

JAN 20 1999  
HUMAN RESOURCES

HOUSE FILE 104  
BY KREIMAN

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

**A BILL FOR**

1 An Act relating to children in the custody of the department of  
2 human services who have been placed in the same licensed  
3 foster home for twelve months or more.

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

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HF 104

1 Section 1. NEW SECTION. 232.105 CHANGE OF FOSTER HOME  
2 PLACEMENT.

3 1. This section applies to children for which the court  
4 has ordered transfer of custody to the department of human  
5 services and the child has been placed with the same  
6 individual licensed foster home for a continuous period of  
7 twelve months or more. The department shall not change the  
8 placement of the child to a different individual licensed  
9 foster home unless any of the following provisions applies:

10 a. The individual licensee with whom the child is  
11 currently placed gives written consent to the different  
12 placement on a form developed by the department.

13 b. The different individual licensed foster home or  
14 another individual has initiated legal action to adopt the  
15 child and the individual with whom the child is placed has not  
16 initiated legal action to adopt the child.

17 c. A court has approved the placement change following a  
18 hearing held in accordance with this section.

19 2. Upon requesting written consent for a different  
20 placement, the department must provide the licensed foster  
21 home with an explanation of the option to provide consent or  
22 to decline to provide consent and a statement that declining  
23 to consent shall not adversely affect the authorization for  
24 the licensed foster home to provide foster care services.

25 3. If a licensee with whom a child is currently placed  
26 does not give written consent as requested by the department,  
27 the department may petition the court for a hearing. Unless  
28 the court orders otherwise, the child shall remain with the  
29 licensee. The petition and hearing shall be subject to all of  
30 the following:

31 a. The licensee with whom the child is currently placed is  
32 a party to the hearing.

33 b. If the department shows by clear and convincing  
34 evidence that changing the placement of the child to a  
35 different licensed foster home is in the best interest of the

1 child, the court may enter an order approving the different  
2 placement.

3 | c. Upon entry of such court order, the child shall be  
4 moved to the different placement as quickly as is reasonably  
5 possible and is in the best interest of the child.

6 | 4. If the department believes continued placement of the  
7 child with the current licensee poses an imminent danger to  
8 the child's life or health, the department shall petition the  
9 court for an ex parte order directing removal of the child  
10 from the current licensee and placement of the child in a  
11 suitable location approved by the court. The court may enter  
12 the ex parte order provided all of the circumstances under  
13 section 232.78, subsection 1, apply. A copy of the petition  
14 and order shall be provided to the licensee from whom the  
15 child is removed.

16 | 5. If the department believes continued placement of the  
17 child with the current individual licensed foster home would  
18 cause the child to meet the definition of a child in need of  
19 assistance, the department shall file a petition as provided  
20 in section 232.87.

21 | EXPLANATION

22 | This bill relates to children in the custody of the  
23 department of human services who have been placed in a  
24 licensed foster home for 12 months or more.

25 | The department prohibits the department from changing the  
26 placement of such children unless the licensee consents to the  
27 change, the new placement has initiated legal action to adopt  
28 the child and the current placement has not initiated legal  
29 action to adopt, or the court approves of the placement  
30 change. When a department requests consent, the licensee is  
31 to be informed of the option to decline the consent and that  
32 declining to consent will not adversely affect the  
33 authorization for the licensee to provide foster care  
34 services.

35 | If consent is declined, the department may petition the

1 court for a hearing to approve the different placement for the  
2 child. The licensee with whom the child is currently placed  
3 is to be a party to the hearing. If the department shows by  
4 clear and convincing evidence that the different placement is  
5 in the best interest of the child, the court may enter an  
6 order approving the placement. Transfer of the child in  
7 accordance with the order is to be accomplished as quickly as  
8 is reasonably possible and in the best interest of the child.

9 If the department believes continuing the current placement  
10 of the child poses imminent danger to the child's life or  
11 health, the department may file a petition for an ex parte  
12 order for removal of the child to a suitable placement  
13 approved by the court. The court may enter the order if the  
14 circumstances for an ex parte order under Code section 232.78  
15 providing for temporary custody of a child who is in imminent  
16 danger. A copy of the petition and order are to be provided  
17 to the individual from whom the child is removed.

18 If the department believes continued placement of the child  
19 with the current individual licensed foster home would cause  
20 the child to meet the definition of child in need of  
21 assistance (CINA), the department is to file a petition  
22 initiating a CINA proceeding.

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