

*Carroll
Ford
Seeger*

HSB 623

HUMAN RESOURCES

SF (HF) - 3

SENATE/HOUSE FILE _____

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 child and family services administered by the
2 department of human services.

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

DIVISION I

HOME CONDITION INVESTIGATIONS

1
2
3 Section 1. Section 598.12, subsections 2 and 3, Code 1999,
4 are amended to read as follows:

5 2. The court may require that ~~the department of human~~
6 ~~services or~~ an appropriate agency make an investigation of
7 both parties regarding the home conditions, parenting
8 capabilities, and other matters pertinent to the best
9 interests of the child or children in a dispute concerning
10 custody of the child or children. The investigation report
11 completed by the ~~department of human services or an~~
12 appropriate agency shall be submitted to the court and
13 available to both parties. The investigation report completed
14 by the ~~department of human services or an~~ appropriate agency
15 shall be a part of the record unless otherwise ordered by the
16 court.

17 3. The court shall enter an order in favor of the
18 attorney, ~~the department of human services,~~ or an appropriate
19 agency for fees and disbursements, which and the amount shall
20 be charged against the party responsible for court costs
21 unless the court determines that the party responsible for
22 costs is indigent in which event the fees shall be borne by
23 the county.

24 DIVISION II

25 ABUSE REGISTRY ACCESS

26 Sec. 2. Section 235A.19, subsection 2, paragraph b, Code
27 1999, is amended by adding the following new subparagraph:

28 NEW SUBPARAGRAPH. (8) For statutorily authorized record
29 checks for employment of an individual by a provider of adult
30 home care, adult health facility care, or other adult
31 placement facility care.

32 Sec. 3. Section 235B.6, subsection 2, paragraph e, Code
33 Supplement 1999, is amended by adding the following new
34 subparagraph:

35 NEW SUBPARAGRAPH. (8) To the administrator of an agency

1 providing care to a dependent adult in another state, for the
2 purpose of performing an employment background check.

3 DIVISION III

4 CASE PERMANENCY PLANS

5 Sec. 4. Section 232.2, subsection 4, unnumbered paragraph
6 1, Code Supplement 1999, is amended to read as follows:

7 "Case permanency plan" means the plan, mandated by Pub. L.
8 No. 96-272 and Pub. L. No. 105-89, as codified in 42 U.S.C. §
9 671(a)(16), 627(a)(2)(B), and 675(1),(5), which is designed to
10 achieve placement in the least restrictive, most family-like
11 setting available and in close proximity to the parent's home,
12 consistent with the best interests and special needs of the
13 child, and which considers the placement's proximity to the
14 school in which the child is enrolled at the time of
15 placement. The plan shall be developed by the department or
16 agency involved and the child's parent, guardian, or
17 custodian. The plan shall specifically include all of the
18 following:

19 Sec. 5. Section 237.15, subsection 1, Code 1999, is
20 amended by striking the subsection and inserting in lieu
21 thereof the following:

22 1. "Case permanency plan" means the same as defined in
23 section 232.2, subsection 4, except the plan shall also
24 include the following:

- 25 a. The efforts to place the child with a relative.
26 b. The rationale for an out-of-state placement, and the
27 efforts to prevent such placement, if the child has been
28 placed out-of-state.
29 c. Time frames to meet the stated permanency goal and
30 short-term objectives.

31 DIVISION IV

32 GROUP FOSTER CARE

33 Sec. 6. Section 232.143, subsections 1 and 2, Code
34 Supplement 1999, are amended to read as follows:

35 1. A statewide expenditure target for children in group

1 foster care placements in a fiscal year, which placements are
2 a charge upon or are paid for by the state, shall be
3 established annually in an appropriation bill by the general
4 assembly. The department and the ~~judicial-branch~~ juvenile
5 court services shall jointly develop a formula for allocating
6 a portion of the statewide expenditure target established by
7 the general assembly to each of the department's regions. The
8 formula shall be based upon the region's proportion of the
9 state population of children and of the statewide usage of
10 group foster care in the previous five completed fiscal years
11 and other indicators of need. The expenditure amount
12 determined in accordance with the formula shall be the group
13 foster care budget target for that region. A region may
14 exceed its budget target for group foster care by not more
15 than ~~five~~ twenty-five percent in a fiscal year, provided the
16 overall funding allocated by the department for all child
17 welfare and juvenile justice services in the region is not
18 exceeded. Funding needed to pay for a child placed in group
19 foster care shall be considered encumbered for the duration of
20 the child's projected or actual length of stay, whichever is
21 applicable.

22 2. For each of the department's regions, representatives
23 appointed by the department and the juvenile court services
24 shall establish a plan for containing the expenditures for
25 children placed in group foster care ordered by the court
26 within the budget target allocated to that region pursuant to
27 subsection 1. The plan shall include monthly targets and
28 strategies for developing alternatives to group foster care
29 placements in order to contain expenditures for child welfare
30 and juvenile justice services within the amount appropriated
31 by the general assembly for that purpose. Each regional plan
32 shall be established within sixty days of the date by which
33 the group foster care budget target for the region is
34 determined. To the extent possible, the department and the
35 juvenile court services shall coordinate the planning required

1 under this subsection with planning for services paid under
2 section 232.141, subsection 4. The department's regional
3 administrator shall communicate regularly, as specified in the
4 regional plan, with the chief officers of juvenile courts
5 court services within that region concerning the current
6 status of the regional plan's implementation.

7 EXPLANATION

8 This bill relates to child and family services administered
9 by the department of human services.

10 Division I amends Code section 598.12, relating to
11 investigations and attorneys for a minor child involving
12 dissolution of marriage. The amendment strikes references to
13 the department of human services in provisions authorizing the
14 court to appoint the department or an appropriate agency to
15 make investigations regarding placement of the child,
16 parenting capacities, and other matters.

17 Division II relates to child and dependent adult abuse
18 registry access.

19 Code section 235A.19, relating to requests for correction
20 or expungement of child abuse information and appeals,
21 prohibits the department from disclosing the information until
22 the conclusion of proceedings. However, there is a list of
23 exceptions to the prohibition. The bill adds to that list by
24 allowing disclosure for statutorily authorized record checks
25 for employment of an individual by a provider of adult home
26 care, adult health facility care, or other adult placement
27 facility care.

28 Code section 235B.6 is amended to allow access to dependent
29 adult abuse information to the administrator of an agency
30 providing care to a dependent adult in another state, for the
31 purpose of performing an employment background check.

32 Division III relates to the definitions of case permanency
33 plans for children removed for out-of-home placements. The
34 bill amends the definition in Code section 232.2 of the
35 juvenile justice code to include a reference to the federal

1 requirements for the plans in the federal Adoption and Safe
2 Families Act, Pub. L. No. 105-89. In addition, the bill
3 amends a definition of case permanency plan in Code section
4 237.15, used for the foster care review process. The bill
5 strikes and rewrites the current definition to incorporate
6 identical language in the Code section 232.2 definition by
7 reference and reinsert additional plan requirements that exist
8 in the current statute.

9 Division IV amends Code section 232.143, relating to the
10 regional group foster care budget targets. Under current law,
11 a region can exceed its budget target for group foster care by
12 not more than 5 percent, provided the overall funding
13 allocated for child welfare services in that region is not
14 exceeded. The bill increases the authorization to 25 percent
15 of the budget target and expands the overall funding source
16 which cannot be exceeded from child welfare funding to also
17 include the funding for juvenile justice services.

18 In addition, the bill changes the responsibility to plan
19 for funding with the department from the "judicial branch" and
20 "juvenile court" to "juvenile court services". Language is
21 added that provides that the funding needed to pay for a
22 child's group foster care placement is to be considered
23 encumbered for the projected or actual stay, whichever is
24 applicable. Language to this effect was included in the
25 department's appropriations legislation for fiscal years 1998-
26 1999 and 1999-2000.

27

28

29

30

31

32

33

34

35



SB2249

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
JESSIE K. RASMUSSEN, DIRECTOR

January 11, 2000

To: Members of the General Assembly

From: Karla Fultz McHenry, Department of Human Services

Log No. Bill Review 2007
Bill No. LSB 5233

These amendments are proposed by the Department of Human Services to achieve consistency with federal language and other sections of the Iowa Code and to increase flexibility in meeting group care budget targets.

The following is additional information related to each section of the bill:

Division I: Currently the court can require DHS to do home study investigations in dissolution of marriage cases where child custody is an issue. This bill removes specific reference to DHS, continuing to allow the court to appoint any appropriate agency to fulfill that function.

Division II, Sec. 2: Allows release of founded child abuse information to an adult care employer even if the record of abuse is under appeal.

Division II, Sec 3: Authorizes access to dependent adult abuse records for out of state adult care facilities and adult care employers for employment record checks.

Division III, Sec. 4: Modifies 232.2 to indicate compliance with federal law enacting the Adoption and Safe Families Act, and strikes other citation not necessary in code.

Division III, Sec 5: Modifies 237.15 to indicate compliance with federal law enacting the Adoption and Safe Families Act, and strikes other citation not necessary in code.

Division IV: Current law allows DHS regions to exceed group care budget targets by 5%. This bill allows them to exceed by 25%. It continues to require regions to not exceed their overall child welfare fund budget, and clarifies that the reference to child welfare service includes juvenile justice services. The bill provides that a child's group foster care placement is to be considered encumbered for the projected or actual stay, whichever is applicable. Finally, it requires the department to plan funding with "juvenile court services" instead of with the "judicial branch" or "juvenile court".

If you have any questions concerning this proposal, please contact Karla Fultz McHenry, Legislative Liaison, (515) 281-4848.

KFM/RN

Substituted for by SF 2344

3/22/00

(P. 884)

FEB 15 2000

Place On Calendar

HOUSE FILE

2249

BY COMMITTEE ON HUMAN RESOURCES

WITHDRAWN

(SUCCESSOR TO HSB 623)

2/22/00 (P. 891)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to child and family services administered by the
2 department of human services.

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

HF 2249

DIVISION I

HOME CONDITION INVESTIGATIONS

Section 1. Section 598.12, subsections 2 and 3, Code 1999, are amended to read as follows:

2. The court may require that ~~the department of human services or~~ an appropriate agency make an investigation of both parties regarding the home conditions, parenting capabilities, and other matters pertinent to the best interests of the child or children in a dispute concerning custody of the child or children. The investigation report completed by the ~~department of human services or an~~ appropriate agency shall be submitted to the court and available to both parties. The investigation report completed by the ~~department of human services or an~~ appropriate agency shall be a part of the record unless otherwise ordered by the court.

3. The court shall enter an order in favor of the attorney, ~~the department of human services,~~ or an appropriate agency for fees and disbursements, which and the amount shall be charged against the party responsible for court costs unless the court determines that the party responsible for costs is indigent in which event the fees shall be borne by the county.

DIVISION II

ABUSE REGISTRY ACCESS

Sec. 2. Section 235A.19, subsection 2, paragraph b, Code 1999, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) For statutorily authorized record checks for employment of an individual by a provider of adult home care, adult health facility care, or other adult placement facility care.

Sec. 3. Section 235B.6, subsection 2, paragraph e, Code Supplement 1999, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (8) To the administrator of an agency

1 providing care to a dependent adult in another state, for the
2 purpose of performing an employment background check.

3 DIVISION III

4 CASE PERMANENCY PLANS

5 Sec. 4. Section 232.2, subsection 4, unnumbered paragraph
6 1, Code Supplement 1999, is amended to read as follows:

7 "Case permanency plan" means the plan, mandated by Pub. L.
8 No. 96-272 and Pub. L. No. 105-89, as codified in 42 U.S.C. §
9 671(a)(16), 627(a)(2)(B), and 675(1),(5), which is designed to
10 achieve placement in the least restrictive, most family-like
11 setting available and in close proximity to the parent's home,
12 consistent with the best interests and special needs of the
13 child, and which considers the placement's proximity to the
14 school in which the child is enrolled at the time of
15 placement. The plan shall be developed by the department or
16 agency involved and the child's parent, guardian, or
17 custodian. The plan shall specifically include all of the
18 following:

19 Sec. 5. Section 237.15, subsection 1, Code 1999, is
20 amended by striking the subsection and inserting in lieu
21 thereof the following:

22 1. "Case permanency plan" means the same as defined in
23 section 232.2, subsection 4, except the plan shall also
24 include the following:

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

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

29 c. Time frames to meet the stated permanency goal and
30 short-term objectives.

31 DIVISION IV

32 GROUP FOSTER CARE

33 Sec. 6. Section 232.143, subsections 1 and 2, Code
34 Supplement 1999, are amended to read as follows:

35 1. A statewide expenditure target for children in group

1 requirements for the plans in the federal Adoption and Safe
2 Families Act, Pub. L. No. 105-89. In addition, the bill
3 amends a definition of case permanency plan in Code section
4 237.15, used for the foster care review process. The bill
5 strikes and rewrites the current definition to incorporate
6 identical language in the Code section 232.2 definition by
7 reference and reinsert additional plan requirements that exist
8 in the current statute.

9 Division IV amends Code section 232.143, relating to the
10 regional group foster care budget targets. Under current law,
11 a region can exceed its budget target for group foster care by
12 not more than 5 percent, provided the overall funding
13 allocated for child welfare services in that region is not
14 exceeded. The bill increases the authorization to 15 percent
15 of the budget target and expands the overall funding source
16 which cannot be exceeded from child welfare funding to also
17 include the funding for juvenile justice services.

18 In addition, the bill changes the responsibility to plan
19 for funding with the department from the "judicial branch" and
20 "juvenile court" to "juvenile court services". Language is
21 added that provides that the funding needed to pay for a
22 child's group foster care placement is to be considered
23 encumbered for the projected or actual stay, whichever is
24 applicable. Language to this effect was included in the
25 department's appropriations legislation for fiscal years 1998-
26 1999 and 1999-2000.

27
28
29
30
31
32
33
34
35

HOUSE FILE 2249

H-8092

1 Amend House File 2249 as follows:

2 1. Page 2, line 4, by inserting after the word
3 "PLANS" the following: "AND OTHER CHILD WELFARE
4 REQUIREMENTS".

5 2. Page 2, by striking line 9 and inserting the
6 following: "622(b)(10), 671(a)(16), ~~627(a)(2)(B)~~ and
7 675(1), (5), which is designed to".

8 3. Page 2, line 10, by inserting after the words
9 "family-like" the following: ", and most
10 appropriate".

11 4. Page 2, by inserting after line 18 the
12 following:

13 "Sec. _____. Section 232.2, subsection 4, Code
14 Supplement 1999, is amended by adding the following
15 new paragraphs:

16 NEW PARAGRAPH. i. A provision that a designee of
17 the department or other person responsible for
18 placement of a child out of state shall visit the
19 child at least once every twelve months.

20 NEW PARAGRAPH. j. If it has been determined that
21 the child cannot return to the child's home,
22 documentation of the steps taken to make and finalize
23 an adoption or other permanent placement.

24 Sec. _____. Section 232.78, subsection 3, Code
25 Supplement 1999, is amended to read as follows:

26 3. ~~The order shall specify the facility to which~~
27 ~~the child is to be brought.~~ Except for good cause
28 shown or unless the child is sooner returned to the
29 place where the child was residing or permitted to
30 return to the child care facility, a petition shall be
31 filed under this chapter within three days of the
32 issuance of the order.

33 Sec. _____. Section 232.78, subsection 6, Code
34 Supplement 1999, is amended to read as follows:

35 6. Any person who may file a petition under this
36 chapter may apply for, or the court on its own motion
37 may issue, an order for temporary removal under this
38 section. An appropriate person designated by the
39 court shall confer with a person seeking the removal
40 order, shall make every reasonable effort to inform
41 the parent or other person legally responsible for the
42 child's care of the application, and shall make such
43 inquiries as will aid the court in disposing of such
44 application. The person designated by the court shall
45 file with the court a complete written report
46 providing all details of the designee's conference
47 with the person seeking the removal order, the
48 designee's efforts to inform the parents or other
49 person legally responsible for the child's care of the
50 application, any inquiries made by the designee to aid

H-8092

H-8092

Page 2

1 the court in disposing of the application, and all
2 information the designee communicated to the court.
3 The report shall be filed within five days of the date
4 of the removal order. If the court does not designate
5 an appropriate person who performs the required
6 duties, notwithstanding section 234.39 or any other
7 provision of law, the child's parent shall not be
8 responsible for paying the cost of care and services
9 for the duration of the removal order.

10 7. Any order entered under this section
11 authorizing temporary removal of a child shall include
12 a both of the following:

13 a. A statement that the temporary removal is the
14 result of a determination that the child remaining in
15 the child's home would be contrary to the welfare of
16 the child, and that reasonable efforts have been made
17 to prevent or eliminate the need for removal of the
18 child from the child's home.

19 b. A statement informing the child's parent that
20 the consequences of a permanent removal may include
21 termination of the parent's rights with respect to the
22 child.

23 Sec. ____. Section 232.95, subsection 1, Code 1999,
24 is amended to read as follows:

25 1. At any time after the petition is filed any
26 person who may file a petition under section 232.87
27 may apply for, or the court on its own motion may
28 order, a hearing to determine whether the child should
29 be temporarily removed from home. Where If the child
30 is in the custody of a person other than the child's
31 parent, guardian, or custodian as the result of action
32 taken pursuant to section 232.78 or 232.79, the court
33 shall hold a hearing within ten days of the date of
34 temporary removal to determine whether the temporary
35 removal should be continued.

36 Sec. ____. Section 232.96, subsection 10, Code
37 1999, is amended to read as follows:

38 10. If the court enters an order adjudicating the
39 child to be a child in need of assistance, the court,
40 if it has not previously done so, may issue an order
41 authorizing temporary removal of the child from the
42 child's home as set forth in section 232.95,
43 subsection 2, paragraph "a", pending a final order of
44 disposition. The order shall include a both of the
45 following:

46 a. A statement that the temporary removal is the
47 result of a determination that the child remaining in
48 the child's home would be contrary to the welfare of
49 the child, and that reasonable efforts have been made
50 to prevent or eliminate the need for removal of the

H-8092

-2-

H-8092

Page 3

1 child from the child's home.

2 b. A statement informing the child's parent that
3 the consequences of a permanent removal may include
4 termination of the parent's rights with respect to the
5 child.

6 Sec. _____. Section 232.102, subsection 10,
7 paragraph a, unnumbered paragraph 1, Code 1999, is
8 amended to read as follows:

9 As used in this section, "reasonable efforts" means
10 the efforts made to preserve and unify a family prior
11 to the out-of-home placement of a child in foster care
12 or to eliminate the need for removal of the child or
13 make it possible for the child to safely return to the
14 family's home. If returning the child to the family's
15 home is not appropriate or not possible, reasonable
16 efforts shall include the efforts made in a timely
17 manner to finalize a permanency plan for the child. A
18 child's health and safety shall be the paramount
19 concern in making reasonable efforts. Reasonable
20 efforts may include intensive family preservation
21 services or family-centered services, if the child's
22 safety in the home can be maintained during the time
23 the services are provided. In determining whether
24 reasonable efforts have been made, the court shall
25 consider both of the following:

26 Sec. _____. Section 232.104, subsection 1, paragraph
27 a, subparagraph (2), Code 1999, is amended to read as
28 follows:

29 (2) For an order entered under section 232.102,
30 for which the court has waived reasonable efforts
31 requirements under section 232.102, subsection ~~11~~ 12,
32 the permanency hearing shall be held within thirty
33 days of the date the requirements were waived.

34 Sec. _____. Section 232.104, subsection 1, paragraph
35 c, Code 1999, is amended to read as follows:

36 c. Reasonable notice of a permanency hearing in a
37 case of juvenile delinquency shall be provided
38 pursuant to section 232.37. A permanency hearing
39 shall be conducted in substantial conformance with the
40 provisions of section 232.99. During the hearing the
41 court shall consider the child's need for a secure and
42 permanent placement in light of any permanency plan or
43 evidence submitted to the court. Upon completion of
44 the hearing the court shall enter written findings and
45 make a determination ~~based-upon-the-permanency-plan~~
46 ~~which-will-best-serve-the-child's-individual-interests~~
47 ~~at-that-time~~ identifying a primary permanency goal for
48 the child. If a permanency plan is in effect at the
49 time of the hearing, the court shall also make a
50 determination as to whether reasonable progress is

H-8092

-3-

H-8092

Page 4

- 1 being made in achieving the permanency goal and other
- 2 provisions of that permanency plan."

By CARROLL of Poweshiek

H-8092 FILED FEBRUARY 29, 2000

W/D

3-22-00 (p. 883)

HOUSE FILE 2249

H-8086

- 1 Amend House File 2249 as follows:
- 2 1. By striking page 2, line 31 through page 4,
- 3 line 6.
- 4 2. By renumbering as necessary.

By HEATON of Henry

H-8086 FILED FEBRUARY 29, 2000

Adopted 3/22/00 (p. 884)

HOUSE FILE 2249

H-8138

- 1 Amend the amendment, H-8086, to House File 2249 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 4 and
- 4 inserting the following:
- 5 " . Page 3, line 15, by striking the words
- 6 "five fifteen" and inserting the following: "five"."

By HEATON of Henry

H-8138 FILED MARCH 1, 2000

W/D
3/22/00 (p. 884)

HOUSE FILE 2249

H-8072

1 Amend House File 2249 as follows:

2 1. Page 4, by inserting after line 6 the
3 following:

4 "DIVISION V

5 MENTAL HEALTH PATIENT ADVOCATES

6 Sec. ____ . Section 229.19, unnumbered paragraph 1,
7 Code Supplement 1999, is amended to read as follows:

8 The district court in each county ~~with a population~~
9 ~~of under three hundred thousand inhabitants and the~~
10 ~~board of supervisors in each county with a population~~
11 ~~of three hundred thousand or more inhabitants~~ shall
12 appoint an individual who has demonstrated by prior
13 activities an informed concern for the welfare and
14 rehabilitation of persons with mental illness, and who
15 is not an officer or employee of the department of
16 human services nor of any agency or facility providing
17 care or treatment to persons with mental illness, to
18 act as advocate representing the interests of patients
19 involuntarily hospitalized by the court, in any matter
20 relating to the patients' hospitalization or treatment
21 under section 229.14 or 229.15. The court ~~or, if the~~
22 ~~advocate is appointed by the county board of~~
23 ~~supervisors, the board~~ shall assign the advocate
24 appointed from a patient's county of legal settlement
25 to represent the interests of the patient. If a
26 patient has no county of legal settlement, the court
27 ~~or, if the advocate is appointed by the county board~~
28 ~~of supervisors, the board~~ shall assign the advocate
29 appointed from the county where the hospital or
30 facility is located to represent the interests of the
31 patient. The advocate's responsibility with respect
32 to any patient shall begin at whatever time the
33 attorney employed or appointed to represent that
34 patient as respondent in hospitalization proceedings,
35 conducted under sections 229.6 to 229.13, reports to
36 the court that the attorney's services are no longer
37 required and requests the court's approval to withdraw
38 as counsel for that patient. However, if the patient
39 is found to be seriously mentally impaired at the
40 hospitalization hearing, the attorney representing the
41 patient shall automatically be relieved of
42 responsibility in the case and an advocate shall be
43 assigned to the patient at the conclusion of the
44 hearing unless the attorney indicates an intent to
45 continue the attorney's services and the court so
46 directs. If the court directs the attorney to remain
47 on the case the attorney shall assume all the duties
48 of an advocate. The clerk shall furnish the advocate
49 with a copy of the court's order approving the
50 withdrawal and shall inform the patient of the name of

H-8072

-1-

H-8072

Page 2

1 the patient's advocate. With regard to each patient
2 whose interests the advocate is required to represent
3 pursuant to this section, the advocate's duties shall
4 include all of the following:

5 Sec. ____ . Section 229.19, unnumbered paragraph 3,
6 Code Supplement 1999, is amended to read as follows:

7 The ~~supreme court or, if the advocate is appointed~~
8 ~~by the county board of supervisors, the board~~ shall
9 prescribe reasonable compensation for the services of
10 the advocate. The compensation shall be based upon
11 the reports filed by the advocate with the court. The
12 advocate's compensation and any employer obligation
13 for contributions under chapter 97B shall be paid by
14 ~~the county in which the court is located, either on~~
15 ~~order of the court or, if the advocate is appointed by~~
16 ~~the county board of supervisors, on the direction of~~
17 ~~the board the judicial branch. If the advocate is~~
18 ~~appointed by the court, the~~ The advocate is an
19 employee of the state for purposes of chapter 669. If
20 ~~the advocate is appointed by the county board of~~
21 ~~supervisors, the advocate is an employee of the county~~
22 ~~for purposes of chapter 670.~~

23 PARAGRAPH DIVIDED. If the patient or the person
24 who is legally liable for the patient's support is not
25 indigent, the board court shall recover the costs of
26 compensating the advocate from that person. If that
27 person has an income level as determined pursuant to
28 section 815.9 greater than one hundred percent but not
29 more than one hundred fifty percent of the poverty
30 guidelines, at least one hundred dollars of the
31 advocate's compensation shall be recovered in the
32 manner prescribed by the ~~county board of supervisors~~
33 supreme court. If that person has an income level as
34 ~~determined pursuant to section 815.9~~ greater than one
35 hundred fifty percent of the poverty guidelines, at
36 least two hundred dollars of the advocate's
37 compensation shall be recovered ~~in substantially the~~
38 ~~same manner as~~ prescribed by the ~~county board of~~
39 ~~supervisors as provided in section 815.7~~ supreme
40 court. For the purposes of this paragraph, "poverty
41 guidelines" means the most recently revised poverty
42 income guidelines published by the United States
43 department of health and human services."

44 2. By renumbering as necessary.

By CARROLL of Poweshiek

H-8072 FILED FEBRUARY 28, 2000

0/0
3/22/00
(P. 884)

HOUSE FILE 2249

H-8149

1 Amend House File 2249 as follows:

2 1. Page 4, by inserting after line 6 the
3 following:

4 "DIVISION

5 STATE CHILD CARE ASSISTANCE

6 Sec. _____. Section 237A.1, Code Supplement 1999, is
7 amended by adding the following new subsection:

8 NEW SUBSECTION. 12A. "Poverty level" means the
9 poverty level defined by the most recently revised
10 poverty income guidelines published by the United
11 States department of health and human services.

12 Sec. _____. NEW SECTION. 237A.13 STATE CHILD CARE
13 ASSISTANCE.

14 1. A state child care assistance program is
15 established in the department to assist children in
16 families who meet eligibility guidelines and are
17 described by any of the following circumstances:

18 a. The child's parent, guardian, or custodian is
19 in academic or vocational training.

20 b. The child's parent, guardian, or custodian is
21 unemployed or looking for employment.

22 c. The child's parent, guardian, or custodian is
23 employed and the family income meets income
24 requirements.

25 d. The child's parent, guardian, or custodian is
26 absent for a limited period of time due to
27 hospitalization, physical illness, or mental illness,
28 or the parent, guardian, or custodian is deceased.

29 e. The child needs protective services to prevent
30 or alleviate child abuse or neglect.

31 2. Services under the program may be provided in a
32 licensed child care center, a registered group child
33 care home, a registered family child care home, the
34 home of a relative, the child's own home, an
35 unregistered family child care home, or in a facility
36 exempt from licensing or registration.

37 3. The department shall set provider reimbursement
38 rates on a county-by-county basis using a child care
39 rate reimbursement survey of each county and as
40 authorized in accordance with appropriations enacted
41 for payment of the reimbursement. The survey shall be
42 conducted at least every two years. The department
43 shall set rates in a manner so as to provide
44 incentives for an unregistered provider to become
45 registered.

46 4. The department shall not apply waiting list
47 requirements to any of the following persons:

48 a. Persons deemed to be eligible for benefits
49 under the state child care assistance program in
50 accordance with section 239B.24.

H-8149

-1-

H-8149

Page 2

1 b. Children whose parent, guardian, or custodian
2 is absent or deceased.

3 c. Children who need protective services to
4 prevent or alleviate child abuse or neglect.

5 5. Based upon the availability of the funding
6 appropriated for state child care assistance for a
7 fiscal year, the department shall establish waiting
8 lists for state child care assistance in descending
9 order of prioritization as follows:

10 a. Families with an income at or below one hundred
11 percent of the federal poverty level whose members are
12 employed at least twenty-eight hours per week, and
13 parents with a family income at or below one hundred
14 percent of the federal poverty level who are under the
15 age of twenty-one years and are participating in an
16 educational program leading to a high school diploma
17 or the equivalent.

18 b. Parents with a family income at or below one
19 hundred percent of the federal poverty level who are
20 under the age of twenty-one years and are
21 participating, at a satisfactory level, in an approved
22 training program or in an educational program.

23 c. Families with an income of more than one
24 hundred percent but not more than one hundred forty
25 percent of the federal poverty level whose members are
26 employed at least twenty-eight hours per week.

27 d. Families with an income at or below one hundred
28 seventy-five percent of the federal poverty level
29 whose members are employed at least twenty-eight hours
30 per week with a special needs child as a member of the
31 family.

32 6. Nothing in this section shall be construed as
33 or is intended as, or shall imply, a grant of
34 entitlement for services to persons who are eligible
35 for assistance due to an income level or other
36 eligibility circumstance addressed in this section.
37 Any state obligation to provide services pursuant to
38 this section is limited to the extent of the funds
39 appropriated for the purposes of state child care
40 assistance.

41 Sec. _____. Section 239B.24, subsection 1, Code
42 Supplement 1999, is amended to read as follows:

43 1. The following persons are deemed to be eligible
44 for benefits under the state child care assistance
45 program administered by the department in accordance
46 with section 237A.13, notwithstanding the program's
47 eligibility requirements or any waiting list:

48 DIVISION
49 COUNTY CLUSTER EMPLOYEE AND VOLUNTEER RECORD CHECKS
50 Sec. _____. NEW SECTION. 217.44 COUNTY CLUSTERS --

H-8149

-2-

H-8149

Page 3

1 EMPLOYEE AND VOLUNTEER RECORD CHECKS.

2 1. The department of human services shall conduct
3 criminal and child and dependent adult abuse record
4 checks of persons who are potential employees,
5 employees, potential volunteers, and volunteers in
6 county cluster offices and who are in a position
7 having direct contact with the department's clients.
8 The record checks shall be performed in this state and
9 the department may conduct these checks in other
10 states. If the department determines that a person
11 has been convicted of a crime or has a record of
12 founded child or dependent adult abuse, the department
13 shall perform an evaluation to determine whether the
14 crime or founded abuse warrants prohibition of the
15 person's employment or participation as a volunteer.
16 The record checks and evaluation shall be performed in
17 accordance with procedures adopted for this purpose by
18 the department.

19 2. In an evaluation, the department shall consider
20 the nature and seriousness of the crime or founded
21 child or dependent adult abuse in relation to the
22 position sought or held, the time elapsed since the
23 commission of the crime or founded abuse, the
24 circumstances under which the crime or founded abuse
25 was committed, the degree of rehabilitation, the
26 likelihood that the person will commit the crime or
27 founded abuse again, and the number of crimes or
28 founded abuses committed by the person involved.

29 3. The department may permit a person who is
30 evaluated to be employed or to participate as a
31 volunteer if the person complies with the department's
32 conditions relating to employment or participation as
33 a volunteer which may include completion of additional
34 training.

35 4. If the department determines that the person
36 has committed a crime or has a record of founded child
37 or dependent adult abuse which warrants prohibition of
38 employment or participation as a volunteer, the person
39 shall not be employed by or participate as a volunteer
40 in a department cluster office in a position having
41 direct contact with the department's clients."

42 2. By renumbering as necessary.

By HEATON of Henry

H-8149 FILED MARCH 1, 2000

o/o

*3/22/00
(p. 984)*

HOUSE FILE 2249

H-8194

- 1 Amend the amendment, H-8149, to House File 2249 as
2 follows:
3 1. Page 1, line 19, by striking the word "in" and
4 inserting the following: "participating in approved".
5 2. Page 1, by striking line 21 and inserting the
6 following: "seeking employment. Eligibility for
7 assistance while seeking employment shall be limited
8 to thirty days during a twelve-month period."
9 3. Page 1, line 27, by striking the words "mental
10 illness," and inserting the following: "mental
11 illness."
12 4. Page 1, by striking line 28.
13 5. Page 1, by striking lines 37 through 42 and
14 inserting the following:
15 "3. The department shall set reimbursement rates
16 as authorized by appropriations enacted for payment of
17 the reimbursements. The department shall conduct a
18 statewide reimbursement rate survey to compile
19 information on each county and the survey shall be
20 conducted at least every two years. The department".
21 6. Page 2, by striking lines 1 and 2 and
22 inserting the following:
23 "b. A family that is receiving state child care
24 assistance at the time a child is born into the
25 family. The newborn child shall be approved for
26 services when the family reports the birth of the
27 child."
28 7. Page 2, by inserting after line 47, the
29 following:
30 "Sec. ____ . CHILD CARE REIMBURSEMENT ALTERNATIVES.
31 The department of human services shall review
32 alternatives for applying child care reimbursement
33 rates on a county, cluster, and regional basis. The
34 department shall prepare a report concerning the
35 review, including findings and recommendations. The
36 report shall be submitted to the members of the joint
37 appropriations subcommittee on human services,
38 legislative fiscal bureau, and legislative service
39 bureau on or before December 15, 2000."
40 8. By renumbering as necessary.

By HEATON of Henry

H-8194 FILED MARCH 6, 2000

o/o

3/22/00 (p. 884)