

BILL 1991

SENATE FILE 471
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 155)

Passed Senate, Date 3/26/91 (p 865) Passed House, Date 4/16/91 (p 1275)

Vote: Ayes 47 Nays 3 Vote: Ayes 95 Nays 0

Approved June 4, 1991

*Proposed Senate for 4-3470 as amended
4/23/91 (p 1437)
49-0*

A BILL FOR

H. 3543 1 An Act relating to state policies and procedures affecting
H. 3435 2 children.

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

4

5

6

7

Conference Committee Appointed

8 Senators Rasmussen (Chair), Symons, Wannon, Kramer,

9 Reps. Harshbarger (Chair), Turla, Peterson, Harberg, ^{Sumner} 5/3 (p 1668)
Carper 5/6 (p 2123)

10

11

Passed per Conference Committee Report

12

Passed Senate 5/10/91 (p 1766)

Passed House 5/10/91

13

49-1

95-0

14

15

16

17

18

19

20

21

22

SF 471

1 Section 1. Section 232.2, subsection 4, Code 1991, is
2 amended to read as follows:

3 4. "Case permanency plan" means the plan, mandated by Pub.
4 L. No. 96-272, as codified in 42 U.S.C., secs. 671(a)(16),
5 627(a)(2)(B), and 675(1),(5), which is designed to achieve
6 placement in the least restrictive, most family-like setting
7 available and in close proximity to the parent's home,
8 consistent with the best interests and special needs of the
9 child, and which considers the placement's proximity to the
10 school in which the child is enrolled at the time of
11 placement. The plan shall specifically include all of the
12 following:

13 a. Plans for carrying out the voluntary placement
14 agreement or judicial determination pursuant to which the
15 child entered care.

16 b. The type and appropriateness of the placement and
17 services to be provided to the child.

18 c. The care and services that will be provided to the
19 child, natural parents, and foster parents.

20 d. How the care and services will meet the needs of the
21 child while in care and will facilitate the child's return
22 home or other permanent placement.

23 e. To the extent the records are available and accessible,
24 a summary of the child's health and education records,
25 including the date the records were supplied to the agency or
26 individual who is the child's foster care provider.

27 f. When a child is sixteen years of age or older, a
28 written plan of services which, based upon an assessment of
29 the child's needs, would assist the child in preparing for the
30 transition from foster care to independent living.

31 Sec. 2. Section 232.52, subsection 6, Code 1991, is
32 amended by adding the following new unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. When the court orders the
34 transfer of legal custody of a child pursuant to subsection 2,
35 paragraph "d", and the child is sixteen years of age or older,

1 the order shall specify the services needed to assist the
2 child in preparing for the transition from foster care to
3 independent living.

4 Sec. 3. Section 232.52, subsection 7, Code 1991, is
5 amended to read as follows:

6 7. If the court orders the transfer of the custody of the
7 child to the department of human services or to another agency
8 for placement in foster group care, the department or agency
9 shall make every reasonable effort to place the child within
10 the state, in the least restrictive setting available and in
11 close proximity to the parents' home, consistent with the
12 child's best interests and special needs, and shall consider
13 the placement's proximity to the school in which the child is
14 enrolled at the time of placement.

15 Sec. 4. Section 232.102, subsection 1, Code 1991, is
16 amended by adding the following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. If the child is sixteen years of
18 age or older, the order shall specify the services needed to
19 assist the child in preparing for the transition from foster
20 care to independent living.

21 Sec. 5. Section 232.102, subsection 7, Code 1991, is
22 amended to read as follows:

23 7. In any order transferring custody to the department or
24 an agency, or in orders pursuant to a custody order, the court
25 shall specify the nature and category of disposition which
26 will serve the best interests of the child, and shall
27 prescribe the means by which the placement shall be monitored
28 by the court. If the court orders the transfer of the custody
29 of the child to the department of human services or other
30 agency for placement, the department or agency shall submit a
31 case permanency plan to the court and shall make every
32 reasonable effort to return the child to the child's home as
33 quickly as possible consistent with the best interest of the
34 child. When the child is not returned to the child's home and
35 if the child has been previously placed in a licensed foster

1 care facility, the department or agency shall consider placing
2 the child in the same licensed foster care facility. If the
3 court orders the transfer of custody to a relative or other
4 suitable person, the court may direct the department or other
5 agency to provide services to the child's parent, guardian or
6 custodian in order to enable them to resume custody of the
7 child. If the court orders the transfer of custody to the
8 department of human services or to another agency for
9 placement in foster group care, the department or agency shall
10 make every reasonable effort to place the child within Iowa,
11 in the least restrictive setting available, and in close
12 proximity to the parents' home, consistent with the child's
13 best interests and special needs, and shall consider the
14 placement's proximity to the school in which the child is
15 enrolled at the time of placement.

16 Sec. 6. Section 232.119, subsection 4, Code 1991, is
17 amended to read as follows:

18 4. The exchange shall include a matching service for
19 children registered or listed in the adoption photo-listing
20 book and prospective adoptive families listed on the exchange.
21 ~~A child shall be registered~~ The department shall register a
22 child with the national exchange if the child has not been
23 placed for adoption after three months on the exchange
24 established pursuant to this section.

25 Sec. 7. Section 232.119, subsection 5, unnumbered
26 paragraph 2, Code 1991, is amended to read as follows:

27 Upon receipt of a valid written request for deferral
28 pursuant to paragraphs "a" through "e", the exchange shall
29 grant the deferral, except that a deferral based on paragraph
30 "b" or "c" shall be granted for no more than a one-time,
31 ninety-day period unless the termination of parental rights
32 order is appealed. However, if the foster parents or another
33 person with a significant relationship continues to be
34 considered the child's prospective adoptive family, additional
35 extensions of the deferral may be granted until ninety days

1 after the date of the final decision regarding the appeal.

2 Sec. 8. Section 237.15, subsection 1, Code 1991, is
3 amended to read as follows:

4 i. "Case permanency plan" means the plan, mandated by Pub.
5 L. No. 96-272, as codified in 42 U.S.C., secs. 671(a)(16),
6 627(a)(2)(B), and 675(1),(5), which is designed to achieve
7 placement in the least restrictive, most family-like setting
8 available and in close proximity to the parent's home,
9 consistent with the best interests and special needs of the
10 child, and which considers the placement's proximity to the
11 school in which the child is enrolled at the time of
12 placement. The plan shall specifically include all of the
13 following:

14 a. Plans for carrying out the voluntary placement
15 agreement or judicial determination pursuant to which the
16 child entered care.

17 b. The type and appropriateness of the placement and
18 services to be provided to the child.

19 c. The care and services that will be provided to the
20 child, natural parents, and foster parents.

21 d. How the care and services will meet the needs of the
22 child while in care and will facilitate the child's return
23 home or other permanent placement.

24 e. The efforts to place the child with a relative.

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

28 g. Time frames to meet the stated permanency goal and
29 short-term objectives.

30 h. To the extent the records are available and accessible,
31 a summary of the child's health and education records,
32 including the date the records were supplied to the licensee
33 who is the child's foster care provider.

34 i. When a child is sixteen years of age or older, a
35 written plan of services which, based upon an assessment of

1 the child's needs, would assist the child in preparing for the
2 transition from foster care to independent living.

3 Sec. 9. Section 237A.2, Code 1991, is amended by adding
4 the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. If the department has denied or
6 revoked a license because the applicant or person has
7 continually or repeatedly failed to operate a licensed center
8 in compliance with this chapter and rules adopted pursuant to
9 this chapter, the person shall not own or operate a child care
10 center for a period of six months from the date the license is
11 denied or revoked. The department shall not act on an
12 application for a license submitted by the applicant or person
13 during the six-month period.

14 Sec. 10. Section 237A.3, Code 1991, is amended by adding
15 the following new subsection:

16 NEW SUBSECTION. 4. If the department has denied or
17 revoked a registration because the applicant or person has
18 continually or repeatedly failed to operate a registered child
19 day care facility in compliance with this chapter and rules
20 adopted pursuant to this chapter, the person shall not own or
21 operate a registered facility for a period of six months from
22 the date the registration is denied or revoked. The
23 department shall not act on an application for registration
24 submitted by the applicant or person during the six-month
25 period.

26 Sec. 11. Section 600.16, subsection 1, Code 1991, is
27 amended to read as follows:

28 1. Any information compiled under section 600.8,
29 subsection 1, ~~paragraph "e", subparagraph (1) and (2)~~ shall be
30 made available at any time by the clerk of the court, the
31 department, or any agency which made the placement to:

32 a. The adopting parents.

33 b. The adopted person, provided that person is an adult at
34 the time the request for information is made.

35 c. Any person approved by the department if the person

1 uses this information solely for the purposes of conducting a
2 legitimate research project or of for treating a patient in a
3 medical facility.

4 ~~Information regarding an adopted person's existing medical
5 and developmental history and family medical history, which
6 meets the definition of background information in section
7 600.8, subsection 1, paragraph "c", but which was compiled
8 prior to July 1, 1976, shall be made available as provided in
9 this subsection. However, the identity of the adopted
10 person's natural parents shall not be disclosed.~~

11 If information is made available to the adopting parents or
12 the adopted person under this subsection, the identity of the
13 natural parents of the adopted person shall be concealed. If
14 the information is made available to a person conducting a
15 legitimate research project, the person shall not contact the
16 natural parents and shall not release identifying information
17 concerning the natural parents.

18 H-3658 Sec. 12. Section 600.24, Code 1991, is repealed.

19 EXPLANATION

20 This bill relates to various state policies and procedures
21 affecting children.

22 The definition of "case permanency plan", concerning an
23 out-of-home placement of a child under the juvenile justice
24 chapter, is expanded to include additional criteria. A plan
25 would also be required to consider a placement's proximity to
26 the school in which the child is enrolled at the time of
27 placement. In addition, a plan would include a summary of the
28 child's health and education records and if the child is at
29 least 16 years of age, a written plan of services which would
30 assist the child in preparing for the transition from foster
31 care to independent living. A similar change is made in the
32 case permanency plan definition contained in law providing for
33 foster care review. The department of human services and
34 foster care placing agencies would be required to consider the
35 school proximity requirement in efforts to place adjudicated

1 delinquents and children found to be in need of assistance in
2 foster group care.

3 Dispositionai orders for out-of-home placement of children
4 16 years of age or older under delinquency and child in need
5 of assistance proceedings are also affected. The court must
6 specify the services needed to assist the child in preparing
7 for transition to independent living. A requirement that the
8 department of human services or agency who places a child in
9 foster care make efforts to return the child to the child's
10 home is modified so that the efforts are "reasonable".

11 Adoption exchange requirements are revised. The department
12 is explicitly directed to register a child with a national
13 exchange if the child is not placed after three months on the
14 Iowa exchange. The provision to defer on the requirement to
15 place a child on the adoption exchange can be extended when a
16 termination of parental rights order is appealed. The
17 extension is available if the child's foster parents or
18 another person with a significant relationship with the child
19 is still being considered as the prospective adoptive family.
20 It permits deferment until 90 days after the final decision
21 regarding the appeal.

22 Child day care licensing and registration application
23 requirements are revised. If the applicant has continually or
24 repeatedly failed to comply with state requirements, licensing
25 or registration of the applicant is prohibited for a six-month
26 period from the date of denial or revocation. In addition,
27 the department cannot consider an application from the person
28 during the period.

29 Requirements are revised concerning the release of
30 information contained in adoption preplacement and
31 postplacement investigation reports. Current law provides two
32 provisions concerning the release. In the first, medical
33 history information may be released to the adopting parents,
34 an adult adopted person, a person conducting research, and for
35 treating a patient in a medical facility. The second

1 provision is similar but permits access to any adoption record
2 if the record was compiled prior to January 1, 1977, the
3 identity of the natural parents is concealed, and the person
4 gaining access is conducting research or providing medical
5 treatment.

6 The bill would permit the release to the adoptive parents
7 or to an adult adoptee of any information compiled in the
8 preplacement and postplacement reports but requires
9 concealment of the natural parents' identity. A legitimate
10 researcher would have access to this information without
11 concealment but is prohibited from contacting a natural parent
12 or releasing any information which identifies the natural
13 parent. The second provision is repealed.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

H-3643

1 Amend amendment, H-3593, to Senate File 471, as
2 passed by the Senate, as follows:

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

5 "____. Page 1, by inserting after line 30 the
6 following:

7 "Sec. ____ . Section 232.22, Code 1991, is amended
8 by adding the following new subsection:

9 NEW SUBSECTION. 6. If the court has waived its
10 jurisdiction over the child for the alleged commission
11 of a forcible felony offense pursuant to section
12 232.45, the child shall not be eligible for placement
13 in a facility under subsection 2, paragraph "a". The
14 child may be held in the county jail as any other
15 postarrest or pretrial detainee, notwithstanding the
16 provisions of section 232.22 for the detention of
17 juveniles.

18 Sec. ____ . NEW SECTION. 232.45A WAIVER TO AND
19 CONVICTION BY DISTRICT COURT -- PROCESSING.

20 1. Once jurisdiction over a child has been waived
21 by the juvenile court as provided in section 232.45,
22 and a conviction is entered by the district court, the
23 clerk of the juvenile court shall immediately send a
24 certified copy of the findings required by section
25 232.45, subsection 8, and the judgment of conviction
26 to the department of public safety. The department
27 shall maintain a file on each child who has previously
28 been waived to and convicted by the district court in
29 a prosecution as an adult. The file shall be
30 accessible by law enforcement officers on a twenty-
31 four hour per day basis.

32 2. Once a child has been waived to and convicted
33 by district court, all criminal proceedings against
34 the child for any felony occurring subsequent to the
35 date of the conviction of the child shall begin in
36 district court, notwithstanding sections 232.8 and
37 232.45. A copy of the findings required by section
38 232.45, subsection 8, shall be made a part of the
39 record in the district court proceedings. The child
40 shall be subject to all arrest and citation provisions
41 and preappearance, postappearance, and pretrial bail
42 and detention provisions.

43 3. If proceedings against a child who has
44 previously been waived to and convicted by the
45 district court are mistakenly begun in the juvenile
46 court, the matter shall be transferred to district
47 court upon the discovery of the prior waiver and
48 conviction, notwithstanding sections 232.8 and
49 232.45."

50 2. Page 1, by striking line 7 and inserting the

-1-

H-3643

Page 2

1 following: "children waived to adult court, and
2 adoption registry".

By PETERSON of Carroll

H-3643 FILED APRIL 16, 1991

NOT GERMANE; RULES SUSPENDED AND ADOPTED (7 1270-21)

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 471
H-3825

1 Amend amendment, S-3470, to Senate File 471, as
2 passed by the Senate, as follows:

- 3 1. Page 1, by striking lines 12 through 15 and
4 inserting the following: "child may be held in the
5 county jail in accordance with the provisions of
6 subsection 2, paragraph "c", subparagraphs (1), (3),
7 and (4)."
8 2. Page 1, line 30, by inserting after the word
9 "convicted" the following: "of a forcible felony".
10 3. Page 1, line 32, by inserting after the word
11 "any" the following: "forcible".

RECEIVED FROM THE SENATE

H-3825 FILED APRIL 25, 1991

House referred to committee 4/29/91 (J 1897)
Senate initiated 5/3/91 (J 1668)

SENATE FILE 471

H-3633

1 Amend Senate File 471, as passed by the Senate, as
2 follows:

3 1. Page 5, by striking lines 3 through 25 and
4 inserting the following:

5 "Sec. 9. Section 237A.2, Code 1991, is amended by
6 adding the following new unnumbered paragraphs:

7 NEW UNNUMBERED PARAGRAPH. If the department has
8 denied or revoked a license because the applicant or
9 person has continually or repeatedly failed to operate
10 a licensed center in compliance with this chapter and
11 rules adopted pursuant to this chapter, the person
12 shall not own or operate a child care center for a
13 period of six months from the date the license is
14 denied or revoked. The department shall not act on an
15 application for a license submitted by the applicant
16 or person during the six-month period.

17 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
18 requirement established under this chapter, an
19 exception is provided for the period beginning on the
20 effective date of this Act and ending December 31,
21 1991, in accordance with the provisions of this
22 paragraph, to permit a center to care for one more
23 child than the amount of children authorized for the
24 center. The exception applies to any limit on the
25 number of children and to requirements for numerical
26 ratios of staff persons to children. The exception
27 applies only to a child who meets both of the
28 following circumstances: the child has a parent
29 serving in the United States armed services who is
30 stationed outside the state of Iowa due to the Persian
31 Gulf conflict and there is no charge for the care
32 provided to the child.

33 Sec. 10. Section 237A.3, Code 1991, is amended by
34 adding the following new subsections:

35 NEW SUBSECTION. 4. If the department has denied
36 or revoked a registration because the applicant or
37 person has continually or repeatedly failed to operate
38 a registered child day care facility in compliance
39 with this chapter and rules adopted pursuant to this
40 chapter, the person shall not own or operate a
41 registered facility for a period of six months from
42 the date the registration is denied or revoked. The
43 department shall not act on an application for
44 registration submitted by the applicant or person
45 during the six-month period.

46 NEW SUBSECTION. 5. Notwithstanding any
47 requirement established under this chapter, an
48 exception is provided for the period beginning on the
49 effective date of this Act and ending December 31,
50 1991, in accordance with the provisions of this

H-3633

Page 2

1 subsection, to permit a family day care home or group
2 day care home to care for one more child than the
3 amount of children authorized for the home. The
4 exception applies to any limit on the number of
5 children and to requirements for numerical ratios of
6 staff persons to children. The exception applies only
7 to a child who meets both of the following
8 circumstances: the child has a parent serving in the
9 United States armed services who is stationed outside
10 the state of Iowa due to the Persian Gulf conflict and
11 there is no charge for the care provided to the
12 child."

13 2. Page 6, by inserting after line 18, the
14 following:

15 "Sec. ____ . EFFECTIVE DATE. Sections 9 and 10 of
16 this Act, being deemed of immediate importance, take
17 effect upon enactment."

18 3. Title page, line 2, by inserting after the word
19 "children" the following: "and providing an effective
20 date".

By BARTZ of Worth

H-3633 FILED APRIL 15, 1991

(Adopted 4/16/91 (p. 1273))

SENATE FILE 471

H-3593

1 Amend Senate File 471, as passed by the Senate, as
2 follows:

3 1. By striking page 5, line 26, through page 6,
4 line 18.

5 2. Title page, line 1, by inserting after the
6 word "state" the following: "foster care, child care,
7 and adoption registry".

8 3. Title page, lines 1 and 2, by striking the
9 words "affecting children".

10 4. By renumbering as necessary.

By COMMITTEE ON HUMAN RESOURCES
HAVERLAND of Polk, Chairperson

H-3593 FILED APRIL 11, 1991

(Adopted as amended by SG 43 4/16/91 (p. 271))

HOUSE AMENDMENT TO
SENATE FILE 471

S-3470

1 Amend Senate File 471, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 30 the
4 following:

5 "Sec. ____ . Section 232.22, Code 1991, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 6. If the court has waived its
8 jurisdiction over the child for the alleged commission
9 of a forcible felony offense pursuant to section
10 232.45, the child shall not be eligible for placement
11 in a facility under subsection 2, paragraph "a". The
12 child may be held in the county jail as any other
13 postarrest or pretrial detainee, notwithstanding the
14 provisions of section 232.22 for the detention of
15 juveniles.

16 Sec. ____ . NEW SECTION. 232.45A WAIVER TO AND
17 CONVICTION BY DISTRICT COURT -- PROCESSING.

18 1. Once jurisdiction over a child has been waived
19 by the juvenile court as provided in section 232.45,
20 and a conviction is entered by the district court, the
21 clerk of the juvenile court shall immediately send a
22 certified copy of the findings required by section
23 232.45, subsection 8, and the judgment of conviction
24 to the department of public safety. The department
25 shall maintain a file on each child who has previously
26 been waived to and convicted by the district court in
27 a prosecution as an adult. The file shall be
28 accessible by law enforcement officers on a twenty-
29 four hour per day basis.

30 2. Once a child has been waived to and convicted
31 by district court, all criminal proceedings against
32 the child for any felony occurring subsequent to the
33 date of the conviction of the child shall begin in
34 district court, notwithstanding sections 232.8 and
35 232.45. A copy of the findings required by section
36 232.45, subsection 8, shall be made a part of the
37 record in the district court proceedings. The child
38 shall be subject to all arrest and citation provisions
39 and preappearance, postappearance, and pretrial bail
40 and detention provisions.

41 3. If proceedings against a child who has
42 previously been waived to and convicted by the
43 district court are mistakenly begun in the juvenile
44 court, the matter shall be transferred to district
45 court upon the discovery of the prior waiver and
46 conviction, notwithstanding sections 232.8 and
47 232.45."

48 2. Page 5, by striking lines 3 through 25 and
49 inserting the following:

50 "Sec. 9. Section 237A.2, Code 1991, is amended by

S-3470

Page 2

1 adding the following new unnumbered paragraphs:

2 NEW UNNUMBERED PARAGRAPH. If the department has
3 denied or revoked a license because the applicant or
4 person has continually or repeatedly failed to operate
5 a licensed center in compliance with this chapter and
6 rules adopted pursuant to this chapter, the person
7 shall not own or operate a child care center for a
8 period of six months from the date the license is
9 denied or revoked. The department shall not act on an
10 application for a license submitted by the applicant
11 or person during the six-month period.

12 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
13 requirement established under this chapter, an
14 exception is provided for the period beginning on the
15 effective date of this Act and ending December 31,
16 1991, in accordance with the provisions of this
17 paragraph, to permit a center to care for one more
18 child than the amount of children authorized for the
19 center. The exception applies to any limit on the
20 number of children and to requirements for numerical
21 ratios of staff persons to children. The exception
22 applies only to a child who meets both of the
23 following circumstances: the child has a parent
24 serving in the United States armed services who is
25 stationed outside the state of Iowa due to the Persian
26 Gulf conflict and there is no charge for the care
27 provided to the child.

28 Sec. 10. Section 237A.3, Code 1991, is amended by
29 adding the following new subsections:

30 NEW SUBSECTION. 4. If the department has denied
31 or revoked a registration because the applicant or
32 person has continually or repeatedly failed to operate
33 a registered child day care facility in compliance
34 with this chapter and rules adopted pursuant to this
35 chapter, the person shall not own or operate a
36 registered facility for a period of six months from
37 the date the registration is denied or revoked. The
38 department shall not act on an application for
39 registration submitted by the applicant or person
40 during the six-month period.

41 NEW SUBSECTION. 5. Notwithstanding any
42 requirement established under this chapter, an
43 exception is provided for the period beginning on the
44 effective date of this Act and ending December 31,
45 1991, in accordance with the provisions of this
46 subsection, to permit a family day care home or group
47 day care home to care for one more child than the
48 amount of children authorized for the home. The
49 exception applies to any limit on the number of
50 children and to requirements for numerical ratios of

S-3470

Page 3

1 staff persons to children. The exception applies only
2 to a child who meets both of the following
3 circumstances: the child has a parent serving in the
4 United States armed services who is stationed outside
5 the state of Iowa due to the Persian Gulf conflict and
6 there is no charge for the care provided to the
7 child."

8 3. By striking page 5, line 26, through page 6,
9 line 18.

10 4. Page 6, by inserting after line 18, the
11 following:

12 "Sec. ____ . EFFECTIVE DATE. Sections 9 and 10 of
13 this Act, being deemed of immediate importance, take
14 effect upon enactment."

15 5. Title page, line 1, by inserting after the
16 word "state" the following: "foster care, child care,
17 children waived to adult court, and adoption
18 registry".

19 6. Title page, lines 1 and 2, by striking the
20 words "affecting children".

21 7. Title page, line 2, by inserting after the
22 word "children" the following: "and providing an
23 effective date".

24 8. By renumbering, relettering, or redesignating
25 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3470 FILED APRIL 18, 1991

Senate amended & concurred 4/23/91 (p. 1437)

SENATE FILE 471

S-3550

1 Amend amendment, S-3470, to Senate File 471, as
2 passed by the Senate, as follows:

3 1. Page 1, by striking lines 12 through 15 and
4 inserting the following: "child may be held in the
5 county jail in accordance with the provisions of
6 subsection 2, paragraph "c", subparagraphs (1), (3),
7 and (4)."

8 2. Page 1, line 30, by inserting after the word
9 "convicted" the following: "of a forcible felony".

10 3. Page 1, line 32, by inserting after the word
11 "any" the following: "forcible".

By MARY KRAMER
RALPH ROSENBERG
BEVERLY HANNON

S-3550 FILED APRIL 23, 1991

ADOPTED *(p. 1437)*

SENATE FILE 471

S-3550

1 Amend amendment, S-3470, to Senate File 471, as
2 passed by the Senate, as follows:

3 1. Page 1, by striking lines 12 through 15 and
4 inserting the following: "child may be held in the
5 county jail in accordance with the provisions of
6 subsection 2, paragraph "c", subparagraphs (1), (3),
7 and (4)."

8 2. Page 1, line 30, by inserting after the word
9 "convicted" the following: "of a forcible felony".

10 3. Page 1, line 32, by inserting after the word
11 "any" the following: "forcible".

By MARY KRAMER
RALPH ROSENBERG
BEVERLY HANNON

S-3550 FILED APRIL 23, 1991
ADOPTED

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 471

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 471, a bill for an Act relating to state policies and procedures affecting children, respectfully make the following report:

1. That the Senate recedes from its amendment, H-3825.
2. That the House recedes from its amendment, S-3470.
3. That Senate File 471, as passed by the Senate, is amended as follows:

1. Page 1, by inserting after line 30 the following:
"Sec. ____ Section 232.22, subsection 2, unnumbered paragraph 1, Code 1991, is amended to read as follows:

CCS-471.3

Page 2

A Except as provided in subsection 6, a child may be placed in detention as provided in this section in one of the following facilities only:

Sec. ____ . Section 232.22, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. If the court has waived its jurisdiction over the child for the alleged commission of a forcible felony offense pursuant to section 232.45 or 232.45A, and there is a serious risk that the child may commit an act which would inflict serious bodily harm on another person, the child may be held in the county jail, notwithstanding section 356.3. However, wherever possible the child shall be held in sight and sound separation from adult offenders. A child held in the county jail under this subsection shall have all the rights of adult postarrest or pretrial detainees.

Sec. ____ . NEW SECTION. 232.45A WAIVER TO AND CONVICTION BY DISTRICT COURT -- PROCESSING.

1. Once jurisdiction over a child has been waived by the juvenile court as provided in section 232.45, and a conviction is entered by the district court, the clerk of the juvenile court shall immediately send a certified copy of the findings required by section 232.45, subsection 8, and the judgment of conviction to the department of public safety. The department shall maintain a file on each child who has previously been waived to and convicted by the district court in a prosecution as an adult. The file shall be accessible by law enforcement officers on a twenty-four hour per day basis.

2. Once a child sixteen years of age or older has been waived to and convicted of a forcible felony by the district court, all criminal proceedings against the child for any forcible felony occurring subsequent to the date of the conviction of the child shall begin in district court, notwithstanding sections 232.8 and 232.45. A copy of the findings required by section 232.45, subsection 8, shall be made a part of the record in the district court proceedings.

CCS-471.3

Page 3

3. If proceedings against a child for a forcible felony who has previously been waived to and convicted of a forcible felony by the district court are mistakenly begun in the juvenile court, the matter shall be transferred to district court upon the discovery of the prior waiver and conviction, notwithstanding sections 232.8 and 232.45."

2. Page 5, by striking lines 3 through 25 and inserting the following:

"Sec. 9. Section 237A.2, Code 1991, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. If the department has denied or revoked a license because the applicant or person has continually or repeatedly failed to operate a licensed center in compliance with this chapter and rules adopted pursuant to this chapter, the person shall not own or operate a child care center for a period of six months from the date the license is denied or revoked. The department shall not act on an application for a license submitted by the applicant or person during the six-month period.

NEW UNNUMBERED PARAGRAPH. Notwithstanding any requirement established under this chapter, an exception is provided for the period beginning on the effective date of this Act and ending December 31, 1991, in accordance with the provisions of this paragraph, to permit a center to care for one more child than the amount of children authorized for the center. The exception applies to any limit on the number of children and to requirements for numerical ratios of staff persons to children. The exception applies only to a child who meets both of the following circumstances: the child has a parent serving in the United States armed services who is stationed outside the state of Iowa due to the Persian Gulf conflict and there is no charge for the care provided to the child.

Sec. 10. Section 237A.3, Code 1991, is amended by adding the following new subsections:

CCS-471.3

Page 4

NEW SUBSECTION. 4. If the department has denied or revoked a registration because the applicant or person has continually or repeatedly failed to operate a registered child day care facility in compliance with this chapter and rules adopted pursuant to this chapter, the person shall not own or operate a registered facility for a period of six months from the date the registration is denied or revoked. The department shall not act on an application for registration submitted by the applicant or person during the six-month period.

NEW SUBSECTION. 5. Notwithstanding any requirement established under this chapter, an exception is provided for the period beginning on the effective date of this Act and ending December 31, 1991, in accordance with the provisions of this subsection, to permit a family day care home or group day care home to care for one more child than the amount of children authorized for the home. The exception applies to any limit on the number of children and to requirements for numerical ratios of staff persons to children. The exception applies only to a child who meets both of the following circumstances: the child has a parent serving in the United States armed services who is stationed outside the state of Iowa due to the Persian Gulf conflict and there is no charge for the care provided to the child."

3. By striking page 5, line 26, through page 6, line 18.

4. Page 6, by inserting after line 13, the following:

"Sec. ____ . EFFECTIVE DATE. Sections 9 and 10 of this Act, being deemed of immediate importance, take effect upon enactment."

5. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to state foster care, child care, children waived to adult court, and adoption registry policies and procedures and providing an effective date."

CCS-471.3

Page 5

6. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

RALPH ROSENBERG, Chairperson
BEVERLY HANNON
MARY E. KRAMER
ELAINE SZYMONIAK
MAGGIE TINSMAN

MARK A. HAVERLAND, Chairperson
DOROTHY F. CARPENTER
CHARLES HURLEY
JOYCE NIELSEN
MICHAEL K. PETERSON

CCS-471.3 FILED MAY 10, 1991

ADOPTED (p. 1766)

Adopted 5/10 (p. 2251)

KRAMER, CH.
SZYMONIAK
BUNA

SSB 155
HUMAN RESOURCES

SENATE/HOUSE FILE 471
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to state policies and procedures affecting
2 children.

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

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 Section 1. Section 232.2, subsection 4, Code 1991, is
2 amended to read as follows:

3 4. "Case permanency plan" means the plan, mandated by Pub.
4 L. No. 96-272, as codified in 42 U.S.C., secs. 671(a)(16),
5 627(a)(2)(B), and 675(1),(5), which is designed to achieve
6 placement in the least restrictive, most family-like setting
7 available and in close proximity to the parent's home,
8 consistent with the best interests and special needs of the
9 child, and which considers the placement's proximity to the
10 school in which the child is enrolled at the time of
11 placement. The plan shall specifically include all of the
12 following:

13 a. Plans for carrying out the voluntary placement
14 agreement or judicial determination pursuant to which the
15 child entered care.

16 b. The type and appropriateness of the placement and
17 services to be provided to the child.

18 c. The care and services that will be provided to the
19 child, natural parents, and foster parents.

20 d. How the care and services will meet the needs of the
21 child while in care and will facilitate the child's return
22 home or other permanent placement.

23 e. To the extent the records are available and accessible,
24 a summary of the child's health and education records,
25 including the date the records were supplied to the agency or
26 individual who is the child's foster care provider.

27 f. When a child is sixteen years of age or older, a
28 written plan of services which, based upon an assessment of
29 the child's needs, would assist the child in preparing for the
30 transition from foster care to independent living.

31 Sec. 2. Section 232.52, subsection 6, Code 1991, is
32 amended by adding the following new unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. When the court orders the
34 transfer of legal custody of a child pursuant to subsection 2,
35 paragraph "d", and the child is sixteen years of age or older,

1 the order shall specify the services needed to assist the
2 child in preparing for the transition from foster care to
3 independent living.

4 Sec. 3. Section 232.52, subsection 7, Code 1991, is
5 amended to read as follows:

6 7. If the court orders the transfer of the custody of the
7 child to the department of human services or to another agency
8 for placement in foster group care, the department or agency
9 shall make every reasonable effort to place the child within
10 the state, in the least restrictive setting available and in
11 close proximity to the parents' home, consistent with the
12 child's best interests and special needs, and shall consider
13 the placement's proximity to the school in which the child is
14 enrolled at the time of placement.

15 Sec. 4. Section 232.102, subsection 1, Code 1991, is
16 amended by adding the following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. If the child is sixteen years of
18 age or older, the order shall specify the services needed to
19 assist the child in preparing for the transition from foster
20 care to independent living.

21 Sec. 5. Section 232.102, subsection 7, Code 1991, is
22 amended to read as follows:

23 7. In any order transferring custody to the department or
24 an agency, or in orders pursuant to a custody order, the court
25 shall specify the nature and category of disposition which
26 will serve the best interests of the child, and shall
27 prescribe the means by which the placement shall be monitored
28 by the court. If the court orders the transfer of the custody
29 of the child to the department of human services or other
30 agency for placement, the department or agency shall submit a
31 case permanency plan to the court and shall make every
32 reasonable effort to return the child to the child's home as
33 quickly as possible consistent with the best interest of the
34 child. When the child is not returned to the child's home and
35 if the child has been previously placed in a licensed foster

S.F. _____ H.F. _____

1 care facility, the department or agency shall consider placing
2 the child in the same licensed foster care facility. If the
3 court orders the transfer of custody to a relative or other
4 suitable person, the court may direct the department or other
5 agency to provide services to the child's parent, guardian or
6 custodian in order to enable them to resume custody of the
7 child. If the court orders the transfer of custody to the
8 department of human services or to another agency for
9 placement in foster group care, the department or agency shall
10 make every reasonable effort to place the child within Iowa,
11 in the least restrictive setting available, and in close
12 proximity to the parents' home, consistent with the child's
13 best interests and special needs, and shall consider the
14 placement's proximity to the school in which the child is
15 enrolled at the time of placement.

16 Sec. 6. Section 232.119, subsection 4, Code 1991, is
17 amended to read as follows:

18 4. The exchange shall include a matching service for
19 children registered or listed in the adoption photo-listing
20 book and prospective adoptive families listed on the exchange.
21 ~~A child shall be registered~~ The department shall register a
22 child with the national exchange if the child has not been
23 placed for adoption after three months on the exchange
24 established pursuant to this section.

25 Sec. 7. Section 232.119, subsection 5, unnumbered
26 paragraph 2, Code 1991, is amended to read as follows:

27 Upon receipt of a valid written request for deferral
28 pursuant to paragraphs "a" through "e", the exchange shall
29 grant the deferral, except that a deferral based on paragraph
30 "b" or "c" shall be granted for no more than a one-time,
31 ninety-day period unless the termination of parental rights
32 order is appealed. However, if the foster parents or another
33 person with a significant relationship continues to be
34 considered the child's prospective adoptive family, additional
35 extensions of the deferral may be granted until ninety days

1 after the date of the final decision regarding the appeal.

2 Sec. 8. Section 237.15, subsection 1, Code 1991, is
3 amended to read as follows:

4 1. "Case permanency plan" means the plan, mandated by Pub.
5 L. No. 96-272, as codified in 42 U.S.C., secs. 671(a)(16),
6 627(a)(2)(B), and 675(1),(5), which is designed to achieve
7 placement in the least restrictive, most family-like setting
8 available and in close proximity to the parent's home,
9 consistent with the best interests and special needs of the
10 child, and which considers the placement's proximity to the
11 school in which the child is enrolled at the time of
12 placement. The plan shall specifically include all of the
13 following:

14 a. Plans for carrying out the voluntary placement
15 agreement or judicial determination pursuant to which the
16 child entered care.

17 b. The type and appropriateness of the placement and
18 services to be provided to the child.

19 c. The care and services that will be provided to the
20 child, natural parents, and foster parents.

21 d. How the care and services will meet the needs of the
22 child while in care and will facilitate the child's return
23 home or other permanent placement.

24 e. The efforts to place the child with a relative.

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

28 g. Time frames to meet the stated permanency goal and
29 short-term objectives.

30 h. To the extent the records are available and accessible,
31 a summary of the child's health and education records,
32 including the date the records were supplied to the licensee
33 who is the child's foster care provider.

34 i. When a child is sixteen years of age or older, a
35 written plan of services which, based upon an assessment of

1 the child's needs, would assist the child in preparing for the
2 transition from foster care to independent living.

3 Sec. 9. Section 237A.2, Code 1991, is amended by adding
4 the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. If the department has denied or
6 revoked a license because the applicant or person has
7 continually or repeatedly failed to operate a licensed center
8 in compliance with this chapter and rules adopted pursuant to
9 this chapter, the person shall not own or operate a child care
10 center for a period of six months from the date the license is
11 denied or revoked. The department shall not act on an
12 application for a license submitted by the applicant or person
13 during the six-month period.

14 Sec. 10. Section 237A.3, Code 1991, is amended by adding
15 the following new subsection:

16 NEW SUBSECTION. 4. If the department has denied or
17 revoked a registration because the applicant or person has
18 continually or repeatedly failed to operate a registered child
19 day care facility in compliance with this chapter and rules
20 adopted pursuant to this chapter, the person shall not own or
21 operate a registered facility for a period of six months from
22 the date the registration is denied or revoked. The
23 department shall not act on an application for registration
24 submitted by the applicant or person during the six-month
25 period.

26 Sec. 11. Section 600.16, subsection 1, Code 1991, is
27 amended to read as follows:

28 1. Any information compiled under section 600.8,
29 subsection 1, ~~paragraph "c", subparagraph (1) and (2)~~ shall be
30 made available at any time by the clerk of the court, the
31 department, or any agency which made the placement to:

32 a. The adopting parents.

33 b. The adopted person, provided that person is an adult at
34 the time the request for information is made.

35 c. Any person approved by the department if the person

1 uses this information solely for the purposes of conducting a
2 legitimate research project or of for treating a patient in a
3 medical facility.

4 ~~Information-regarding-an-adopted-person's-existing-medical
5 and-developmental-history-and-family-medical-history, which
6 meets-the-definition-of-background-information-in-section
7 600.8, subsection 1, paragraph "c", but which was compiled
8 prior-to-July-1, 1976, shall-be-made-available-as-provided-in
9 this-subsection.--However, the-identity-of-the-adopted
10 person's-natural-parents-shall-not-be-disclosed.~~

11 If information is made available to the adopting parents or
12 the adopted person under this subsection, the identity of the
13 natural parents of the adopted person shall be concealed. If
14 the information is made available to a person conducting a
15 legitimate research project, the person shall not contact the
16 natural parents and shall not release identifying information
17 concerning the natural parents.

18 Sec. 12. Section 600.24, Code 1991, is repealed.

19 EXPLANATION

20 This bill relates to various state policies and procedures
21 affecting children.

22 The definition of "case permanency plan", concerning an
23 out-of-home placement of a child under the juvenile justice
24 chapter, is expanded to include additional criteria. A plan
25 would also be required to consider a placement's proximity to
26 the school in which the child is enrolled at the time of
27 placement. In addition, a plan would include a summary of the
28 child's health and education records and if the child is at
29 least 16 years of age, a written plan of services which would
30 assist the child in preparing for the transition from foster
31 care to independent living. A similar change is made in the
32 case permanency plan definition contained in law providing for
33 foster care review. The department of human services and
34 foster care placing agencies would be required to consider the
35 school proximity requirement in efforts to place adjudicated

1 delinquents and children found to be in need of assistance in
2 foster group care.

3 Dispositional orders for out-of-home placement of children
4 16 years of age or older under delinquency and child in need
5 of assistance proceedings are also affected. The court must
6 specify the services needed to assist the child in preparing
7 for transition to independent living. A requirement that the
8 department of human services or agency who places a child in
9 foster care make efforts to return the child to the child's
10 home is modified so that the efforts are "reasonable".

11 Adoption exchange requirements are revised. The department
12 is explicitly directed to register a child with a national
13 exchange if the child is not placed after three months on the
14 Iowa exchange. The provision to defer on the requirement to
15 place a child on the adoption exchange can be extended when a
16 termination of parental rights order is appealed. The
17 extension is available if the child's foster parents or
18 another person with a significant relationship with the child
19 is still being considered as the prospective adoptive family.
20 It permits deferment until 90 days after the final decision
21 regarding the appeal.

22 Child day care licensing and registration application
23 requirements are revised. If the applicant has continually or
24 repeatedly failed to comply with state requirements, licensing
25 or registration of the applicant is prohibited for a six-month
26 period from the date of denial or revocation. In addition,
27 the department cannot consider an application from the person
28 during the period.

29 Requirements are revised concerning the release of
30 information contained in adoption preplacement and
31 postplacement investigation reports. Current law provides two
32 provisions concerning the release. In the first, medical
33 history information may be released to the adopting parents,
34 an adult adopted person, a person conducting research, and for
35 treating a patient in a medical facility. The second

1 provision is similar but permits access to any adoption record
2 if the record was compiled prior to January 1, 1977, the
3 identity of the natural parents is concealed, and the person
4 gaining access is conducting research or providing medical
5 treatment.

6 The bill would permit the release to the adoptive parents
7 or to an adult adoptee of any information compiled in the
8 preplacement and postplacement reports but requires
9 concealment of the natural parents' identity. A legitimate
10 researcher would have access to this information without
11 concealment but is prohibited from contacting a natural parent
12 or releasing any information which identifies the natural
13 parent. The second provision is repealed.

14 BACKGROUND STATEMENT

15 SUBMITTED BY THE AGENCY

16 The federal Adoption Assistance and Child Welfare Act of
17 1980, requires that states make reasonable efforts to prevent
18 foster care placement and reunify families, develop permanency
19 plans for children in foster care, and provide certain due
20 process protections for children and families. Congress has
21 added several requirements to improve the case permanency
22 plan, placement selection, and dispositional hearings for
23 children in foster care. Federal policy announcements have
24 required states to include these requirements in their Title
25 IV-B state plans.

26 Specific requirements are as follows:

27 1. Case plans must include health and education
28 information.

29 2. Case plans for youth age 16 and older must include an
30 assessment and plan for the child's transition to independent
31 living.

32 3. Dispositional hearings for youth age 16 and older must
33 specify the services needed for the child to make the
34 transition to independent living.

35 4. The selection of a child's foster care placement must

1 take into account proximity to the child's school.

2 This bill contains proposed revisions in Iowa law in
3 compliance with the federal requirements.

4 The department of human services is required to register
5 special needs children on the Iowa exchange if they have not
6 been placed in an adoptive home 30 days after the termination
7 of parental rights occurs. The department is also mandated to
8 register special needs children on national exchanges 90 days
9 after they were placed on the Iowa exchange, if they have not
10 been placed in an adoptive home. The department registers
11 special needs children, via a telecommunication network, on
12 the national adoption center's exchange, and also in the child
13 adoption placement (CAP) book in an effort to recruit adoptive
14 families from other states. Currently, 30 special needs
15 children are registered on a national exchange and in the CAP
16 book.

17 Requests to defer registering a child on the exchange for
18 specific reasons is permissible. However, there are no
19 provisions for granting extension of deferrals because the
20 termination of parental rights is being appealed even though
21 the appeals may take up to 12 months to resolve. There is no
22 need to register the child on the Iowa or national exchanges
23 until the child is legally available for adoption. The
24 department should be able to grant an extension to the
25 deferral until 90 days after the final appeal decision is
26 reached.

27 There is no law or rules to prevent a corporation or person
28 from reapplying for a child day care license or certificate
29 registration once it has been denied or revoked. Current law
30 requires the department to act on the application and thus
31 repeat the denial or revocation procedures.

32 Once a licensed facility or a registered facility has its
33 license or registration denied or revoked, it can immediately
34 reapply for a new license or registration. In order to
35 prevent a constant cycle of application and denial or

1 revocation, facilities should not be allowed to reapply for a
2 six-month period.

3 Iowa Code sections 600.16 and 600.24 regulate the provision
4 of adoption information to the adopting parents, the adult
5 adoptee, persons conducting legitimate research projects, and
6 persons treating a patient in a medical facility.

7 Both sections provide guidelines for access to adoption
8 records, however, some of the information guidelines are
9 redundant or inconsistent. In addition, the department does
10 not have the staff resources to remove the names of natural
11 parents before records are given to researchers. The identity
12 of the parties to the adoption can be protected through other
13 means, including the proposed statutory language prohibiting
14 contact with the birth parents and prohibiting release of
15 identifying information.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 471

AN ACT

RELATING TO STATE FOSTER CARE, CHILD CARE, CHILDREN WAIVED TO ADULT COURT, AND ADOPTION REGISTRY POLICIES AND PROCEDURES AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 232.2, subsection 4, Code 1991, is amended to read as follows:

1. "Case permanency plan" means the plan, mandated by Pub. L. No. 96-272, as codified in 42 U.S.C., secs. 671(a)(16), 627(a)(2)(B), and 675(1),(5), which is designed to achieve placement in the least restrictive, most family-like setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child, and which considers the placement's proximity to the school in which the child is enrolled at the time of placement. The plan shall specifically include all of the following:

- a. Plans for carrying out the voluntary placement agreement or judicial determination pursuant to which the child entered care.
- b. The type and appropriateness of the placement and services to be provided to the child.
- c. The care and services that will be provided to the child, natural parents, and foster parents.
- d. How the care and services will meet the needs of the child while in care and will facilitate the child's return home or other permanent placement.
- e. To the extent the records are available and accessible, a summary of the child's health and education records, including the date the records were supplied to the agency or individual who is the child's foster care provider.

f. When a child is sixteen years of age or older, a written plan of services which, based upon an assessment of the child's needs, would assist the child in preparing for the transition from foster care to independent living.

Sec. 2. Section 232.22, subsection 2, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A Except as provided in subsection 6, a child may be placed in detention as provided in this section in one of the following facilities only:

Sec. 3. Section 232.22, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. If the court has waived its jurisdiction over the child for the alleged commission of a forcible felony offense pursuant to section 232.45 or 232.45A, and there is a serious risk that the child may commit an act which would inflict serious bodily harm on another person, the child may be held in the county jail, notwithstanding section 356.3. However, wherever possible the child shall be held in sight and sound separation from adult offenders. A child held in the county jail under this subsection shall have all the rights of adult postarrest or pretrial detainees.

Sec. 4. NEW SECTION. 232.45A WAIVER TO AND CONVICTION BY DISTRICT COURT -- PROCESSING.

1. Once jurisdiction over a child has been waived by the juvenile court as provided in section 232.45, and a conviction is entered by the district court, the clerk of the juvenile court shall immediately send a certified copy of the findings required by section 232.45, subsection 8, and the judgment of conviction to the department of public safety. The department shall maintain a file on each child who has previously been waived to and convicted by the district court in a prosecution as an adult. The file shall be accessible by law enforcement officers on a twenty-four hour per day basis.

2. Once a child sixteen years of age or older has been waived to and convicted of a forcible felony by the district

court, all criminal proceedings against the child for any forcible felony occurring subsequent to the date of the conviction of the child shall begin in district court, notwithstanding sections 232.8 and 232.45. A copy of the findings required by section 232.45, subsection 8, shall be made a part of the record in the district court proceedings.

3. If proceedings against a child for a forcible felony who has previously been waived to and convicted of a forcible felony by the district court are mistakenly begun in the juvenile court, the matter shall be transferred to district court upon the discovery of the prior waiver and conviction, notwithstanding sections 232.8 and 232.45.

Sec. 5. Section 232.52, subsection 6, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. When the court orders the transfer of legal custody of a child pursuant to subsection 2, paragraph "d", and the child is sixteen years of age or older, the order shall specify the services needed to assist the child in preparing for the transition from foster care to independent living.

Sec. 6. Section 232.52, subsection 7, Code 1991, is amended to read as follows:

7. If the court orders the transfer of the custody of the child to the department of human services or to another agency for placement in foster group care, the department or agency shall make every reasonable effort to place the child within the state, in the least restrictive setting available and in close proximity to the parents' home, consistent with the child's best interests and special needs, and shall consider the placement's proximity to the school in which the child is enrolled at the time of placement.

Sec. 7. Section 232.102, subsection 1, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the child is sixteen years of age or older, the order shall specify the services needed to

assist the child in preparing for the transition from foster care to independent living.

Sec. 8. Section 232.102, subsection 7, Code 1991, is amended to read as follows:

7. In any order transferring custody to the department or an agency, or in orders pursuant to a custody order, the court shall specify the nature and category of disposition which will serve the best interests of the child, and shall prescribe the means by which the placement shall be monitored by the court. If the court orders the transfer of the custody of the child to the department of human services or other agency for placement, the department or agency shall submit a case permanency plan to the court and shall make every reasonable effort to return the child to the child's home as quickly as possible consistent with the best interest of the child. When the child is not returned to the child's home and if the child has been previously placed in a licensed foster care facility, the department or agency shall consider placing the child in the same licensed foster care facility. If the court orders the transfer of custody to a relative or other suitable person, the court may direct the department or other agency to provide services to the child's parent, guardian or custodian in order to enable them to resume custody of the child. If the court orders the transfer of custody to the department of human services or to another agency for placement in foster group care, the department or agency shall make every reasonable effort to place the child within Iowa, in the least restrictive setting available, and in close proximity to the parents' home, consistent with the child's best interests and special needs, and shall consider the placement's proximity to the school in which the child is enrolled at the time of placement.

Sec. 9. Section 232.119, subsection 4, Code 1991, is amended to read as follows:

4. The exchange shall include a matching service for children registered or listed in the adoption photo-listing book and prospective adoptive families listed on the exchange. ~~A child shall be registered~~ The department shall register a child with the national exchange if the child has not been placed for adoption after three months on the exchange established pursuant to this section.

Sec. 10. Section 232.119, subsection 5, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Upon receipt of a valid written request for deferral pursuant to paragraphs "a" through "e", the exchange shall grant the deferral, except that a deferral based on paragraph "b" or "c" shall be granted for no more than a one-time, ninety-day period unless the termination of parental rights order is appealed. However, if the foster parents or another person with a significant relationship continues to be considered the child's prospective adoptive family, additional extensions of the deferral may be granted until ninety days after the date of the final decision regarding the appeal.

Sec. 11. Section 237.15, subsection 1, Code 1991, is amended to read as follows:

1. "Case permanency plan" means the plan, mandated by Pub. L. No. 96-272, as codified in 42 U.S.C., secs. 671(a)(16), 627(a)(2)(B), and 675(1),(5), which is designed to achieve placement in the least restrictive, most family-like setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child, and which considers the placement's proximity to the school in which the child is enrolled at the time of placement. The plan shall specifically include all of the following:

a. Plans for carrying out the voluntary placement agreement or judicial determination pursuant to which the child entered care.

b. The type and appropriateness of the placement and services to be provided to the child.

c. The care and services that will be provided to the child, natural parents, and foster parents.

d. How the care and services will meet the needs of the child while in care and will facilitate the child's return home or other permanent placement.

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

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.

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

h. To the extent the records are available and accessible, a summary of the child's health and education records, including the date the records were supplied to the licensee who is the child's foster care provider.

i. When a child is sixteen years of age or older, a written plan of services which, based upon an assessment of the child's needs, would assist the child in preparing for the transition from foster care to independent living.

Sec. 12. Section 237A.2, Code 1991, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. If the department has denied or revoked a license because the applicant or person has continually or repeatedly failed to operate a licensed center in compliance with this chapter and rules adopted pursuant to this chapter, the person shall not own or operate a child care center for a period of six months from the date the license is denied or revoked. The department shall not act on an application for a license submitted by the applicant or person during the six-month period.

NEW UNNUMBERED PARAGRAPH. Notwithstanding any requirement established under this chapter, an exception is provided for the period beginning on the effective date of this Act and

ending December 31, 1991, in accordance with the provisions of this paragraph, to permit a center to care for one more child than the amount of children authorized for the center. The exception applies to any limit on the number of children and to requirements for numerical ratios of staff persons to children. The exception applies only to a child who meets both of the following circumstances: the child has a parent serving in the United States armed services who is stationed outside the state of Iowa due to the Persian Gulf conflict and there is no charge for the care provided to the child.

Sec. 13. Section 237A.3, Code 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 4. If the department has denied or revoked a registration because the applicant or person has continually or repeatedly failed to operate a registered child day care facility in compliance with this chapter and rules adopted pursuant to this chapter, the person shall not own or operate a registered facility for a period of six months from the date the registration is denied or revoked. The department shall not act on an application for registration submitted by the applicant or person during the six-month period.

NEW SUBSECTION. 5. Notwithstanding any requirement established under this chapter, an exception is provided for the period beginning on the effective date of this Act and ending December 31, 1991, in accordance with the provisions of this subsection, to permit a family day care home or group day care home to care for one more child than the amount of children authorized for the home. The exception applies to any limit on the number of children and to requirements for numerical ratios of staff persons to children. The exception applies only to a child who meets both of the following circumstances: the child has a parent serving in the United States armed services who is stationed outside the state of Iowa due to the Persian Gulf conflict and there is no charge for the care provided to the child.

Sec. 14. EFFECTIVE DATE. Sections 12 and 13 of this Act, being deemed of immediate importance, take effect upon enactment.

JOE J. WELSH
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 471, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved *June 4*, 1991

TERRY E. BRANSTAD
Governor