

FILED MAY 21 1992

SENATE FILE 2385

BY COMMITTEE ON APPROPRIATIONS

Passed Senate, Date 5/21/92 (p.16) Passed House, Date 5/21/92 (p.17)  
Vote: Ayes 31 Nays 12 Vote: Ayes 66 Nays 31

Approved June 3, 1992

Re passed Senate (p.31)

Ayes 33 - Nays 15

Re passed Senate (p.33)

Ayes 30 - Nays 18

A BILL FOR

1 An Act relating to foster and shelter care and providing an  
2 effective date.

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

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1 Section 1. FOSTER CARE REVIEW BOARD.

2 1. Notwithstanding 1992 Iowa Acts, House File 2455,  
3 section 6, subsection 8, if enacted by the Seventy-fourth  
4 General Assembly, 1992 Session, the state foster care review  
5 board shall use up to \$50,000 to fund an administrator for the  
6 board. The board shall first use any funds transferred from  
7 the department of human services to the board pursuant to  
8 subsection 2 of this section for this purpose. Any remaining  
9 amounts necessary to fund the administrator shall be funded  
10 from the appropriation made in 1992 Iowa Acts, House File  
11 2455, section 6, subsection 8, if enacted by the Seventy-  
12 fourth General Assembly, 1992 Session.

13 2. The department of human services shall transfer any  
14 funds received pursuant to 1992 Iowa Acts, House File 2455,  
15 section 6, subsection 9, if enacted by the Seventy-fourth  
16 General Assembly, 1992 Session, to the state foster care  
17 review board to be used as provided in subsection 1 of this  
18 section.

19 Sec. 2. Section 232.141, subsection 8, if enacted by 1992  
20 Iowa Acts, House File 2480, section 8, is amended to read as  
21 follows:

22 8. This subsection applies only to placements in a  
23 juvenile shelter care home which is publicly owned, operated  
24 as a county or multicounty shelter care home, organized under  
25 a chapter 28E agreement, or operated under a contractual  
26 arrangement between a county or counties and a private  
27 juvenile shelter care home. If the department's reimbursement  
28 for the allowable costs of a child's shelter care placement  
29 exceeds the amount the department is authorized to pay in  
30 accordance with law and administrative rule, the unpaid costs  
31 may be recovered from the child's county of legal settlement.  
32 The unpaid costs are payable pursuant to filing of verified  
33 claims against the county of legal settlement. A detailed  
34 statement of the facts upon which a claims claim is based  
35 shall accompany the claim. Any dispute between counties

1 arising from filings of claims pursuant to this subsection  
2 shall be settled in the manner provided to determine legal  
3 settlement in section 230.12.

4 Sec. 3. Section 234.38, subsection 2, as enacted by 1992  
5 Iowa Acts, House File 2480, section 26, is amended by striking  
6 the subsection.

7 Sec. 4. 1992 Iowa Acts, House File 2452, section 32, if  
8 enacted by the Seventy-fourth General Assembly, 1992 Session,  
9 is repealed.

10 Sec. 5. This Act takes effect July 1, 1992.

11 EXPLANATION

12 This bill relates to foster and shelter care.

13 In section 1 of the bill the state foster care review board  
14 is directed to use up to \$50,000 to fund an administrator for  
15 the board. The board must first use federal funds transferred  
16 by the department of human services to fund the position.

17 Section 2 of the bill amends a provision of House File 2480  
18 relating to shelter care placements when the allowable costs  
19 of the placement exceed the amount the department of human  
20 services is authorized to pay by authorizing claims for unpaid  
21 costs. The amendment limits the applicability of the  
22 provision to certain county operated, organized or contracted  
23 shelters. This section may constitute a state mandate as  
24 defined in chapter 25B. Section 4 of the bill repeals a  
25 similar amendment in House File 2452.

26 Section 3 of the bill repeals language which limits the  
27 amount which foster group care facilities can be reimbursed by  
28 the department of human services for maintenance and service  
29 costs to the maximum allowable reimbursement rate authorized  
30 for group care.

31 The bill takes effect July 1, 1992.

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HOUSE AMENDMENT TO  
SENATE FILE 2385

S-5990

1 Amend Senate File 2385, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting after line 18 the follow-  
4 ing:

5 "Sec. \_\_\_\_ Section 232.102, subsection 9,  
6 paragraph a, subparagraph (1), if enacted by 1992 Iowa  
7 Acts, House File 2480, section 5, is amended to read  
8 as follows:

9 (1) The type, duration, and intensity of services  
10 or support offered or provided to the child and the  
11 child's family. If intensive family preservation  
12 services were not provided, the court record shall  
13 enumerate the reasons the services were not provided,  
14 including but not limited to whether the services were  
15 not available, not accepted by the child's family,  
16 judged to be unable to protect the child and the  
17 child's family during the time the services would have  
18 been provided, judged to be unlikely to be successful  
19 in resolving the problems which would lead to removal  
20 of the child, or other services were found to be more  
21 appropriate."

22 2. Page 1, by striking lines 25 and 26 and  
23 inserting the following: "a chapter 28E agreement, or  
24 operated by a private".

25 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5990 FILED MAY 21, 1992

CONCURRED (p. 30)

## SENATE FILE 2385

S-5991

1 Amend the House amendment, S-5990, to Senate File  
2 2385, as passed by the Senate, as follows:

3 1. Page 1, by striking lines 22 through 24.

4 2. By renumbering as necessary.

By MAGGIE TINSMAN  
SHELDON RITTNER  
ELAINE SZYMONIAK

S-5991 FILED MAY 21, 1992

ADOPTED, RECEDED (p. 33)

## SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2385

H-6131

- 1 Amend the House amendment, S-5990, to Senate File
- 2 2385, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 22 through 24.
- 4 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-6131 FILED MAY 21, 1992

REFUSED TO CONCUR (p.30)

## SENATE FILE 2385

H-6127

- 1 Amend Senate File 2385, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 18 the follow-
- 4 ing:
- 5 "Sec. \_\_\_\_ . Section 232.102, subsection 9,
- 6 paragraph a, subparagraph (1), if enacted by 1992 Iowa
- 7 Acts, House File 2480, section 5, is amended to read
- 8 as follows:
- 9 (1) The type, duration, and intensity of services
- 10 or support offered or provided to the child and the
- 11 child's family. If intensive family preservation
- 12 services were not provided, the court record shall
- 13 enumerate the reasons the services were not provided,
- 14 including but not limited to whether the services were
- 15 not available, not accepted by the child's family,
- 16 judged to be unable to protect the child and the
- 17 child's family during the time the services would have
- 18 been provided, judged to be unlikely to be successful
- 19 in resolving the problems which would lead to removal
- 20 of the child, or other services were found to be more
- 21 appropriate."
- 22 2. Page 1, by striking lines 25 and 26 and
- 23 inserting the following: "a chapter 28E agreement, or
- 24 operated by a private".
- 25 3. By renumbering as necessary.

By COMMITTEE ON APPROPRIATIONS

JOCHUM of Dubuque, Chairperson

H-6127 FILED MAY 21, 1992

ADOPTED (p.16)

## SENATE FILE 2385

H-6128

- 1 Amend Senate File 2385, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by striking lines 4 through 6.
- 4 2. By renumbering as necessary.

By BRAMMER of Linn

H-6128 FILED MAY 21, 1992

LOST (p.17)

SENATE FILE 2385

AN ACT

RELATING TO FOSTER AND SHELTER CARE AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. FOSTER CARE REVIEW BOARD.

1. Notwithstanding 1992 Iowa Acts, House File 2455, section 6, subsection 8, if enacted by the Seventy-fourth General Assembly, 1992 Session, the state foster care review board shall use up to \$50,000 to fund an administrator for the board. The board shall first use any funds transferred from the department of human services to the board pursuant to subsection 2 of this section for this purpose. Any remaining amounts necessary to fund the administrator shall be funded from the appropriation made in 1992 Iowa Acts, House File 2455, section 6, subsection 8, if enacted by the Seventy-fourth General Assembly, 1992 Session.

2. The department of human services shall transfer any funds received pursuant to 1992 Iowa Acts, House File 2455, section 6, subsection 9, if enacted by the Seventy-fourth General Assembly, 1992 Session, to the state foster care review board to be used as provided in subsection 1 of this section.

Sec. 2. Section 232.102, subsection 9, paragraph a, subparagraph (1), if enacted by 1992 Iowa Acts, House File 2480, section 5, is amended to read as follows:

(1) The type, duration, and intensity of services or support offered or provided to the child and the child's family. If intensive family preservation services were not provided, the court record shall enumerate the reasons the services were not provided, including but not limited to whether the services were not available, not accepted by the child's family, judged to be unable to protect the child and the child's family during the time the services would have been provided, judged to be unlikely to be successful in resolving the problems which would lead to removal of the child, or other services were found to be more appropriate.

Sec. 3. Section 232.141, subsection 8, if enacted by 1992 Iowa Acts, House File 2480, section 8, is amended to read as follows:

8. This subsection applies only to placements in a juvenile shelter care home which is publicly owned, operated as a county or multicounty shelter care home, organized under a chapter 28E agreement, or operated by a private juvenile shelter care home. If the department's reimbursement for the allowable costs of a child's shelter care placement exceeds the amount the department is authorized to pay in accordance with law and administrative rule, the unpaid costs may be recovered from the child's county of legal settlement. The unpaid costs are payable pursuant to filing of verified claims against the county of legal settlement. A detailed statement of the facts upon which a ~~claims claim~~ is based shall accompany the claim. Any dispute between counties arising from filings of claims pursuant to this subsection shall be settled in the manner provided to determine legal settlement in section 230.12.

Sec. 4. Section 234.38, subsection 2, as enacted by 1992 Iowa Acts, House File 2480, section 26, is amended by striking the subsection.

Sec. 5. 1992 Iowa Acts, House File 2452, section 32, if enacted by the Seventy-fourth General Assembly, 1992 Session, is repealed.

Sec. 6. This Act takes effect July 1, 1992.

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MICHAEL E. GRONSTAL  
President of the Senate

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ROBERT C. ARNOULD  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2385, Seventy-fourth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved June 3, 1992

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TERRY E. BRANSTAD  
Governor