

MAR 15 1995

HUMAN RESOURCES

HOUSE FILE 441

BY JOCHUM and BURNETT

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to state foster care requirements.

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

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HF 441

1 Section 1. Section 232.91, Code 1995, is amended to read  
2 as follows:

3 232.91 PRESENCE OF PARENTS, AND GUARDIAN AD LITEM, AND  
4 FOSTER PARENTS AT HEARINGS.

5 1. Any hearings or proceedings under this division  
6 subsequent to the filing of a petition shall not take place  
7 without the presence of the child's parent, guardian,  
8 custodian, or guardian ad litem in accordance with and subject  
9 to section 232.38. A parent without custody may petition the  
10 court to be made a party to proceedings under this division.

11 2. Any hearing or proceeding under this division  
12 subsequent to a dispositional order under section 232.102  
13 shall also include as a party with a direct interest in the  
14 case, the agency, facility, institution, or person, including  
15 a foster parent, to whom custody of the child has been  
16 transferred.

17 Sec. 2. Section 232.104, subsection 2, paragraph b, Code  
18 1995, is amended to read as follows:

19 b. Enter an order pursuant to section 232.102 to continue  
20 placement of the child for an additional six months at which  
21 time the court shall hold a hearing to consider modification  
22 of its permanency order. An order entered under this  
23 paragraph shall include as a basis for the determination that  
24 the need for removal of the child from the child's home will  
25 no longer exist at the end of the additional six-month period.

26 Sec. 3. Section 232.189, Code 1995, is amended to read as  
27 follows:

28 232.189 REASONABLE EFFORTS ADMINISTRATIVE REQUIREMENTS.

29 Based upon a model reasonable efforts family court  
30 initiative, the director of human services and the chief  
31 justice of the supreme court or their designees shall jointly  
32 establish and implement a statewide protocol for reasonable  
33 efforts to prevent or eliminate the need for placement of a  
34 child outside the child's home. In addition, the director and  
35 the chief justice shall design and implement a system for

1 judicial and departmental reasonable efforts education for  
2 deployment throughout the state. The system for reasonable  
3 efforts education shall be developed in a manner which  
4 addresses the particular needs of rural areas and shall  
5 include but is not limited to all of the following topics:

6 1. Regular training concerning mental or emotional  
7 disorders which may afflict children and the impact children  
8 with such disorders have upon their families.

9 2. The duties of judicial and departmental employees  
10 associated with placing a child removed from the child's home  
11 into a permanent home and the urgency of the placement for the  
12 child.

13 3. The essential elements, including writing techniques,  
14 in developing effective permanency plans.

15 4. The essential elements of gathering evidence sufficient  
16 for the evidentiary standards required for judicial orders  
17 under this chapter.

18 Sec. 4. NEW SECTION. 234.7 DEPARTMENT DUTIES.

19 The department of human services shall comply with all of  
20 the following requirements associated with child foster care  
21 licensees under chapter 237A:

22 1. Caseloads for the department's social work staff  
23 assigned to the licensees shall not exceed the caseload  
24 standards established for similar positions by the child  
25 welfare league of America.

26 2. The department shall not assign more than one worker to  
27 any child who is receiving child welfare services, as defined  
28 in section 235.1, in a foster care placement. If the  
29 department purchases services for the child from a private  
30 agency, the department's responsibility to monitor the child's  
31 daily functioning in the placement shall be delegated to the  
32 private agency.

33 3. The department shall include a child's foster parent in  
34 and provide timely notice of planning and review activities  
35 associated with the child, including but not limited to

1 permanency planning, a clinical assessment and consultation  
2 team review or other activity, and placement review meetings.

3 Sec. 5. Section 234.38, Code 1995, is amended to read as  
4 follows:

5 234.38 FOSTER CARE REIMBURSEMENT RATES.

6 1. The department of human services shall make  
7 reimbursement payments directly to foster parents for services  
8 provided to children pursuant to section 234.6, subsection 6,  
9 paragraph "b", or section 234.35. In any fiscal year, the  
10 reimbursement rate shall be based upon sixty-five at least  
11 seventy-five percent of the United States department of  
12 agriculture estimate of the cost to raise a child in the  
13 calendar year immediately preceding the fiscal year. The  
14 department may pay an additional stipend for a child with  
15 special needs.

16 2. In addition to reimbursement payments under subsection  
17 1, the department shall pay for respite care, including in-  
18 home respite care, for foster parents and provide adequate  
19 allowances for clothing and school expenses. The clothing  
20 allowance upon a child's initial placement shall be at least  
21 two hundred fifty dollars and at least fifty dollars per month  
22 during the remainder of the placement. School expenses shall  
23 be reimbursed for elementary and developmental preschool  
24 children at not more than fifty dollars per semester and for  
25 grades seven through twelve at not more than one hundred  
26 dollars per semester. Driver's education expenses shall be  
27 reimbursed in full.

28 Sec. 6. Section 273.2, subsection 1, Code 1995, is amended  
29 to read as follows:

30 1. In-service training programs for employees of school  
31 districts and area education agencies, provided at the time  
32 programs and services are established they do not duplicate  
33 programs and services available in that area from the  
34 universities under the state board of regents and from other  
35 universities and four-year institutions of higher education in

1 Iowa. The in-service training programs shall include but are  
2 not limited to regular training concerning mental or emotional  
3 disorders which may afflict children and the impact children  
4 with such disorders have upon their families.

5 Sec. 7. Section 602.1203, Code 1995, is amended to read as  
6 follows:

7 602.1203 PERSONNEL CONFERENCES.

8 The chief justice may order conferences of judicial  
9 officers or court employees on matters relating to the  
10 administration of justice or the affairs of the department.  
11 For judges and other court employees who handle cases  
12 involving children and family law, the chief justice shall  
13 require regular training concerning mental or emotional  
14 disorders which may afflict children and the impact children  
15 with such disorders have upon their families.

16 EXPLANATION

17 This bill relates to state foster care requirements.

18 Section 232.91 is amended to require that after the entry  
19 of a dispositional order any hearing or proceeding associated  
20 with the child in need of assistance provisions under the  
21 juvenile code shall include the child's foster care placement  
22 as a party with a direct interest in the case.

23 Section 232.104 requires a permanency hearing if a child is  
24 placed in foster care for a period of 12 months or if the  
25 prior legal custodian has abandoned efforts to regain custody  
26 of the child. After the permanency hearing, one of the  
27 court's options is to continue the foster care placement for  
28 six months and then hold another permanency hearing. If this  
29 option is selected, under the bill the court order must  
30 include as a basis for the determination that the need for  
31 removal of the child will no longer exist at the end of the  
32 six-month period.

33 Section 232.189 requires the director of human services and  
34 the chief justice of the supreme court to develop a statewide  
35 protocol for reasonable efforts to prevent or eliminate a

1 child's out-of-home placement and to implement statewide  
2 departmental and judicial education concerning the protocol.  
3 The bill requires the education effort to address rural needs  
4 and to include various topics involving children's disorders,  
5 duties associated with developing a permanent placement for a  
6 child, and essential elements for permanency planning and for  
7 evidence gathering.

8 New section 234.7 requires the department to comply with  
9 various requirements involving child foster care licensees.  
10 The requirements include complying with national caseload  
11 standards for the department's foster care workers;  
12 prohibiting assigning more than one worker to a child  
13 receiving services in a foster care placement and requiring  
14 the department to delegate monitoring duties if the department  
15 purchases foster care services from a private agency; and  
16 requiring the timely notice and inclusion of a child's foster  
17 parent in various review and planning activities involving the  
18 child.

19 Current law in section 234.38 requires the department to  
20 reimburse family foster care at a rate of at least 65 percent  
21 of a federal estimate of the cost to raise a child in the  
22 previous calendar year. The bill increases this rate to 75  
23 percent of the federal estimate. In addition, the bill  
24 requires payment for other family foster care costs, including  
25 respite care, clothing costs, and school expenses, including  
26 driver's education expenses.

27 Section 273.2 is amended to add training concerning  
28 children's disorders and resulting family impacts to area  
29 education agency requirements for in-service education of  
30 agency and school system staff. Section 602.1203 is amended  
31 to apply a similar training requirement for the judges and  
32 other court employees who handle cases involving children and  
33 family law.

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