

Veenstra
Szymoniak
Tinsman

SSB-1078
Human Resources

SENATE/HOUSE FILE Successed By
SE/HF 287
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 welfare provisions involving foster home
2 damages, voluntary foster care placements of children with
3 mental retardation or other developmental disability, release
4 of child abuse information, and annual group foster care and
5 decategorization plans, and providing a contingent effective
6 date.

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

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DIVISION I
FOSTER HOME DAMAGES

3 Section 1. Section 237.13, subsection 3, Code 1999, is
4 amended to read as follows:

5 3. Except as provided in this section, the fund shall pay,
6 on behalf of each licensed foster home, any valid and approved
7 claim of foster children, their parents, guardians, or
8 guardians ad litem, for damages arising from the foster care
9 relationship and the provision of foster care services. The
10 fund shall also reimburse compensate licensed foster homes for
11 property damage, at replacement cost, or bodily injury, as a
12 result of the activities of the foster child, and reasonable
13 and necessary legal fees incurred in defense of civil claims
14 filed pursuant to subsection 7, paragraph "d", and any
15 judgments awarded as a result of such claims.

16 Sec. 2. Section 237.13, subsection 4, paragraph g, Code
17 1999, is amended by striking the paragraph.

18 Sec. 3. Section 237.13, subsection 4, paragraph h, Code
19 1999, is amended by striking the paragraph.

20 Sec. 4. Section 237.13, subsection 6, Code 1999, is
21 amended to read as follows:

22 6. The fund is not liable for the first seventy-five one
23 hundred dollars of-any-claim-based-on-a-single-occurrence for
24 all claims arising out of one or more occurrences during a
25 fiscal year related to a single foster home. The fund is not
26 liable for damages in excess of three hundred thousand dollars
27 for-a-single-foster-home for all claims arising out of one or
28 more occurrences during a calendar fiscal year related to a
29 single foster home.

30 Sec. 5. TRANSITION TO FISCAL YEAR. The limit on foster
31 home insurance fund liability established in section 237.13,
32 subsection 6, in effect for the calendar year beginning
33 January 1, 1999, shall apply through June 30, 1999.

34 DIVISION II
35 VOLUNTARY FOSTER CARE PLACEMENTS

1 Sec. 6. Section 232.2, subsection 57, Code 1999, is
2 amended by striking the subsection.

3 Sec. 7. Section 234.6, subsection 6, paragraph f, Code
4 1999, is amended to read as follows:

5 f. Services or support provided to a child with mental
6 retardation or other developmental disability or to the
7 child's family, ~~either voluntarily by the department of human~~
8 ~~services or in accordance with a court order entered under~~
9 ~~section 222.31 or 232.182, subsection 5.~~

10 Sec. 8. Section 234.35, subsection 1, paragraph i, Code
11 1999, is amended by striking the paragraph.

12 Sec. 9. Sections 232.175, 232.176, 232.177, 232.178,
13 232.179, 232.180, 232.181, 232.182, and 232.183, Code 1999,
14 are repealed.

15 Sec. 10. DISPOSITIONAL REVIEW. Any order entered under
16 section 232.182 or 232.183 which remains in effect on the
17 effective date of this division shall remain in effect until
18 the court has conducted a dispositional review hearing. The
19 dispositional review hearing shall be held upon the request of
20 the department of human services or upon the court's own
21 motion. The review hearing shall be subject to substantially
22 the same procedural requirements as outlined in section
23 232.183 and in effect prior to the section's repeal except
24 that the dispositional orders that the court may enter shall
25 be as provided in this section. The purpose of the review
26 hearing is to determine whether the child's parent, guardian,
27 or custodian has failed to fulfill responsibilities outlined
28 in the case permanency plan and that the child should remain
29 in foster care upon termination of the order. If the court
30 finds the child's parent, guardian, or custodian has failed to
31 fulfill responsibilities outlined in the case permanency plan
32 and that the child should remain in foster care, the court
33 shall enter an order that the child remain in foster care and
34 that the county attorney or department file, within three
35 days, a petition alleging the child to be a child in need of

1 assistance. Otherwise, the order entered under section
2 232.182 or 232.183 shall expire at the close of the
3 dispositional review hearing.

4 Sec. 11. EFFECTIVE DATE. This division of this Act takes
5 effect on July 1, 1999, or upon the date of approval by the
6 federal government of the waiver request submitted by the
7 department of human services pursuant to 1998 Iowa Acts,
8 chapter 1218, section 7, subsection 10, whichever is later.
9 The department of human services shall notify the Code editor
10 concerning receipt of the federal approval.

11 DIVISION III

12 RELEASE OF CHILD ABUSE INFORMATION

13 Sec. 12. Section 235A.15, subsection 2, paragraph e, Code
14 1999, is amended by adding the following new subparagraph:

15 NEW SUBPARAGRAPH. (16) To an individual with a bona fide
16 reason who is requesting information on a specific case of
17 child abuse which resulted in a child fatality or near
18 fatality.

19 DIVISION IV

20 ANNUAL GROUP FOSTER CARE AND DECATEGORIZATION PLANS

21 Sec. 13. Section 232.143, subsection 2, Code 1999, is
22 amended to read as follows:

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

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

8 Sec. 14. Section 232.188, subsection 4, Code 1999, is
 9 amended to read as follows:

10 4. In a decategorization agreement, the department and the
 11 county's or group of counties' decategorization governance
 12 board shall agree on all of the following items: the
 13 governance relationship between the department and the
 14 decategorization governance board; the respective areas of
 15 autonomy of the department and the board; the budgeting
 16 structure for the decategorization; and a method for resolving
 17 disputes between the department and the board. The
 18 decategorization agreement shall require the department and
 19 the decategorization governance board to agree upon a budget
 20 ~~on-or-before-June-15-of-the-fiscal-year-preceding-the~~ within
 21 sixty days of the date by which the regional group foster care
 22 budget targets are determined under section 232.143 for the
 23 fiscal year to which the budget applies. The budget may later
 24 be modified to reflect new or changed circumstances.

25 EXPLANATION

26 This bill relates to child welfare provisions involving
 27 foster home damages, voluntary foster care placements of
 28 children with mental retardation or other developmental
 29 disability, release of child abuse information, and annual
 30 group foster care and decategorization plans.

31 Division I of the bill relates to reimbursement or payment
 32 of claims by the state for damages involving individuals
 33 providing foster home, guardian, or conservator services.
 34 Code section 237.13, establishing the foster home insurance
 35 fund administered by the department of human services, is

1 amended in a number of ways.

2 The bill amends Code section 237.13, subsection 4, to
3 provide that compensation of valid claims for property damage,
4 at replacement cost, or bodily injury shall be made from the
5 fund.

6 Code section 237.13, subsection 4, paragraph "g", is
7 repealed. This paragraph provides that the fund is not liable
8 for any claim for which compensation has been provided by, or
9 is available from, any other source including the child's own
10 funds.

11 Code section 237.13, subsection 4, paragraph "h", is
12 repealed. This paragraph provides that the fund is not liable
13 for the liability of a foster parent due solely to the foster
14 parent's failure to obtain automobile or homeowner's
15 insurance.

16 Code section 237.13, subsection 6, is amended. Current law
17 providing that the fund is not liable for the first \$75 of
18 each claim is changed to provide that the fund is not liable
19 for the first \$100 of all claims during a fiscal year for a
20 single foster home. In addition, the overall liability limit
21 of \$300,000 is made applicable to a fiscal year instead of the
22 calendar year in current law. The bill includes a transition
23 provision for the calendar year underway as of the bill's
24 effective date. That calendar year limit is only applicable
25 through June 30, 1999.

26 Division II repeals juvenile justice code provisions for
27 voluntary foster care placements of children with mental
28 retardation or other developmental disability. The repeal is
29 contingent upon federal approval of a medical assistance
30 (Medicaid) home and community-based services waiver. The
31 waiver provisions would allow children with mental retardation
32 who would otherwise require treatment in an intermediate care
33 facility for persons with mental retardation (ICFMR) to
34 instead be served in out-of-home settings of eight beds or
35 less which meet standards established by the department of

1 human services.

2 In addition to the repeals in Code chapter 232, the bill
3 amends references to the repealed provisions in Code chapter
4 237 which relate to group foster care and state payment
5 responsibility.

6 Any orders still in effect upon the repeal are subject to a
7 dispositional review hearing to determine whether the child's
8 parent, guardian, or custodian has failed to fulfill the
9 responsibilities outlined in the child's case permanency plan.
10 If so, the court is to enter an order for the child to remain
11 in foster care and a petition is to be filed for a child in
12 need of assistance proceeding. Otherwise, the voluntary
13 placement order is to expire at the close of the review
14 hearing.

15 Division III relates to release of child abuse information.
16 Code section 235A.15, which governs access to confidential
17 child abuse information is amended. The amendment expands the
18 list of persons with access to report and disposition data for
19 founded cases of child abuse. Access is provided to
20 individuals with a bona fide reason requesting information on
21 a specific case of child abuse which resulted in a child
22 fatality or near fatality. The access is required under
23 federal law as a condition of receiving a grant for child
24 abuse and neglect prevention and treatment programs under 42
25 U.S.C. § 5106a.

26 Division IV relates to annual group foster care and child
27 welfare decategorization plans.

28 Code section 232.143, relating to regional group foster
29 care targets, is amended. The amendment provides that
30 regional plans are to be established within 60 calendar days
31 of the date by which the group foster care budget target for
32 the region is established. Current law provides that the
33 plans must be developed prior to the fiscal year to which the
34 plan applies.

35 Code section 232.188, relating to decategorization of child

1 welfare funding, is amended. The amendment provides that a
2 decategorization board must agree with the department upon a
3 budget for a fiscal year within 60 calendar days of the date
4 by which the regional group foster care budget targets are
5 determined for that fiscal year. Current law provides that
6 the budget must be agreed to prior to the fiscal year.

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

DEPARTMENT OF HUMAN SERVICES
CHARLES M. PALMER, DIRECTOR

January 19, 1999

TO: Members of the General Assembly

From: Karla Fultz McHenry, Legislative Liaison *Karla Fultz McHenry*

The Iowa Department of Human Services (DHS) is proposing legislation relating to Foster Family Home Insurance, Court Oversight of children placed in MR Waiver Homes, Release of Child Abuse Information, and Group Care and Decategorization Plans.

Division I of the legislative proposal modifies Section 237.13 relating to the foster home insurance fund to improve Foster Family Home Insurance coverage for damages caused by a foster child in the custody of the Department who causes damage while in a private home licensed to provide foster family services. The change is intended to address concerns from foster parents and the Iowa Foster and Adoptive Parent Association, helping to recruit and retain foster homes by reducing their out of pocket expense, and the "hassle" of dealing with personal household insurance claims for damages caused by a foster child.

Division II of the legislative proposal relates to changes in voluntary group foster care removing the requirement of court oversight for children who are diagnosed with mental retardation or a related condition and are voluntarily placed in a Medicaid waiver home. After further consideration, the Department feels that repealing Sections 232.175-183; striking Section 232.2, subsection 57; striking Section 234.35, subsection 1, paragraph i; and amending Section 234.6, subsection 6, paragraph f has ramifications beyond what was originally intended and is unnecessary. Language contained in Division II, Section 10 is also unnecessary because the language provides guidance for dispositional reviews once Sections 232.182 and 232.183 are repealed. This legislation is being deleted, and the newly proposed amendments to Section 232.175 and Section 232.176 will carry out the intent of the 1998 Legislature by providing an out of home option to parents of children who have mental retardation or a related condition.

Division III of the proposed legislation allows for release of child abuse information if the abuse or neglect resulted in a fatality or near fatality. This is in response to a federal mandate under the Child Abuse Prevention and Treatment Act (CAPTA). After further review and consultation with the Attorney General's office, the Department has proposed alternative language which would more closely follow the intent of the federal legislation.

Division IV of the proposal modifies Section 232.143 relating to when the annual group care and decategorization plans are due. The change allows sixty days from the date the regional targets are established to allow clusters and regions time to develop plans that are in conformity with the actual targets established. The change will allow more community participation in the plan development, and will provide reasonable timeframes to develop planning and budgeting decisions.

For additional information regarding these proposals, or other questions, please contact Karla Fultz McHenry, Legislative Liaison, at 281-4848 or e-mail at kmchenr@dhs.state.is.us.

H. 3/17/99 Human Res
H. 3/30/99 Do Pass

FILED MAR 3 1999

SENATE FILE 287
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1078)

Passed Senate, Date 3/15/99 (P.590) Passed House, Date 4/15/99 (P.1342)
Vote: Ayes 46 Nays 0 Vote: Ayes 91 Nays 0
Approved April 11, 1999

(P.1222) Repassed 4-20-99
Vote 49-0

A BILL FOR

1 An Act relating to child welfare provisions involving foster home
2 damages, voluntary foster care placements of children with
3 mental retardation or other developmental disability, release
4 of child abuse information, and annual group foster care and
5 decategorization plans, and providing a contingent effective
6 date.

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

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SF 287

DIVISION I

FOSTER HOME DAMAGES

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3 Section 1. Section 237.13, subsection 3, Code 1999, is
4 amended to read as follows:

5 3. Except as provided in this section, the fund shall pay,
6 on behalf of each licensed foster home, any valid and approved
7 claim of foster children, their parents, guardians, or
8 guardians ad litem, for damages arising from the foster care
9 relationship and the provision of foster care services. The
10 fund shall also ~~reimburse~~ compensate licensed foster homes for
11 property damage, at replacement cost, or bodily injury, as a
12 result of the activities of the foster child, and reasonable
13 and necessary legal fees incurred in defense of civil claims
14 filed pursuant to subsection 7, paragraph "d", and any
15 judgments awarded as a result of such claims.

16 Sec. 2. Section 237.13, subsection 4, paragraph g, Code
17 1999, is amended by striking the paragraph.

18 Sec. 3. Section 237.13, subsection 4, paragraph h, Code
19 1999, is amended by striking the paragraph.

20 Sec. 4. Section 237.13, subsection 6, Code 1999, is
21 amended to read as follows:

22 6. The fund is not liable for the first ~~seventy-five one~~
23 hundred dollars ~~of-any-claim-based-on-a-single-occurrence for~~
24 all claims arising out of one or more occurrences during a
25 fiscal year related to a single foster home. The fund is not
26 liable for damages in excess of three hundred thousand dollars
27 ~~for-a-single-foster-home~~ for all claims arising out of one or
28 more occurrences during a ~~calendar~~ fiscal year related to a
29 single foster home.

30 Sec. 5. TRANSITION TO FISCAL YEAR. The limit on foster
31 home insurance fund liability established in section 237.13,
32 subsection 6, in effect for the calendar year beginning
33 January 1, 1999, shall apply through June 30, 1999.

34 DIVISION II

35 VOLUNTARY FOSTER CARE PLACEMENTS

1 Sec. 6. Section 232.175, Code 1999, is amended to read as
2 follows:

3 232.175 PLACEMENT OVERSIGHT.

4 Placement oversight shall be provided pursuant to this
5 division when the parent, guardian, or custodian of a child
6 with mental retardation or other developmental disability
7 requests placement of the child in foster family care for a
8 period of more than thirty days. The oversight shall be
9 provided through review of the placement every six months by
10 the department's foster care review committees or by a local
11 citizen foster care review board. Court oversight shall be
12 provided prior to the initial placement and at periodic
13 intervals which shall not exceed twelve months. It is the
14 purpose and policy of this division to assure the existence of
15 oversight safeguards as required by the federal Child Welfare
16 Act of 1980, Pub. L. No. 96-272, as codified in 42 U.S.C. §
17 671(a)(16), 627(a)(2)(B), and 675(1),(5), while maintaining
18 parental decision-making authority.

19 Sec. 7. Section 232.178, subsection 4, Code 1999, is
20 amended to read as follows:

21 4. The petition shall describe the child's emotional,
22 physical, or intellectual disability which requires care and
23 treatment; the reasonable efforts to maintain the child in the
24 child's home; the department's request to the family of a
25 child with mental retardation, other developmental disability,
26 or organic mental illness to determine if any services or
27 support provided to the family will enable the family to
28 continue to care for the child in the child's home; and the
29 reason the child's parent, guardian, or custodian has
30 requested a foster family care placement. The petition shall
31 also describe the commitment of the parent, guardian, or
32 custodian in fulfilling the responsibilities defined in the
33 case permanency plan and how the placement will serve the
34 child's best interests.

35 Sec. 8. Section 232.182, subsection 5, unnumbered

1 paragraph 1, Code 1999, is amended to read as follows:

2 After the hearing is concluded, the court shall make and
3 file written findings as to whether reasonable efforts, as
4 defined in section 232.102, subsection 10, have been made and
5 whether the voluntary foster family care placement is in the
6 child's best interests. The court shall order foster family
7 care placement in the child's best interests if the court
8 finds that all of the following conditions exist:

9 Sec. 9. Section 232.182, subsection 7, Code 1999, is
10 amended by striking the subsection.

11 Sec. 10. Section 234.6, subsection 6, paragraph f, Code
12 1999, is amended to read as follows:

13 f. Services or support provided to a child with mental
14 retardation or other developmental disability or to the
15 child's family, ~~either voluntarily by the department of human~~
16 ~~services or in accordance with a court order entered under~~
17 ~~section 222.31 or 232.182, subsection 5.~~

18 Sec. 11. DISPOSITIONAL REVIEW. Any order entered under
19 section 232.182 or 232.183 for a group foster care placement
20 which remains in effect on the effective date of this division
21 shall remain in effect until the court has conducted a
22 dispositional review hearing. The dispositional review
23 hearing shall be held upon the request of the department of
24 human services or upon the court's own motion. The review
25 hearing shall be subject to the same procedural requirements
26 as outlined in section 232.183 except that the dispositional
27 orders that the court may enter shall be as provided in this
28 section. The purpose of the review hearing is to determine
29 whether the child's parent, guardian, or custodian has failed
30 to fulfill responsibilities outlined in the case permanency
31 plan and that the child should remain in a group foster care
32 placement upon termination of the order. If the court finds
33 the child's parent, guardian, or custodian has failed to
34 fulfill responsibilities outlined in the case permanency plan
35 and that the child should remain in the group foster care

1 placement, the court shall enter an order that the child
2 remain in the placement and that the county attorney or
3 department file, within three days, a petition alleging the
4 child to be a child in need of assistance. Otherwise, the
5 order entered under section 232.182 or 232.183 shall expire at
6 the close of the dispositional review hearing.

7 Sec. 12. EFFECTIVE DATE. This division of this Act takes
8 effect on July 1, 1999, or upon the date of approval by the
9 federal government of the waiver request submitted by the
10 department of human services pursuant to 1998 Iowa Acts,
11 chapter 1218, section 7, subsection 10, whichever is later.
12 The department of human services shall notify the Code editor
13 concerning receipt of the federal approval.

14 DIVISION III

15 RELEASE OF CHILD ABUSE INFORMATION

16 Sec. 13. Section 235A.15, subsection 2, paragraph e, Code
17 1999, is amended by adding the following new subparagraph:
18 NEW SUBPARAGRAPH. (16) To an individual with a bona fide
19 reason who is requesting information on a specific case of
20 child abuse which resulted in a child fatality or near
21 fatality.

22 DIVISION IV

23 ANNUAL GROUP FOSTER CARE AND DECATORIZATION PLANS

24 Sec. 14. Section 232.143, subsection 2, Code 1999, is
25 amended to read as follows:

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

1 ~~advance-of-the-fiscal-year-to-which-the-regional-plan-applies~~
2 within sixty days of the date by which the group foster care
3 budget target for the region is determined. To the extent
4 possible, the department and the juvenile court shall
5 coordinate the planning required under this subsection with
6 planning for services paid under section 232.141, subsection
7 4. The department's regional administrator shall communicate
8 regularly, as specified in the regional plan, with the
9 juvenile courts within that region concerning the current
10 status of the regional plan's implementation.

11 Sec. 15. Section 232.188, subsection 4, Code 1999, is
12 amended to read as follows:

13 4. In a decategorization agreement, the department and the
14 county's or group of counties' decategorization governance
15 board shall agree on all of the following items: the
16 governance relationship between the department and the
17 decategorization governance board; the respective areas of
18 autonomy of the department and the board; the budgeting
19 structure for the decategorization; and a method for resolving
20 disputes between the department and the board. The
21 decategorization agreement shall require the department and
22 the decategorization governance board to agree upon a budget
23 ~~on-or-before-June-15-of-the-fiscal-year-preceding-the~~ within
24 sixty days of the date by which the regional group foster care
25 budget targets are determined under section 232.143 for the
26 fiscal year to which the budget applies. The budget may later
27 be modified to reflect new or changed circumstances.

28 EXPLANATION

29 This bill relates to child welfare provisions involving
30 foster home damages, voluntary foster care placements of
31 children with mental retardation or other developmental
32 disability, release of child abuse information, and annual
33 group foster care and decategorization plans.

34 Division I of the bill relates to reimbursement or payment
35 of claims by the state for damages involving individuals

1 providing foster home, guardian, or conservator services.
2 Code section 237.13, establishing the foster home insurance
3 fund administered by the department of human services, is
4 amended in a number of ways.

5 Division I of the bill amends Code section 237.13,
6 subsection 4, to provide that compensation of valid claims for
7 property damage, at replacement cost, or bodily injury shall
8 be made from the fund.

9 Code section 237.13, subsection 4, paragraph "g", is
10 repealed. This paragraph provides that the fund is not liable
11 for any claim for which compensation has been provided by, or
12 is available from, any other source including the child's own
13 funds.

14 Code section 237.13, subsection 4, paragraph "h", is
15 repealed. This paragraph provides that the fund is not liable
16 for the liability of a foster parent due solely to the foster
17 parent's failure to obtain automobile or homeowner's
18 insurance.

19 Code section 237.13, subsection 6, is amended. Current law
20 providing that the fund is not liable for the first \$75 of
21 each claim is changed to provide that the fund is not liable
22 for the first \$100 of all claims during a fiscal year for a
23 single foster home. In addition, the overall liability limit
24 of \$300,000 is made applicable to a fiscal year instead of the
25 calendar year in current law. The bill includes a transition
26 provision for the calendar year underway as of the bill's
27 effective date. That calendar year limit is only applicable
28 through June 30, 1999.

29 Division II amends juvenile justice code provisions for
30 voluntary foster care placements of children with mental
31 retardation or other developmental disability. Court
32 supervision of these voluntary placements would be limited to
33 foster family care placements. The effectiveness of division
34 II is contingent upon federal approval of a medical assistance
35 (Medicaid) home and community-based services waiver. The

1 waiver provisions would allow children with mental retardation
2 who would otherwise require treatment in an intermediate care
3 facility for persons with mental retardation (ICFMR) to
4 instead be served in out-of-home settings of eight beds or
5 less which meet standards established by the department of
6 human services.

7 Any group foster care placement orders still in effect upon
8 the bill's effective date are subject to a dispositional
9 review hearing to determine whether the child's parent,
10 guardian, or custodian has failed to fulfill the
11 responsibilities outlined in the child's case permanency plan.
12 If so, the court is to enter an order for the child to remain
13 in foster care and a petition is to be filed for a child in
14 need of assistance proceeding. Otherwise, the voluntary group
15 foster care placement order is to expire at the close of the
16 review hearing.

17 Division III relates to release of child abuse information.
18 Code section 235A.15, which governs access to confidential
19 child abuse information is amended. The amendment expands the
20 list of persons with access to report and disposition data for
21 founded cases of child abuse. Access is provided to
22 individuals with a bona fide reason requesting information on
23 a specific case of child abuse which resulted in a child
24 fatality or near fatality. The access is required under
25 federal law as a condition of receiving a grant for child
26 abuse and neglect prevention and treatment programs under 42
27 U.S.C. § 5106a.

28 Division IV relates to annual group foster care and child
29 welfare decategorization plans.

30 Code section 232.143, relating to regional group foster
31 care targets, is amended. The amendment provides that
32 regional plans are to be established within 60 calendar days
33 of the date by which the group foster care budget target for
34 the region is established. Current law provides that the
35 plans must be developed prior to the fiscal year to which the

1 plan applies.

2 Code section 232.188, relating to decategorization of child
3 welfare funding, is amended. The amendment provides that a
4 decategorization board must agree with the department upon a
5 budget for a fiscal year within 60 calendar days of the date
6 by which the regional group foster care budget targets are
7 determined for that fiscal year. Current law provides that
8 the budget must be agreed to prior to the fiscal year.

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H-1632

1 Amend Senate File 287, as passed by the Senate, as
2 follows:

3 1. Page 4, by striking lines 16 through 21 and
4 inserting the following:

5 "Sec. ____ Section 235A.15, subsection 2,
6 paragraph f, Code 1999, is amended by adding the
7 following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. To an individual who is
9 requesting information on a specific case of child
10 abuse which resulted in a child fatality or near
11 fatality."

12 2. By renumbering as necessary.

By CARROLL of Poweshiek

H-1632 FILED APRIL 15, 1999

Adopted
4/15/99 (p. 1342)

SENATE FILE 287

H-1559

1 Amend Senate File 287, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 1 through 33.

4 2. Title page, lines 1 and 2, by striking the
5 words "foster home damages,".

6 3. By renumbering as necessary.

By CARROLL of Poweshiek

H-1559 FILED APRIL 13, 1999

Adopted
4/13/99
(p. 1342)

SENATE FILE 287

H-1422

1 Amend Senate File 287, as passed by the Senate, as
2 follows:

3 1. Page 1, line 33, by inserting after the figure
4 "1999." the following: "This section of this Act,
5 being deemed of immediate importance, takes effect
6 upon enactment."

7 2. Title page, line 5, by inserting after the
8 word "providing" the following: "an effective date
9 and".

By CARROLL of Poweshiek

H-1422 FILED APRIL 5, 1999

w/d
4/15/99
(p. 1342)

HOUSE AMENDMENT TO
SENATE FILE 287

S-3404

- 1 Amend Senate File 287, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 1 through 33.
4 2. Page 4, by striking lines 16 through 21 and
5 inserting the following:
6 "Sec. ____ . Section 235A.15, subsection 2,
7 paragraph f, Code 1999, is amended by adding the
8 following new unnumbered paragraph:
9 NEW UNNUMBERED PARAGRAPH. To an individual who is
10 requesting information on a specific case of child
11 abuse which resulted in a child fatality or near
12 fatality."
13 3. Title page, lines 1 and 2, by striking the
14 words "foster home damages,".
15 4. By renumbering, relettering, or redesignating
16 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3404 FILED APRIL 15, 1999

Senate Concurred
4/20/99
(P. 1222)

AN ACT

RELATING TO CHILD WELFARE PROVISIONS INVOLVING VOLUNTARY FOSTER CARE PLACEMENTS OF CHILDREN WITH MENTAL RETARDATION OR OTHER DEVELOPMENTAL DISABILITY, RELEASE OF CHILD ABUSE INFORMATION, AND ANNUAL GROUP FOSTER CARE AND DECATEGORIZATION PLANS, AND PROVIDING A CONTINGENT EFFECTIVE DATE.

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

DIVISION I

VOLUNTARY FOSTER CARE PLACEMENTS

Section 1. Section 232.175, Code 1999, is amended to read as follows:

232.175 PLACEMENT OVERSIGHT.

Placement oversight shall be provided pursuant to this division when the parent, guardian, or custodian of a child with mental retardation or other developmental disability requests placement of the child in foster family care for a period of more than thirty days. The oversight shall be provided through review of the placement every six months by the department's foster care review committees or by a local citizen foster care review board. Court oversight shall be provided prior to the initial placement and at periodic intervals which shall not exceed twelve months. It is the purpose and policy of this division to assure the existence of oversight safeguards as required by the federal Child Welfare Act of 1980, Pub. L. No. 96-272, as codified in 42 U.S.C. § 671(a)(16), 627(a)(2)(B), and 675(1),(5), while maintaining parental decision-making authority.

Sec. 2. Section 232.178, subsection 4, Code 1999, is amended to read as follows:

4. The petition shall describe the child's emotional, physical, or intellectual disability which requires care and

treatment; the reasonable efforts to maintain the child in the child's home; the department's request to the family of a child with mental retardation, other developmental disability, or organic mental illness to determine if any services or support provided to the family will enable the family to continue to care for the child in the child's home; and the reason the child's parent, guardian, or custodian has requested a foster family care placement. The petition shall also describe the commitment of the parent, guardian, or custodian in fulfilling the responsibilities defined in the case permanency plan and how the placement will serve the child's best interests.

Sec. 3. Section 232.182, subsection 5, unnumbered paragraph 1, Code 1999, is amended to read as follows:

After the hearing is concluded, the court shall make and file written findings as to whether reasonable efforts, as defined in section 232.102, subsection 10, have been made and whether the voluntary foster family care placement is in the child's best interests. The court shall order foster family care placement in the child's best interests if the court finds that all of the following conditions exist:

Sec. 4. Section 232.182, subsection 7, Code 1999, is amended by striking the subsection.

Sec. 5. Section 234.6, subsection 6, paragraph f, Code 1999, is amended to read as follows:

f. Services or support provided to a child with mental retardation or other developmental disability or to the child's family, either voluntarily by the department of human services or in accordance with a court order entered under section 222-31 or 232-182, subsection 5.

Sec. 6. DISPOSITIONAL REVIEW. Any order entered under section 232.182 or 232.183 for a group foster care placement which remains in effect on the effective date of this division shall remain in effect until the court has conducted a dispositional review hearing. The dispositional review

hearing shall be held upon the request of the department of human services or upon the court's own motion. The review hearing shall be subject to the same procedural requirements as outlined in section 232.183 except that the dispositional orders that the court may enter shall be as provided in this section. The purpose of the review hearing is to determine whether the child's parent, guardian, or custodian has failed to fulfill responsibilities outlined in the case permanency plan and that the child should remain in a group foster care placement upon termination of the order. If the court finds the child's parent, guardian, or custodian has failed to fulfill responsibilities outlined in the case permanency plan and that the child should remain in the group foster care placement, the court shall enter an order that the child remain in the placement and that the county attorney or department file, within three days, a petition alleging the child to be a child in need of assistance. Otherwise, the order entered under section 232.182 or 232.183 shall expire at the close of the dispositional review hearing.

Sec. 7. EFFECTIVE DATE. This division of this Act takes effect on July 1, 1999, or upon the date of approval by the federal government of the waiver request submitted by the department of human services pursuant to 1998 Iowa Acts, chapter 1218, section 7, subsection 10, whichever is later. The department of human services shall notify the Code editor concerning receipt of the federal approval.

DIVISION II

RELEASE OF CHILD ABUSE INFORMATION

Sec. 8. Section 235A.15, subsection 2, paragraph f, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. To an individual who is requesting information on a specific case of child abuse which resulted in a child fatality or near fatality.

DIVISION III

ANNUAL GROUP FOSTER CARE AND DECATEGORIZATION PLANS

Sec. 9. Section 232.143, subsection 2, Code 1999, is amended to read as follows:

2. For each of the department's regions, representatives appointed by the department and the juvenile court shall establish a plan for containing the expenditures for children placed in group foster care ordered by the court within the budget target allocated to that region pursuant to subsection 1. The plan shall include monthly targets and strategies for developing alternatives to group foster care placements in order to contain expenditures for child welfare services within the amount appropriated by the general assembly for that purpose. Each regional plan shall be established ~~in advance of the fiscal year to which the regional plan applies~~ within sixty days of the date by which the group foster care budget target for the region is determined. To the extent possible, the department and the juvenile court shall coordinate the planning required under this subsection with planning for services paid under section 232.141, subsection 4. The department's regional administrator shall communicate regularly, as specified in the regional plan, with the juvenile courts within that region concerning the current status of the regional plan's implementation.

Sec. 10. Section 232.188, subsection 4, Code 1999, is amended to read as follows:

4. In a decategorization agreement, the department and the county's or group of counties' decategorization governance board shall agree on all of the following items: the governance relationship between the department and the decategorization governance board; the respective areas of autonomy of the department and the board; the budgeting structure for the decategorization; and a method for resolving disputes between the department and the board. The decategorization agreement shall require the department and the decategorization governance board to agree upon a budget ~~on or before June 15 of the fiscal year preceding the~~ within

sixty days of the date by which the regional group foster care budget targets are determined under section 232.143 for the fiscal year to which the budget applies. The budget may later be modified to reflect new or changed circumstances.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 287, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved April 11, 1999

THOMAS J. VILSACK
Governor