evaluation report to the governor and the general assembly.

Sec. 8. Section 237.19, Code 1991, is amended to read as follows:

237.19 LOCAL CITIZEN FOSTER CARE REVIEW BOARDS.

1. The state board shall establish local citizen foster care review boards to review cases of children receiving

foster care. The department shall discontinue its foster care review process for those children reviewed by local boards 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.

2. Vacancies on a local board shall be filled in the same manner as original appointments. The members shall not receive per diem but shall receive reimbursement for actual and necessary expenses incurred in their duties as members.

Sec. 9. Section 237.20, subsection 1, unnumbered paragraphs 1 and 2, Code 1991, are amended to read as follows:

Review at least every six months the case of each child receiving foster care assigned to the local board by the state board to determine whether satisfactory progress is being made toward the goals of the case permanency plan pursuant to section 237.22. As much as is possible, review shall be conducted immediately prior to court reviews of the case.

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

Sec. 10. Section 237.20, subsection 1, unnumbered paragraph 3, Code 1991, is amended to read as follows:

The review shall include issues pertaining to the case permanency plan and shall not include issues that do not pertain to the case permanency plan. ~~Each review shall include written testimony of any A~~ 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 shall either attend the review or submit testimony as requested by the local board or in accordance with a written protocol jointly developed by the state board and the department.~~ 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 2, Code 1991, is amended to read as follows:

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

b. If the person or agency responsible for services provided to the child disagrees with the review findings or recommendations, the person or agency shall respond during the review or submit a statement to the local board and the court within ten working days of receiving the local board's report. The response shall explain the reasons the person or agency

disagrees with the board's findings or does not plan to implement the board's recommendations.

Sec. 12. Section 237.20, subsection 4, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. The person providing services to the child or the child's family.

Sec. 13. Section 237.23, Code 1991, is amended to read as follows:

237.23 AUTOMATIC REPEAL.

Sections 237.15 through 237.22, Code 1987 and this section, are repealed July 1, 1992 1996.

\_\_\_\_\_  
MICHAEL E. GRONSTAL  
President of the Senate

\_\_\_\_\_  
ROBERT C. ARNOULD  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2197, Seventy-fourth General Assembly.

\_\_\_\_\_  
JOHN P. DWYER  
Secretary of the Senate

Approved April 27, 1992

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor