

Senate Study Bill 3093

Bill Text

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1 1 DIVISION I
1 2 HOME CONDITION INVESTIGATIONS
1 3 Section 1. Section [598.12](#), subsections 2 and 3, Code 1999,
1 4 are amended to read as follows:
1 5 2. The court may require that

~~the department of human~~

1 6

~~services or~~

- an appropriate agency make an investigation of
1 7 both parties regarding the home conditions, parenting
1 8 capabilities, and other matters pertinent to the best
1 9 interests of the child or children in a dispute concerning
1 10 custody of the child or children. The investigation report
1 11 completed by the

~~department of human services or an~~

1 12 appropriate agency shall be submitted to the court and
1 13 available to both parties. The investigation report completed
1 14 by the

~~department of human services or an~~

- appropriate agency
1 15 shall be a part of the record unless otherwise ordered by the
1 16 court.
1 17 3. The court shall enter an order in favor of the
1 18 attorney

~~, the department of human services,~~

- or an appropriate
1 19 agency for fees and disbursements,

~~which~~

- and the amount shall
1 20 be charged against the party responsible for court costs
1 21 unless the court determines that the party responsible for
1 22 costs is indigent in which event the fees shall be borne by
1 23 the county.

1 24 DIVISION II
1 25 ABUSE REGISTRY ACCESS
1 26 Sec. 2. Section [235A.19](#), subsection 2, paragraph b, Code
1 27 1999, is amended by adding the following new subparagraph:
1 28 NEW SUBPARAGRAPH. (8) For statutorily authorized record
1 29 checks for employment of an individual by a provider of adult
1 30 home care, adult health facility care, or other adult
1 31 placement facility care.

1 32 Sec. 3. Section [235B.6](#), subsection 2, paragraph e, Code
1 33 Supplement 1999, is amended by adding the following new
1 34 subparagraph:
1 35 NEW SUBPARAGRAPH. (8) To the administrator of an agency
2 1 providing care to a dependent adult in another state, for the
2 2 purpose of performing an employment background check.

2 3 DIVISION III

CASE PERMANENCY PLANS

2 4
2 5 Sec. 4. Section 232.2, subsection 4, unnumbered paragraph
2 6 1, Code Supplement 1999, is amended to read as follows:
2 7 "Case permanency plan" means the plan, mandated by Pub. L.
2 8 No. 96-272 and Pub. L. No. 105-89, as codified in 42 U.S.C. }
2 9 671(a)(16), 627(a)(2)(B), and 675(1),(5), which is designed to
2 10 achieve placement in the least restrictive, most family-like
2 11 setting available and in close proximity to the parent's home,
2 12 consistent with the best interests and special needs of the
2 13 child, and which considers the placement's proximity to the
2 14 school in which the child is enrolled at the time of
2 15 placement. The plan shall be developed by the department or
2 16 agency involved and the child's parent, guardian, or
2 17 custodian. The plan shall specifically include all of the
2 18 following:

2 19 Sec. 5. Section 237.15, subsection 1, Code 1999, is
2 20 amended by striking the subsection and inserting in lieu
2 21 thereof the following:

2 22 1. "Case permanency plan" means the same as defined in
2 23 section 232.2, subsection 4, except the plan shall also
2 24 include the following:

- 2 25 a. The efforts to place the child with a relative.
2 26 b. The rationale for an out-of-state placement, and the
2 27 efforts to prevent such placement, if the child has been
2 28 placed out-of-state.
2 29 c. Time frames to meet the stated permanency goal and
2 30 short-term objectives.

2 31 DIVISION IV
2 32 GROUP FOSTER CARE

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

2 35 1. A statewide expenditure target for children in group
3 1 foster care placements in a fiscal year, which placements are
3 2 a charge upon or are paid for by the state, shall be
3 3 established annually in an appropriation bill by the general
3 4 assembly. The department and

~~the judicial branch~~
~~juvenile~~

3 5 court services shall jointly develop a formula for allocating
3 6 a portion of the statewide expenditure target established by
3 7 the general assembly to each of the department's regions. The
3 8 formula shall be based upon the region's proportion of the
3 9 state population of children and of the statewide usage of
3 10 group foster care in the previous five completed fiscal years
3 11 and other indicators of need. The expenditure amount
3 12 determined in accordance with the formula shall be the group
3 13 foster care budget target for that region. A region may
3 14 exceed its budget target for group foster care by not more
3 15 than

~~five~~

~~twenty-five~~ percent in a fiscal year, provided the
3 16 overall funding allocated by the department for all child
3 17 welfare and juvenile justice services in the region is not
3 18 exceeded. Funding needed to pay for a child placed in group
3 19 foster care shall be considered encumbered for the duration of
3 20 the child's projected or actual length of stay, whichever is
3 21 applicable.

3 22 2. For each of the department's regions, representatives
3 23 appointed by the department and

~~the~~

~~juvenile court services~~

3 24 shall establish a plan for containing the expenditures for
3 25 children placed in group foster care ordered by the court
3 26 within the budget target allocated to that region pursuant to

3 27 subsection 1. The plan shall include monthly targets and
3 28 strategies for developing alternatives to group foster care
3 29 placements in order to contain expenditures for child welfare
3 30 and juvenile justice services within the amount appropriated
3 31 by the general assembly for that purpose. Each regional plan
3 32 shall be established within sixty days of the date by which
3 33 the group foster care budget target for the region is
3 34 determined. To the extent possible, the department and

~~the~~

3 35 juvenile court services shall coordinate the planning required
4 1 under this subsection with planning for services paid under
4 2 section 232.141, subsection 4. The department's regional
4 3 administrator shall communicate regularly, as specified in the
4 4 regional plan, with the chief officers of juvenile

~~courts~~

4 5 court services within that region concerning the current
4 6 status of the regional plan's implementation.

4 7 EXPLANATION

4 8 This bill relates to child and family services administered
4 9 by the department of human services.

4 10 Division I amends Code section 598.12, relating to
4 11 investigations and attorneys for a minor child involving
4 12 dissolution of marriage. The amendment strikes references to
4 13 the department of human services in provisions authorizing the
4 14 court to appoint the department or an appropriate agency to
4 15 make investigations regarding placement of the child,
4 16 parenting capacities, and other matters.

4 17 Division II relates to child and dependent adult abuse
4 18 registry access.

4 19 Code section 235A.19, relating to requests for correction
4 20 or expungement of child abuse information and appeals,
4 21 prohibits the department from disclosing the information until
4 22 the conclusion of proceedings. However, there is a list of
4 23 exceptions to the prohibition. The bill adds to that list by
4 24 allowing disclosure for statutorily authorized record checks
4 25 for employment of an individual by a provider of adult home
4 26 care, adult health facility care, or other adult placement
4 27 facility care.

4 28 Code section 235B.6 is amended to allow access to dependent
4 29 adult abuse information to the administrator of an agency
4 30 providing care to a dependent adult in another state, for the
4 31 purpose of performing an employment background check.

4 32 Division III relates to the definitions of case permanency
4 33 plans for children removed for out-of-home placements. The
4 34 bill amends the definition in Code section 232.2 of the
4 35 juvenile justice code to include a reference to the federal
5 1 requirements for the plans in the federal Adoption and Safe
5 2 Families Act, Pub. L. No. 105-89. In addition, the bill
5 3 amends a definition of case permanency plan in Code section
5 4 237.15, used for the foster care review process. The bill
5 5 strikes and rewrites the current definition to incorporate
5 6 identical language in the Code section 232.2 definition by
5 7 reference and reinsert additional plan requirements that exist
5 8 in the current statute.

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

5 18 In addition, the bill changes the responsibility to plan
5 19 for funding with the department from the "judicial branch" and
5 20 "juvenile court" to "juvenile court services". Language is
5 21 added that provides that the funding needed to pay for a
5 22 child's group foster care placement is to be considered
5 23 encumbered for the projected or actual stay, whichever is
5 24 applicable. Language to this effect was included in the
5 25 department's appropriations legislation for fiscal years 1998-
5 26 1999 and 1999-2000.
5 27 LSB 5233DP 78
5 28 jp/as/5