

HOUSE FILE 2390  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 521)

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

**A BILL FOR**

1 An Act making technical changes to programs under the purview of  
2 the department of human services.

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

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HF 2390

**HOUSE FILE 2390**

**H-8212**

- 1 Amend House File 2390 as follows:
- 2 1. Page 2, by inserting after line 2, the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 237.20, unnumbered paragraph 1,
- 5 Code Supplement 2003, is amended to read as follows:
- 6 A local board shall, ~~except in delinquency cases,~~
- 7 ~~do the following:~~"
- 8 2. By renumbering as necessary.

**By** JENKINS of Black Hawk  
FOEGE of Linn

HEATON of Henry  
OSTERHAUS of Jackson

**H-8212** FILED MARCH 9, 2004

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1 Section 1. Section 235B.3, subsections 2 and 3, Code  
2 Supplement 2003, are amended to read as follows:

3 2. All of the following persons shall report suspected  
4 dependent adult abuse to the department:

5 ~~a.---A-social-worker.~~

6 ~~b.---A-certified-psychologist.~~

7 ~~c.~~ a. A person who, in the course of employment, examines,  
8 attends, counsels, or treats a dependent adult and reasonably  
9 believes the dependent adult has suffered abuse, including:

10 (1) A member of the staff of a community mental health  
11 center, a member of the staff of a hospital, a member of the  
12 staff or employee of a public or private health care facility  
13 as defined in section 135C.1.

14 (2) A peace officer.

15 (3) An in-home homemaker-home health aide.

16 (4) An individual employed as an outreach person.

17 (5) A health practitioner, as defined in section 232.68.

18 (6) A member of the staff or an employee of a supported  
19 community living service, sheltered workshop, or work activity  
20 center.

21 (7) A social worker.

22 (8) A certified psychologist.

23 ~~d.~~ b. A person who performs inspections of elder group  
24 homes for the department of inspections and appeals and a  
25 resident advocate committee member assigned to an elder group  
26 home pursuant to chapter 231B.

27 3. ~~a.---if-a-staff-member-or-employee-is-required-to-report~~  
28 ~~pursuant-to-this-section, the person shall immediately notify~~  
29 ~~the person in charge or the person's designated agent, and the~~  
30 ~~person in charge or the designated agent shall make the report~~  
31 ~~by the end of the next business day.~~

32 ~~b.~~ The employer or supervisor of a person who is required  
33 to or may make a report pursuant to this section shall not  
34 apply a policy, work rule, or other requirement that  
35 interferes with the person making a report of dependent adult

1 abuse or that results in the failure of another person to make  
2 the report.

3 Sec. 2. Section 252B.9, Code 2003, is amended by adding  
4 the following new subsection:

5 NEW SUBSECTION. 4. Nothing in this chapter, chapter 252A,  
6 252C, 252D, 252E, 252F, 252G, 252H, 252I, 252J, or 252K, or  
7 any other comparable chapter or law shall preclude the unit  
8 from exchanging any information, notice, document, or  
9 certification with any government or private entity, if the  
10 exchange is not otherwise prohibited by law, through mutually  
11 agreed upon electronic data transfer rather than through other  
12 means.

13 Sec. 3. Section 252H.8, subsection 4, paragraph b, Code  
14 2003, is amended to read as follows:

15 b. The return of service, acceptance of service, or signed  
16 statement by the parent requesting review and adjustment or  
17 requesting modification, waiving service of the notice.

18 Sec. 4. Section 252H.15, subsection 2, Code 2003, is  
19 amended to read as follows:

20 2. Notice shall be served upon each parent in accordance  
21 with the rules of civil procedure, except that a parent  
22 requesting a review pursuant to section 252H.13 ~~may~~ shall  
23 waive the right to personal service of the notice in writing  
24 and accept service by regular mail. If the service by regular  
25 mail does not occur within ninety days of the written waiver  
26 of personal service, personal service of the notice is  
27 required unless a new waiver of personal service is obtained.

28 Sec. 5. Section 252H.19, subsection 2, unnumbered  
29 paragraph 1, Code 2003, is amended to read as follows:

30 The notice shall be served upon each parent in accordance  
31 with the rules of civil procedure, except that a parent  
32 requesting modification shall, at the time of the request,  
33 wave the right to personal service of the notice in writing  
34 and accept service by regular mail. The unit shall adopt  
35 rules pursuant to chapter 17A to ensure that all of the

1 following are included in the notice:

2 Sec. 6. Section 252J.5, subsection 3, Code 2003, is  
3 amended to read as follows:

4 3. Following issuance of a certificate of noncompliance,  
5 if the obligor enters into a written agreement with the unit,  
6 the unit shall issue a withdrawal of the certificate of  
7 noncompliance to any appropriate licensing authority and shall  
8 forward a copy of the withdrawal by regular mail to the  
9 obligor ~~and any appropriate licensing authority.~~

10 Sec. 7. Section 252J.6, subsection 2, paragraph a, Code  
11 2003, is amended to read as follows:

12 a. That ~~a copy of~~ the certificate of noncompliance or  
13 withdrawal of the certificate of noncompliance has been  
14 provided to the licensing authorities named in the notice  
15 provided pursuant to section 252J.3.

16 Sec. 8. Section 252J.7, subsection 1, Code 2003, is  
17 amended to read as follows:

18 1. If the individual fails to respond to the notice of  
19 potential license sanction provided pursuant to section 252J.3  
20 or the unit issues a written decision under section 252J.6  
21 which states that the individual is not in compliance, the  
22 unit shall ~~certify, in writing,~~ issue a certificate of  
23 noncompliance to any appropriate licensing authority ~~that the~~  
24 ~~support obligor is not in compliance with a support order or~~  
25 ~~the individual is not in compliance with a subpoena or warrant~~  
26 ~~and shall include a copy of the certificate of noncompliance.~~

27 EXPLANATION

28 This bill makes changes to child support and dependent  
29 adult abuse provisions under the purview of the department of  
30 human services.

31 The bill provides that only social workers and certified  
32 psychologists who, in the course of their employment, examine,  
33 attend, counsel, or treat a dependent adult are required to  
34 report suspected dependent adult abuse. Current law requires  
35 all social workers and certified psychologists to report

1 suspected dependent adult abuse.

2 The bill also eliminates a provision applicable to  
3 mandatory dependent adult abuse reporters who are staff or  
4 employees of certain facilities that required the staff member  
5 or employee to report the suspected dependent adult abuse to  
6 the person in charge or the person's designated agent, and the  
7 person in charge or the designated agent was then to make the  
8 report. With the elimination of this language, the staff or  
9 employee would make the report directly.

10 The bill provides that the child support recovery unit is  
11 not prohibited from exchanging any information, notice,  
12 document, or certification with any government or private  
13 entity, if not otherwise prohibited by law, through mutually  
14 agreed upon electronic transfer rather than through other  
15 means. The bill provides that a parent requesting a review  
16 and adjustment or a modification of a child support order will  
17 receive the initial notice that the process has begun by  
18 regular mail rather than choosing between personal service or  
19 regular mail.

20 With regard to child support licensing sanctions, the bill  
21 directs the child support recovery unit to issue a withdrawal  
22 of the certificate of noncompliance to any appropriate  
23 licensing authority rather than issue a copy of the withdrawal  
24 of the certificate of noncompliance to the appropriate  
25 licensing authority when the obligor for whom the child  
26 support recovery unit has issued a certificate of  
27 noncompliance enters into a written agreement for payment of  
28 support and compliance. The bill also provides that the  
29 written decision of the child support recovery unit, following  
30 the noncompliance of an obligor and the request of the obligor  
31 for a conference, is to state that the actual certificate of  
32 noncompliance or withdrawal of the certificate of  
33 noncompliance, not a copy of these, has been provided to the  
34 named licensing authority. The bill also directs the child  
35 support recovery unit to issue a certificate of noncompliance

1 to any appropriate licensing authority in cases in which the  
2 obligor does not respond to a notice of potential license  
3 sanction or the unit enters a written decision stating that  
4 the obligor is not in compliance.

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## HOUSE FILE 2390

H-8163

1 Amend House File 2390 as follows:

2 1. Page 3, by inserting after line 26, the  
3 following:

4 "Sec. \_\_\_\_\_. ADOPTION SUBSIDY PROGRAM -- ACTIVITY --  
5 INTERIM STUDY COMMITTEE.

6 1. Unless the general assembly enacts legislation  
7 to allow changes in the adoption subsidy program  
8 during the 2004 session of the general assembly,  
9 effective January 1, 2004, and ending June 30, 2005,  
10 the department of human services shall not adopt rules  
11 or implement policies that reduce the overall subsidy  
12 outlays or other financial assistance provided to a  
13 recipient of an adoption subsidy, but shall continue  
14 to apply the adoption subsidy program rules and  
15 policies in effect on December 31, 2003.

16 2. The legislative council is requested to  
17 establish an interim study committee to review the  
18 adoption subsidy program, which includes a review of  
19 current practices regarding the determination of  
20 subsidy levels, disparities in subsidy levels among  
21 regions of the state, program costs and benefits, the  
22 fiscal and programmatic impact of projected future  
23 program growth, and quantification of savings in other  
24 programs and services resulting from the utilization  
25 of the adoption subsidy program. The committee shall  
26 seek input from the department of human services,  
27 adoptive parents and others with experience or  
28 expertise with the adoption subsidy program and  
29 related services and supports. The interim committee  
30 shall submit a report of its findings and  
31 recommendations to the general assembly no later than  
32 December 1, 2004.

33 Sec. \_\_\_\_\_. EFFECTIVE DATE -- RETROACTIVE  
34 APPLICABILITY. The section of this Act relating to  
35 application of adoption subsidy program rules and  
36 policies effective on December 31, 2003, and a  
37 legislative study, being deemed of immediate  
38 importance, takes effect upon enactment and is  
39 retroactively applicable to January 1, 2004."

40 2. Title page, line 2, by inserting after the  
41 word "services" the following: ", providing an  
42 effective date, and providing for retroactive  
43 applicability".

44 3. By renumbering as necessary.

By HUSER of Polk

H-8163 FILED MARCH 5, 2004

HOUSE FILE **2390**  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 521)

(As Amended and Passed by the House March 10, 2004)

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

**A BILL FOR**

1 An Act making technical changes to programs under the purview of  
2 the department of human services, providing an effective date,  
3 and providing for retroactive applicability.

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

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House Amendments \_\_\_\_\_

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1 Section 1. Section 235B.3, subsections 2 and 3, Code  
2 Supplement 2003, are amended to read as follows:

3 2. All of the following persons shall report suspected  
4 dependent adult abuse to the department:

5 ~~a. A social worker.~~

6 ~~b. A certified psychologist.~~

7 ~~c. a.~~ A person who, in the course of employment, examines,  
8 attends, counsels, or treats a dependent adult and reasonably  
9 believes the dependent adult has suffered abuse, including:

10 (1) A member of the staff of a community mental health  
11 center, a member of the staff of a hospital, a member of the  
12 staff or employee of a public or private health care facility  
13 as defined in section 135C.1.

14 (2) A peace officer.

15 (3) An in-home homemaker-home health aide.

16 (4) An individual employed as an outreach person.

17 (5) A health practitioner, as defined in section 232.68.

18 (6) A member of the staff or an employee of a supported  
19 community living service, sheltered workshop, or work activity  
20 center.

21 (7) A social worker.

22 (8) A certified psychologist.

23 ~~d. b.~~ A person who performs inspections of elder group  
24 homes for the department of inspections and appeals and a  
25 resident advocate committee member assigned to an elder group  
26 home pursuant to chapter 231B.

27 3. ~~a. If a staff member or employee is required to report~~  
28 ~~pursuant to this section, the person shall immediately notify~~  
29 ~~the person in charge or the person's designated agent, and the~~  
30 ~~person in charge or the designated agent shall make the report~~  
31 ~~by the end of the next business day.~~

32 ~~b.~~ The employer or supervisor of a person who is required  
33 to or may make a report pursuant to this section shall not  
34 apply a policy, work rule, or other requirement that  
35 interferes with the person making a report of dependent adult

1 abuse or that results in the failure of another person to make  
2 the report.

3 Sec. 2. Section 252B.9, Code 2003, is amended by adding  
4 the following new subsection:

5 NEW SUBSECTION. 4. Nothing in this chapter, chapter 252A,  
6 252C, 252D, 252E, 252F, 252G, 252H, 252I, 252J, or 252K, or  
7 any other comparable chapter or law shall preclude the unit  
8 from exchanging any information, notice, document, or  
9 certification with any government or private entity, if the  
10 exchange is not otherwise prohibited by law, through mutually  
11 agreed upon electronic data transfer rather than through other  
12 means.

13 Sec. 3. Section 252H.8, subsection 4, paragraph b, Code  
14 2003, is amended to read as follows:

15 b. The return of service, acceptance of service, or signed  
16 statement by the parent requesting review and adjustment or  
17 requesting modification, waiving service of the notice.

18 Sec. 4. Section 252H.15, subsection 2, Code 2003, is  
19 amended to read as follows:

20 2. Notice shall be served upon each parent in accordance  
21 with the rules of civil procedure, except that a parent  
22 requesting a review pursuant to section 252H.13 may shall  
23 waive the right to personal service of the notice in writing  
24 and accept service by regular mail. If the service by regular  
25 mail does not occur within ninety days of the written waiver  
26 of personal service, personal service of the notice is  
27 required unless a new waiver of personal service is obtained.

28 Sec. 5. Section 252H.19, subsection 2, unnumbered  
29 paragraph 1, Code 2003, is amended to read as follows:

30 The notice shall be served upon each parent in accordance  
31 with the rules of civil procedure, except that a parent  
32 requesting modification shall, at the time of the request,  
33 wave the right to personal service of the notice in writing  
34 and accept service by regular mail. The unit shall adopt  
35 rules pursuant to chapter 17A to ensure that all of the

1 following are included in the notice:

2 Sec. 6. Section 252J.5, subsection 3, Code 2003, is  
3 amended to read as follows:

4 3. Following issuance of a certificate of noncompliance,  
5 if the obligor enters into a written agreement with the unit,  
6 the unit shall issue a withdrawal of the certificate of  
7 noncompliance to any appropriate licensing authority and shall  
8 forward a copy of the withdrawal by regular mail to the  
9 obligor ~~and any appropriate licensing authority.~~

10 Sec. 7. Section 252J.6, subsection 2, paragraph a, Code  
11 2003, is amended to read as follows:

12 a. That ~~a copy of~~ the certificate of noncompliance or  
13 withdrawal of the certificate of noncompliance has been  
14 provided to the licensing authorities named in the notice  
15 provided pursuant to section 252J.3.

16 Sec. 8. Section 252J.7, subsection 1, Code 2003, is  
17 amended to read as follows:

18 1. If the individual fails to respond to the notice of  
19 potential license sanction provided pursuant to section 252J.3  
20 or the unit issues a written decision under section 252J.6  
21 which states that the individual is not in compliance, the  
22 unit shall ~~certify, in writing,~~ issue a certificate of  
23 noncompliance to any appropriate licensing authority ~~that the~~  
24 ~~support obligor is not in compliance with a support order or~~  
25 ~~the individual is not in compliance with a subpoena or warrant~~  
26 ~~and shall include a copy of the certificate of noncompliance.~~

27 Sec. 9. ADOPTION SUBSIDY PROGRAM -- ACTIVITY -- INTERIM  
28 STUDY COMMITTEE.

29 1. Unless the general assembly enacts legislation to allow  
30 changes in the adoption subsidy program during the 2004  
31 session of the general assembly, effective January 1, 2004,  
32 and ending June 30, 2005, the department of human services  
33 shall not adopt rules or implement policies that reduce the  
34 overall subsidy outlays or other financial assistance provided  
35 to a recipient of an adoption subsidy, but shall continue to

1 apply the adoption subsidy program rules and policies in  
2 effect on December 31, 2003.

3 2. The legislative council is requested to establish an  
4 interim study committee to review the adoption subsidy  
5 program, which includes a review of current practices  
6 regarding the determination of subsidy levels, disparities in  
7 subsidy levels among regions of the state, program costs and  
8 benefits, the fiscal and programmatic impact of projected  
9 future program growth, and quantification of savings in other  
10 programs and services resulting from the utilization of the  
11 adoption subsidy program. The committee shall seek input from  
12 the department of human services, adoptive parents and others  
13 with experience or expertise with the adoption subsidy program  
14 and related services and supports. The interim committee  
15 shall submit a report of its findings and recommendations to  
16 the general assembly no later than December 1, 2004.

17 Sec. 10. EFFECTIVE DATE -- RETROACTIVE APPLICABILITY. The  
18 section of this Act relating to application of adoption  
19 subsidy program rules and policies effective on December 31,  
20 2003, and a legislative study, being deemed of immediate  
21 importance, takes effect upon enactment and is retroactively  
22 applicable to January 1, 2004.

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## HOUSE FILE 2390

## S-5340

1 Amend House File 2390, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 225C.42, subsection 1, Code  
6 Supplement 2003, is amended to read as follows:

7 1. The department shall conduct ~~an annual~~ a  
8 periodic evaluation of the family support subsidy  
9 program and shall submit the evaluation report with  
10 recommendations to the governor and general assembly  
11 ~~by September 30 following the end of the fiscal year.~~

12 Sec. \_\_\_\_\_. Section 225C.42, subsection 2, paragraph  
13 a, Code Supplement 2003, is amended to read as  
14 follows:

15 a. A statement of the number of children and  
16 families served by the program during the ~~fiscal year~~  
17 period and the number remaining on the waiting list at  
18 the end of the ~~fiscal year period~~.

19 Sec. \_\_\_\_\_. Section 232.2, subsection 13, Code  
20 Supplement 2003, is amended to read as follows:

21 13. "Department" means the department of human  
22 services and includes the local, county, and ~~regional~~  
23 service area officers of the department.

24 Sec. \_\_\_\_\_. Section 232.52, subsection 2A, Code  
25 Supplement 2003, is amended to read as follows:

26 2A. Notwithstanding subsection 2, the court shall  
27 not order group foster care placement of the child  
28 which is a charge upon the state if that placement is  
29 not in accordance with the ~~regional~~ service area plan  
30 for group foster care established pursuant to section  
31 232.143 for the departmental ~~region~~ service area in  
32 which the court is located.

33 Sec. \_\_\_\_\_. Section 232.52, subsection 7, Code  
34 Supplement 2003, is amended to read as follows:

35 7. If the court orders the transfer of the custody  
36 of the child to the department of human services or to  
37 another agency for placement in group foster care, the  
38 department or agency shall make every reasonable  
39 effort to place the child ~~within the state~~, in the  
40 least restrictive, most family-like, and most  
41 appropriate setting available and in close proximity  
42 to the parents' home, consistent with the child's best  
43 interests and special needs, and shall consider the  
44 placement's proximity to the school in which the child  
45 is enrolled at the time of placement.

46 Sec. \_\_\_\_\_. Section 232.68, subsection 4, Code  
47 Supplement 2003, is amended to read as follows:

48 4. "Department" means the state department of  
49 human services and includes the local, county, and  
50 ~~regional~~ service area offices of the department.

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**S-5340**

Page 2

1 Sec. \_\_\_\_ . Section 232.72, subsection 1, Code  
2 Supplement 2003, is amended to read as follows:

3 1. For the purposes of this division, the terms  
4 "department of human services", "department", or  
5 "county attorney" ordinarily refer to the ~~regional~~  
6 service area or local office of the department of  
7 human services or of the county attorney's office  
8 serving the county in which the child's home is  
9 located.

10 Sec. \_\_\_\_ . Section 232.102, subsection 1A, Code  
11 Supplement 2003, is amended to read as follows:

12 1A. The court shall not order group foster care  
13 placement of the child which is a charge upon the  
14 state if that placement is not in accordance with the  
15 ~~regional~~ service area plan for group foster care  
16 established pursuant to section 232.143 for the  
17 departmental ~~region~~ service area in which the court is  
18 located.

19 Sec. \_\_\_\_ . Section 232.102, subsection 7, Code  
20 Supplement 2003, is amended to read as follows:

21 7. In any order transferring custody to the  
22 department or an agency, or in orders pursuant to a  
23 custody order, the court shall specify the nature and  
24 category of disposition which will serve the best  
25 interests of the child, and shall prescribe the means  
26 by which the placement shall be monitored by the  
27 court. If the court orders the transfer of the  
28 custody of the child to the department of human  
29 services or other agency for placement, the department  
30 or agency shall submit a case permanency plan to the  
31 court and shall make every reasonable effort to return  
32 the child to the child's home as quickly as possible  
33 consistent with the best interests of the child. When  
34 the child is not returned to the child's home and if  
35 the child has been previously placed in a licensed  
36 foster care facility, the department or agency shall  
37 consider placing the child in the same licensed foster  
38 care facility. If the court orders the transfer of  
39 custody to a parent who does not have physical care of  
40 the child, other relative, or other suitable person,  
41 the court may direct the department or other agency to  
42 provide services to the child's parent, guardian, or  
43 custodian in order to enable them to resume custody of  
44 the child. If the court orders the transfer of  
45 custody to the department of human services or to  
46 another agency for placement in group foster care, the  
47 department or agency shall make every reasonable  
48 effort to place the child ~~within Iowa~~, in the least  
49 restrictive, most family-like, and most appropriate  
50 setting available, and in close proximity to the

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Page 3

1 parents' home, consistent with the child's best  
2 interests and special needs, and shall consider the  
3 placement's proximity to the school in which the child  
4 is enrolled at the time of placement.

5 Sec. \_\_\_\_\_. Section 232.102, Code Supplement 2003,  
6 is amended by adding the following new subsection:

7 NEW SUBSECTION. 13. Unless prohibited by the  
8 court order transferring custody of the child for  
9 placement or other court order or the department or  
10 agency that received the custody transfer finds that  
11 allowing the visitation would not be in the child's  
12 best interest, the department or agency may authorize  
13 reasonable visitation with the child by the child's  
14 grandparent, great-grandparent, or other adult  
15 relative who has established a substantial  
16 relationship with the child. The visitation shall not  
17 be authorized for a grandparent or great-grandparent  
18 whose petition for visitation under section 598.35 has  
19 been denied. If visitation with the grandparent,  
20 great-grandparent, or other relative was authorized by  
21 court order prior to removal of the child, a  
22 visitation authorization under this subsection shall  
23 comply with the court order.

24 Sec. \_\_\_\_\_. Section 232.117, subsection 4, Code  
25 Supplement 2003, is amended to read as follows:

26 4. The court shall not order group foster care  
27 placement of the child which is a charge upon the  
28 state if that placement is not in accordance with the  
29 ~~regional~~ service area plan for group foster care  
30 established pursuant to section 232.143 for the  
31 departmental ~~region~~ service area in which the court is  
32 located.

33 Sec. \_\_\_\_\_. Section 232.127, subsection 8, Code  
34 Supplement 2003, is amended to read as follows:

35 8. The court shall not order group foster care  
36 placement of the child which is a charge upon the  
37 state if that placement is not in accordance with the  
38 ~~regional~~ service area plan for group foster care  
39 established pursuant to section 232.143 for the  
40 departmental ~~region~~ service area in which the court is  
41 located.

42 Sec. \_\_\_\_\_. Section 232.143, Code Supplement 2003,  
43 is amended to read as follows:

44 232.143 REGIONAL SERVICE AREA GROUP FOSTER CARE  
45 BUDGET TARGETS.

46 1. A statewide expenditure target for children in  
47 group foster care placements in a fiscal year, which  
48 placements are a charge upon or are paid for by the  
49 state, shall be established annually in an  
50 appropriation bill by the general assembly. The

**S-5340**

**S-5340**

Page 4

1 Representatives of the department and the judicial  
2 branch juvenile court services shall jointly develop a  
3 formula for allocating a portion of the statewide  
4 expenditure target established by the general assembly  
5 to each of the department's ~~regions~~ service areas.  
6 The formula shall be based upon the ~~region's~~ service  
7 area's proportion of the state population of children  
8 and of the statewide usage of group foster care in the  
9 previous five completed fiscal years and upon other  
10 indicators of need. The expenditure amount determined  
11 in accordance with the formula shall be the group  
12 foster care budget target for that ~~region~~ service  
13 area. A ~~region~~ service area may exceed ~~its~~ the  
14 service area's budget target for group foster care by  
15 not more than five percent in a fiscal year, provided  
16 the overall funding allocated by the department for  
17 all child welfare services in the ~~region~~ service area  
18 is not exceeded.

19 2. For each of the department's ~~regions~~ service  
20 areas, representatives appointed by the department and  
21 the juvenile court services shall establish a plan for  
22 containing the expenditures for children placed in  
23 group foster care ordered by the court within the  
24 budget target allocated to that ~~region~~ service area  
25 pursuant to subsection 1. The plan shall be  
26 established in a manner so as to ensure the budget  
27 target amount will last the entire fiscal year. The  
28 plan shall include monthly targets and strategies for  
29 developing alternatives to group foster care  
30 placements in order to contain expenditures for child  
31 welfare services within the amount appropriated by the  
32 general assembly for that purpose. Funds for a child  
33 placed in group foster care shall be considered  
34 encumbered for the duration of the child's projected  
35 or actual length of stay, whichever is applicable.  
36 Each ~~regional~~ service area plan shall be established  
37 within sixty days of the date by which the group  
38 foster care budget target for the ~~region~~ service area  
39 is determined. To the extent possible, the department  
40 and ~~the~~ juvenile court services shall coordinate the  
41 planning required under this subsection with planning  
42 for services paid under section 232.141, subsection 4.  
43 The department's ~~regional administrator~~ service area  
44 manager shall communicate regularly, as specified in  
45 the ~~regional~~ service area plan, with the chief  
46 juvenile ~~courts~~ court officers within that ~~region~~  
47 service area concerning the current status of the  
48 ~~regional~~ service area plan's implementation.

49 3. State payment for group foster care placements  
50 shall be limited to those placements which are in

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1 accordance with the ~~regional~~ service area plans  
2 developed pursuant to subsection 2.  
3 Sec. \_\_\_\_\_. Section 232.188, subsection 4, Code  
4 Supplement 2003, is amended to read as follows:  
5 4. In a decategorization agreement, the department  
6 and the county's or group of counties'  
7 decategorization governance board shall agree on all  
8 of the following items: the governance relationship  
9 between the department and the decategorization  
10 governance board; the respective areas of autonomy of  
11 the department and the board; the budgeting structure  
12 for the decategorization; and a method for resolving  
13 disputes between the department and the board. The  
14 decategorization agreement shall require the  
15 department and the decategorization governance board  
16 to agree upon a budget within sixty days of the date  
17 by which the ~~regional~~ group foster care budget targets  
18 are determined for departmental service areas under  
19 section 232.143 for the fiscal year to which the  
20 budget applies. The budget may later be modified to  
21 reflect new or changed circumstances.

22 Sec. \_\_\_\_\_. Section 234.35, subsection 1, paragraph  
23 e, Code Supplement 2003, is amended to read as  
24 follows:

25 e. When a court has entered an order transferring  
26 the legal custody of the child to a foster care  
27 placement pursuant to section 232.52, subsection 2,  
28 paragraph "d", or section 232.102, subsection 1.  
29 However, payment for a group foster care placement  
30 shall be limited to those placements which conform to  
31 a ~~regional~~ service area group foster care plan  
32 established pursuant to section 232.143.

33 Sec. \_\_\_\_\_. Section 235B.1, subsection 4, paragraph  
34 a, subparagraph (1), Code 2003, is amended to read as  
35 follows:

36 (1) Advise the director of human services ~~and the~~  
37 ~~administrator of the division of child and family~~  
38 ~~services of the department of human services, the~~  
39 director of elder affairs, the director of inspections  
40 and appeals, the director of public health, the  
41 director of the department of corrections, and the  
42 director of human rights regarding dependent adult  
43 abuse."

44 2. By striking page 1, line 3, through page 2,  
45 line 2, and inserting the following:

46 "~~2. All of the following persons shall report~~  
47 ~~suspected dependent adult abuse to the department:~~

48 ~~a. A social worker.~~

49 ~~b. A certified psychologist.~~

50 ~~e. 2. A person who, in the course of employment,~~

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1 examines, attends, counsels, or treats a dependent  
2 adult and reasonably believes the dependent adult has  
3 suffered abuse, shall report the suspected dependent  
4 adult abuse to the department including all of the  
5 following:

6 ~~(1)~~ a. A member of the staff of a community  
7 mental health center, a member of the staff of a  
8 hospital, a member of the staff or employee of a  
9 public or private health care facility as defined in  
10 section 135C.1, a member of the staff or employee of  
11 an elder group home as defined in section 231B.1, a  
12 member of the staff or employee of an assisted living  
13 program certified under section 231C.3, and a member  
14 of the staff or employee of an adult day services  
15 program as defined in section 231D.1.

16 ~~(2)~~ b. A peace officer.

17 ~~(3)~~ c. An in-home homemaker-home health aide.

18 ~~(4)~~ d. An individual employed as an outreach  
19 person.

20 ~~(5)~~ e. A health practitioner, as defined in  
21 section 232.68.

22 ~~(6)~~ f. A member of the staff or an employee of a  
23 supported community living service, sheltered  
24 workshop, or work activity center.

25 g. A social worker.

26 h. A certified psychologist.

27 ~~d. A person who performs inspections of elder~~  
28 ~~group homes for the department of inspections and~~  
29 ~~appeals and a resident advocate committee member~~  
30 ~~assigned to an elder group home pursuant to chapter~~  
31 ~~231B.~~

32 3. a. If a staff member or employee is required  
33 to report pursuant to this section, the person shall  
34 immediately notify the department and shall also  
35 immediately notify the person in charge or the  
36 person's designated agent, and the person in charge or  
37 the designated agent shall make the report by the end  
38 of the next business day.

39 b. The employer or supervisor of a person who is  
40 required to or may make a report pursuant to this  
41 section shall not apply a policy, work rule, or other  
42 requirement that interferes with the person making a  
43 report of dependent adult abuse or that results in the  
44 failure of another person to make the report."

45 3. Page 2, by inserting before line 3, the  
46 following:

47 "Sec. \_\_\_\_ . Section 235B.3, Code Supplement 2003,  
48 is amended by adding the following new subsection:

49 NEW SUBSECTION. 3A. An employee of a financial  
50 institution may report suspected financial

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1 exploitation of a dependent adult to the department."

2 4. Page 2, by inserting before line 3 the

3 following:

4 "Sec. \_\_\_\_\_. Section 237.5A, Code 2003, is amended

5 by adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. A licensee who is unable

7 to complete six hours of foster parent training prior

8 to annual licensure renewal because the licensee is

9 engaged in active duty in the military service shall

10 be considered to be in compliance with the training

11 requirement for annual licensure renewal."

12 5. By striking page 3, line 27, through page 4,

13 line 22, and inserting the following:

14 "Sec. \_\_\_\_\_. Section 235A.15, subsection 10, if

15 enacted by 2004 Iowa Acts, House File 2328, section 7,

16 is amended to read as follows:

17 10. The information released by the director of

18 human services or the director's designee pursuant to

19 a request made under subsection 9 relating to a case

20 of founded child abuse involving a fatality or near

21 fatality to a child shall ~~be a summary of~~ include all

22 of the following, unless such information is excepted

23 from disclosure under subsection 9:

24 a. Any relevant child abuse ~~report data~~

25 information concerning the child or the child's family

26 and the department's response and findings ~~concerning~~

27 ~~the report data, including but not limited to~~

28 ~~assessment and disposition data.~~

29 b. ~~Information~~ A summary of information, that

30 would otherwise be confidential under section 217.30,

31 as to whether or not the child or a member of the

32 child's family was utilizing social services provided

33 by the department at the time of the child fatality or

34 near fatality or within the five-year period preceding

35 the fatality or near fatality.

36 c. Any recommendations made by the department to

37 the county attorney or the juvenile court.

38 d. If applicable, a summary of an evaluation of

39 the department's responses in the case.

40 Sec. \_\_\_\_\_. CHILD DEVELOPMENT HOMES -- PROVIDER

41 QUALIFICATIONS. The department of human services

42 shall revise the department's standards for child

43 development home provider qualifications under

44 category "C" which are applicable at times when more

45 than one qualified provider must be present. The

46 revised standards shall provide that one of the

47 providers required to be present must meet the

48 provider qualifications for category "C" and allow any

49 other providers required to be present to meet the

50 provider qualifications for either category "B" or

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- 1 "C". Until the revised standards are adopted, a
- 2 provider to which the revised standards would be
- 3 applicable may request approval from the department
- 4 for an exception to policy for the provider to operate
- 5 under the revised standards as described in this
- 6 section prior to adoption of the revised standards."
- 7 6. Title page, by striking lines 2 and 3 and
- 8 inserting the following: "the department of human
- 9 services."
- 10 7. By renumbering as necessary.

**By** KEN VEENSTRA**S-5340** FILED APRIL 13, 2004  
DEFERRED**HOUSE FILE 2390****S-5357**

- 1 Amend the amendment, S-5340, to House File 2390, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 3, by striking lines 16 through 23 and
- 5 inserting the following: "relationship with the
- 6 child."

**By** KEITH A. KREIMAN  
KEN VEENSTRA  
DAVID JOHNSON**S-5357** FILED APRIL 13, 2004

## HOUSE FILE 2390

## S-5320

1 Amend House File 2390, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 225C.42, subsection 1, Code  
6 Supplement 2003, is amended to read as follows:

7 1. The department shall conduct ~~an annual a~~  
8 periodic evaluation of the family support subsidy  
9 program and shall submit the evaluation report with  
10 recommendations to the governor and general assembly  
11 ~~by September 30 following the end of the fiscal year.~~

12 Sec. \_\_\_\_\_. Section 225C.42, subsection 2, paragraph  
13 a, Code Supplement 2003, is amended to read as  
14 follows:

15 a. A statement of the number of children and  
16 families served by the program during the ~~fiscal year~~  
17 period and the number remaining on the waiting list at  
18 the end of the ~~fiscal year~~ period.

19 Sec. \_\_\_\_\_. Section 232.2, subsection 13, Code  
20 Supplement 2003, is amended to read as follows:

21 13. "Department" means the department of human  
22 services and includes the local, county, and ~~regional~~  
23 service area officers of the department.

24 Sec. \_\_\_\_\_. Section 232.52, subsection 2A, Code  
25 Supplement 2003, is amended to read as follows:

26 2A. Notwithstanding subsection 2, the court shall  
27 not order group foster care placement of the child  
28 which is a charge upon the state if that placement is  
29 not in accordance with the ~~regional~~ service area plan  
30 for group foster care established pursuant to section  
31 232.143 for the departmental ~~region~~ service area in  
32 which the court is located.

33 Sec. \_\_\_\_\_. Section 232.52, subsection 7, Code  
34 Supplement 2003, is amended to read as follows:

35 7. If the court orders the transfer of the custody  
36 of the child to the department of human services or to  
37 another agency for placement in group foster care, the  
38 department or agency shall make every reasonable  
39 effort to place the child ~~within the state,~~ in the  
40 least restrictive, most family-like, and most  
41 appropriate setting available and in close proximity  
42 to the parents' home, consistent with the child's best  
43 interests and special needs, and shall consider the  
44 placement's proximity to the school in which the child  
45 is enrolled at the time of placement.

46 Sec. \_\_\_\_\_. Section 232.68, subsection 4, Code  
47 Supplement 2003, is amended to read as follows:

48 4. "Department" means the state department of  
49 human services and includes the local, county, and  
50 ~~regional~~ service area offices of the department.

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1 Sec. \_\_\_\_ . Section 232.72, subsection 1, Code  
2 Supplement 2003, is amended to read as follows:

3 1. For the purposes of this division, the terms  
4 "department of human services", "department", or  
5 "county attorney" ordinarily refer to the ~~regional~~  
6 service area or local office of the department of  
7 human services or of the county attorney's office  
8 serving the county in which the child's home is  
9 located.

10 Sec. \_\_\_\_ . Section 232.102, subsection 1A, Code  
11 Supplement 2003, is amended to read as follows:

12 1A. The court shall not order group foster care  
13 placement of the child which is a charge upon the  
14 state if that placement is not in accordance with the  
15 ~~regional~~ service area plan for group foster care  
16 established pursuant to section 232.143 for the  
17 departmental ~~region~~ service area in which the court is  
18 located.

19 Sec. \_\_\_\_ . Section 232.102, subsection 7, Code  
20 Supplement 2003, is amended to read as follows:

21 7. In any order transferring custody to the  
22 department or an agency, or in orders pursuant to a  
23 custody order, the court shall specify the nature and  
24 category of disposition which will serve the best  
25 interests of the child, and shall prescribe the means  
26 by which the placement shall be monitored by the  
27 court. If the court orders the transfer of the  
28 custody of the child to the department of human  
29 services or other agency for placement, the department  
30 or agency shall submit a case permanency plan to the  
31 court and shall make every reasonable effort to return  
32 the child to the child's home as quickly as possible  
33 consistent with the best interests of the child. When  
34 the child is not returned to the child's home and if  
35 the child has been previously placed in a licensed  
36 foster care facility, the department or agency shall  
37 consider placing the child in the same licensed foster  
38 care facility. If the court orders the transfer of  
39 custody to a parent who does not have physical care of  
40 the child, other relative, or other suitable person,  
41 the court may direct the department or other agency to  
42 provide services to the child's parent, guardian, or  
43 custodian in order to enable them to resume custody of  
44 the child. If the court orders the transfer of  
45 custody to the department of human services or to  
46 another agency for placement in group foster care, the  
47 department or agency shall make every reasonable  
48 effort to place the child ~~within Iowa~~, in the least  
49 restrictive, most family-like, and most appropriate  
50 setting available, and in close proximity to the

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1 parents' home, consistent with the child's best  
2 interests and special needs, and shall consider the  
3 placement's proximity to the school in which the child  
4 is enrolled at the time of placement.

5 Sec. \_\_\_\_\_. Section 232.102, Code Supplement 2003,  
6 is amended by adding the following new subsection:  
7 NEW SUBSECTION. 13. Unless prohibited by the  
8 court order transferring custody of the child for  
9 placement or other court order or the department or  
10 agency that received the custody transfer finds that  
11 allowing the visitation would not be in the child's  
12 best interest, the department or agency may authorize  
13 reasonable visitation with the child by the child's  
14 grandparent, great-grandparent, or other adult  
15 relative who has established a substantial  
16 relationship with the child. The visitation shall not  
17 be authorized for a grandparent or great-grandparent  
18 whose petition for visitation under section 598.35 has  
19 been denied. If visitation with the grandparent,  
20 great-grandparent, or other relative was authorized by  
21 court order prior to removal of the child, a  
22 visitation authorization under this subsection shall  
23 comply with the court order.

24 Sec. \_\_\_\_\_. Section 232.117, subsection 4, Code  
25 Supplement 2003, is amended to read as follows:  
26 4. The court shall not order group foster care  
27 placement of the child which is a charge upon the  
28 state if that placement is not in accordance with the  
29 ~~regional~~ service area plan for group foster care  
30 established pursuant to section 232.143 for the  
31 departmental ~~region~~ service area in which the court is  
32 located.

33 Sec. \_\_\_\_\_. Section 232.127, subsection 8, Code  
34 Supplement 2003, is amended to read as follows:  
35 8. The court shall not order group foster care  
36 placement of the child which is a charge upon the  
37 state if that placement is not in accordance with the  
38 ~~regional~~ service area plan for group foster care  
39 established pursuant to section 232.143 for the  
40 departmental ~~region~~ service area in which the court is  
41 located.

42 Sec. \_\_\_\_\_. Section 232.143, Code Supplement 2003,  
43 is amended to read as follows:

44 232.143 REGIONAL SERVICE AREA GROUP FOSTER CARE  
45 BUDGET TARGETS.

46 1. A statewide expenditure target for children in  
47 group foster care placements in a fiscal year, which  
48 placements are a charge upon or are paid for by the  
49 state, shall be established annually in an  
50 appropriation bill by the general assembly. The

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1 Representatives of the department and the judicial  
2 branch juvenile court services shall jointly develop a  
3 formula for allocating a portion of the statewide  
4 expenditure target established by the general assembly  
5 to each of the department's regions service areas.  
6 The formula shall be based upon the region's service  
7 area's proportion of the state population of children  
8 and of the statewide usage of group foster care in the  
9 previous five completed fiscal years and upon other  
10 indicators of need. The expenditure amount determined  
11 in accordance with the formula shall be the group  
12 foster care budget target for that region service  
13 area. A region service area may exceed ~~its~~ the  
14 service area's budget target for group foster care by  
15 not more than five percent in a fiscal year, provided  
16 the overall funding allocated by the department for  
17 all child welfare services in the region service area  
18 is not exceeded.

19 2. For each of the department's regions service  
20 areas, representatives appointed by the department and  
21 ~~the~~ juvenile court services shall establish a plan for  
22 containing the expenditures for children placed in  
23 group foster care ordered by the court within the  
24 budget target allocated to that region service area  
25 pursuant to subsection 1. The plan shall be  
26 established in a manner so as to ensure the budget  
27 target amount will last the entire fiscal year. The  
28 plan shall include monthly targets and strategies for  
29 developing alternatives to group foster care  
30 placements in order to contain expenditures for child  
31 welfare services within the amount appropriated by the  
32 general assembly for that purpose. Funds for a child  
33 placed in group foster care shall be considered  
34 encumbered for the duration of the child's projected  
35 or actual length of stay, whichever is applicable.  
36 Each regional service area plan shall be established  
37 within sixty days of the date by which the group  
38 foster care budget target for the region service area  
39 is determined. To the extent possible, the department  
40 and ~~the~~ juvenile court services shall coordinate the  
41 planning required under this subsection with planning  
42 for services paid under section 232.141, subsection 4.  
43 The department's regional administrator service area  
44 manager shall communicate regularly, as specified in  
45 the regional service area plan, with the chief  
46 juvenile courts court officers within that region  
47 service area concerning the current status of the  
48 regional service area plan's implementation.

49 3. State payment for group foster care placements  
50 shall be limited to those placements which are in

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1 accordance with the ~~regional~~ service area plans  
2 developed pursuant to subsection 2.

3 Sec. \_\_\_\_\_. Section 232.188, subsection 4, Code  
4 Supplement 2003, is amended to read as follows:

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

22 Sec. \_\_\_\_\_. Section 234.35, subsection 1, paragraph  
23 e, Code Supplement 2003, is amended to read as  
24 follows:

25 e. When a court has entered an order transferring  
26 the legal custody of the child to a foster care  
27 placement pursuant to section 232.52, subsection 2,  
28 paragraph "d", or section 232.102, subsection 1.  
29 However, payment for a group foster care placement  
30 shall be limited to those placements which conform to  
31 a ~~regional~~ service area group foster care plan  
32 established pursuant to section 232.143.

33 Sec. \_\_\_\_\_. Section 235B.1, subsection 4, paragraph  
34 a, subparagraph (1), Code 2003, is amended to read as  
35 follows:

36 (1) Advise the director of human services ~~and the~~  
37 ~~administrator of the division of child and family~~  
38 ~~services of the department of human services, the~~  
39 director of elder affairs, the director of inspections  
40 and appeals, the director of public health, the  
41 director of the department of corrections, and the  
42 director of human rights regarding dependent adult  
43 abuse."

44 2. By striking page 1, line 3, through page 2,  
45 line 2, and inserting the following:

46 "~~2. All of the following persons shall report~~  
47 ~~suspected dependent adult abuse to the department:~~

48 a. ~~A social worker.~~

49 b. ~~A certified psychologist.~~

50 e. 2. A person who, in the course of employment,

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1 examines, attends, counsels, or treats a dependent  
2 adult and reasonably believes the dependent adult has  
3 suffered abuse, shall report the suspected dependent  
4 adult abuse to the department including all of the  
5 following:

6 ~~(1)~~ a. A member of the staff of a community  
7 mental health center, a member of the staff of a  
8 hospital, a member of the staff or employee of a  
9 public or private health care facility as defined in  
10 section 135C.1, a member of the staff or employee of  
11 an elder group home as defined in section 231B.1, a  
12 member of the staff or employee of an assisted living  
13 program certified under section 231C.3, and a member  
14 of the staff or employee of an adult day services  
15 program as defined in section 231D.1.

16 ~~(2)~~ b. A peace officer.

17 ~~(3)~~ c. An in-home homemaker-home health aide.

18 ~~(4)~~ d. An individual employed as an outreach  
19 person.

20 ~~(5)~~ e. A health practitioner, as defined in  
21 section 232.68.

22 ~~(6)~~ f. A member of the staff or an employee of a  
23 supported community living service, sheltered  
24 workshop, or work activity center.

25 g. A social worker.

26 h. A certified psychologist.

27 ~~d. A person who performs inspections of elder~~  
28 ~~group homes for the department of inspections and~~  
29 ~~appeals and a resident advocate committee member~~  
30 ~~assigned to an elder group home pursuant to chapter~~  
31 ~~231B.~~

32 3. a. If a staff member or employee is required  
33 to report pursuant to this section, the person shall  
34 immediately notify the department and may also  
35 immediately notify the person in charge or the  
36 person's designated agent, and the person in charge or  
37 the designated agent shall make the report by the end  
38 of the next business day.

39 b. The employer or supervisor of a person who is  
40 required to or may make a report pursuant to this  
41 section shall not apply a policy, work rule, or other  
42 requirement that interferes with the person making a  
43 report of dependent adult abuse or that results in the  
44 failure of another person to make the report."

45 3. Page 2, by inserting before line 3, the  
46 following:

47 "Sec. \_\_\_\_ . Section 235B.3, Code Supplement 2003,  
48 is amended by adding the following new subsection:

49 NEW SUBSECTION. 3A. An employee of a financial  
50 institution may report suspected financial

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1 exploitation of a dependent adult to the department."  
2 4. Page 2, by inserting before line 3 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 237.5A, Code 2003, is amended  
5 by adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. A licensee who is unable  
7 to complete six hours of foster parent training prior  
8 to annual licensure renewal because the licensee is  
9 engaged in active duty in the military service shall  
10 be considered to be in compliance with the training  
11 requirement for annual licensure renewal."

12 5. By striking page 3, line 27, through page 4,  
13 line 22, and inserting the following:

14 "Sec. \_\_\_\_\_. Section 235A.15, subsection 10, if  
15 enacted by 2004 Iowa Acts, House File 2328, section 7,  
16 is amended to read as follows:

17 10. The information released by the director of  
18 human services or the director's designee pursuant to  
19 a request made under subsection 9 relating to a case  
20 of founded child abuse involving a fatality or near  
21 fatality to a child shall ~~be a summary of~~ include all  
22 of the following, unless such information is excepted  
23 from disclosure under subsection 9:

24 a. Any relevant child abuse ~~report data~~  
25 information concerning the child or the child's family  
26 and the department's response and findings concerning  
27 ~~the report data, including but not limited to~~  
28 ~~assessment and disposition data.~~

29 b. ~~Information~~ A summary of information, that  
30 would otherwise be confidential under section 217.30,  
31 as to whether or not the child or a member of the  
32 child's family was utilizing social services provided  
33 by the department at the time of the child fatality or  
34 near fatality or within the five-year period preceding  
35 the fatality or near fatality.

36 c. Any recommendations made by the department to  
37 the county attorney or the juvenile court.

38 d. If applicable, a summary of an evaluation of  
39 the department's responses in the case.

40 Sec. \_\_\_\_\_. CHILD DEVELOPMENT HOMES -- PROVIDER  
41 QUALIFICATIONS. The department of human services  
42 shall revise the department's standards for child  
43 development home provider qualifications under  
44 category "C" which are applicable at times when more  
45 than one qualified provider must be present. The  
46 revised standards shall provide that one of the  
47 providers required to be present must meet the  
48 provider qualifications for category "C" and allow any  
49 other providers required to be present to meet the  
50 provider qualifications for either category "B" or

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1 "C". Until the revised standards are adopted, a  
2 provider to which the revised standards would be  
3 applicable may request approval from the department  
4 for an exception to policy for the provider to operate  
5 under the revised standards as described in this  
6 section prior to adoption of the revised standards.

7 Sec. \_\_\_\_\_. EFFECTIVE DATES.

8 1. The section of this Act amending section  
9 237A.3A, subsection 3, being deemed of immediate  
10 importance, takes effect upon enactment."

11 6. Title page, by striking lines 2 and 3 and  
12 inserting the following: "the department of human  
13 services and providing an effective date."

14 7. By renumbering as necessary.

**By KEN VEENSTRA**

**S-5320 FILED APRIL 13, 2004**

WITHDRAWN

**HOUSE FILE 2390****S-5326**

1 Amend the amendment, S-5320, to House File 2390, as  
2 amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 8, by striking lines 7 through 13, and  
5 inserting the following:

6 "\_\_\_\_\_. Title page, by striking lines 2 and 3, and  
7 inserting the following: "the department of human  
8 services."

**By KEN VEENSTRA**

**S-5326 FILED APRIL 13, 2004**

RULED OUT OF ORDER

**SENATE AMENDMENT TO  
HOUSE FILE 2390**

**H-8554**

1 Amend House File 2390, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 225C.42, subsection 1, Code  
6 Supplement 2003, is amended to read as follows:

7 1. The department shall conduct ~~an annual a~~  
8 periodic evaluation of the family support subsidy  
9 program and shall submit the evaluation report with  
10 recommendations to the governor and general assembly  
11 ~~by September 30 following the end of the fiscal year.~~

12 Sec. \_\_\_\_\_. Section 225C.42, subsection 2, paragraph  
13 a, Code Supplement 2003, is amended to read as  
14 follows:

15 a. A statement of the number of children and  
16 families served by the program during the ~~fiscal year~~  
17 period and the number remaining on the waiting list at  
18 the end of the ~~fiscal year~~ period.

19 Sec. \_\_\_\_\_. Section 232.2, subsection 13, Code  
20 Supplement 2003, is amended to read as follows:

21 13. "Department" means the department of human  
22 services and includes the local, county, and ~~regional~~  
23 service area officers of the department.

24 Sec. \_\_\_\_\_. Section 232.52, subsection 2A, Code  
25 Supplement 2003, is amended to read as follows:

26 2A. Notwithstanding subsection 2, the court shall  
27 not order group foster care placement of the child  
28 which is a charge upon the state if that placement is  
29 not in accordance with the ~~regional~~ service area plan  
30 for group foster care established pursuant to section  
31 232.143 for the departmental ~~region~~ service area in  
32 which the court is located.

33 Sec. \_\_\_\_\_. Section 232.52, subsection 7, Code  
34 Supplement 2003, is amended to read as follows:

35 7. If the court orders the transfer of the custody  
36 of the child to the department of human services or to  
37 another agency for placement in group foster care, the  
38 department or agency shall make every reasonable  
39 effort to place the child ~~within the state~~, in the  
40 least restrictive, most family-like, and most  
41 appropriate setting available and in close proximity  
42 to the parents' home, consistent with the child's best  
43 interests and special needs, and shall consider the  
44 placement's proximity to the school in which the child  
45 is enrolled at the time of placement.

46 Sec. \_\_\_\_\_. Section 232.68, subsection 4, Code  
47 Supplement 2003, is amended to read as follows:

48 4. "Department" means the state department of  
49 human services and includes the local, county, and  
50 ~~regional~~ service area offices of the department.

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1 Sec. \_\_\_\_\_. Section 232.72, subsection 1, Code  
2 Supplement 2003, is amended to read as follows:

3 1. For the purposes of this division, the terms  
4 "department of human services", "department", or  
5 "county attorney" ordinarily refer to the ~~regional~~  
6 service area or local office of the department of  
7 human services or of the county attorney's office  
8 serving the county in which the child's home is  
9 located.

10 Sec. \_\_\_\_\_. Section 232.102, subsection 1A, Code  
11 Supplement 2003, is amended to read as follows:

12 1A. The court shall not order group foster care  
13 placement of the child which is a charge upon the  
14 state if that placement is not in accordance with the  
15 ~~regional~~ service area plan for group foster care  
16 established pursuant to section 232.143 for the  
17 departmental ~~region~~ service area in which the court is  
18 located.

19 Sec. \_\_\_\_\_. Section 232.102, subsection 7, Code  
20 Supplement 2003, is amended to read as follows:

21 7. In any order transferring custody to the  
22 department or an agency, or in orders pursuant to a  
23 custody order, the court shall specify the nature and  
24 category of disposition which will serve the best  
25 interests of the child, and shall prescribe the means  
26 by which the placement shall be monitored by the  
27 court. If the court orders the transfer of the  
28 custody of the child to the department of human  
29 services or other agency for placement, the department  
30 or agency shall submit a case permanency plan to the  
31 court and shall make every reasonable effort to return  
32 the child to the child's home as quickly as possible  
33 consistent with the best interests of the child. When  
34 the child is not returned to the child's home and if  
35 the child has been previously placed in a licensed  
36 foster care facility, the department or agency shall  
37 consider placing the child in the same licensed foster  
38 care facility. If the court orders the transfer of  
39 custody to a parent who does not have physical care of  
40 the child, other relative, or other suitable person,  
41 the court may direct the department or other agency to  
42 provide services to the child's parent, guardian, or  
43 custodian in order to enable them to resume custody of  
44 the child. If the court orders the transfer of  
45 custody to the department of human services or to  
46 another agency for placement in group foster care, the  
47 department or agency shall make every reasonable  
48 effort to place the child ~~within Iowa~~, in the least  
49 restrictive, most family-like, and most appropriate  
50 setting available, and in close proximity to the

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Page 3

1 parents' home, consistent with the child's best  
2 interests and special needs, and shall consider the  
3 placement's proximity to the school in which the child  
4 is enrolled at the time of placement.

5 Sec. \_\_\_\_\_. Section 232.102, Code Supplement 2003,  
6 is amended by adding the following new subsection:

7 NEW SUBSECTION. 13. Unless prohibited by the  
8 court order transferring custody of the child for  
9 placement or other court order or the department or  
10 agency that received the custody transfer finds that  
11 allowing the visitation would not be in the child's  
12 best interest, the department or agency may authorize  
13 reasonable visitation with the child by the child's  
14 grandparent, great-grandparent, or other adult  
15 relative who has established a substantial  
16 relationship with the child.

17 Sec. \_\_\_\_\_. Section 232.117, subsection 4, Code  
18 Supplement 2003, is amended to read as follows:

19 4. The court shall not order group foster care  
20 placement of the child which is a charge upon the  
21 state if that placement is not in accordance with the  
22 ~~regional~~ service area plan for group foster care  
23 established pursuant to section 232.143 for the  
24 departmental ~~region~~ service area in which the court is  
25 located.

26 Sec. \_\_\_\_\_. Section 232.127, subsection 8, Code  
27 Supplement 2003, is amended to read as follows:

28 8. The court shall not order group foster care  
29 placement of the child which is a charge upon the  
30 state if that placement is not in accordance with the  
31 ~~regional~~ service area plan for group foster care  
32 established pursuant to section 232.143 for the  
33 departmental ~~region~~ service area in which the court is  
34 located.

35 Sec. \_\_\_\_\_. Section 232.143, Code Supplement 2003,  
36 is amended to read as follows:

37 232.143 REGIONAL SERVICE AREA GROUP FOSTER CARE  
38 BUDGET TARGETS.

39 1. A statewide expenditure target for children in  
40 group foster care placements in a fiscal year, which  
41 placements are a charge upon or are paid for by the  
42 state, shall be established annually in an  
43 appropriation bill by the general assembly. ~~The~~  
44 Representatives of the department and the judicial  
45 branch juvenile court services shall jointly develop a  
46 formula for allocating a portion of the statewide  
47 expenditure target established by the general assembly  
48 to each of the department's ~~regions~~ service areas.  
49 The formula shall be based upon the ~~region's~~ service  
50 area's proportion of the state population of children

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1 and of the statewide usage of group foster care in the  
2 previous five completed fiscal years and upon other  
3 indicators of need. The expenditure amount determined  
4 in accordance with the formula shall be the group  
5 foster care budget target for that ~~region~~ service  
6 area. A ~~region~~ service area may exceed ~~its~~ the  
7 service area's budget target for group foster care by  
8 not more than five percent in a fiscal year, provided  
9 the overall funding allocated by the department for  
10 all child welfare services in the ~~region~~ service area  
11 is not exceeded.

12 2. For each of the department's ~~regions~~ service  
13 areas, representatives appointed by the department and  
14 ~~the~~ juvenile court services shall establish a plan for  
15 containing the expenditures for children placed in  
16 group foster care ordered by the court within the  
17 budget target allocated to that ~~region~~ service area  
18 pursuant to subsection 1. The plan shall be  
19 established in a manner so as to ensure the budget  
20 target amount will last the entire fiscal year. The  
21 plan shall include monthly targets and strategies for  
22 developing alternatives to group foster care  
23 placements in order to contain expenditures for child  
24 welfare services within the amount appropriated by the  
25 general assembly for that purpose. Funds for a child  
26 placed in group foster care shall be considered  
27 encumbered for the duration of the child's projected  
28 or actual length of stay, whichever is applicable.  
29 Each ~~regional~~ service area plan shall be established  
30 within sixty days of the date by which the group  
31 foster care budget target for the ~~region~~ service area  
32 is determined. To the extent possible, the department  
33 and ~~the~~ juvenile court services shall coordinate the  
34 planning required under this subsection with planning  
35 for services paid under section 232.141, subsection 4.  
36 The department's ~~regional administrator~~ service area  
37 manager shall communicate regularly, as specified in  
38 the ~~regional~~ service area plan, with the chief  
39 juvenile courts court officers within that ~~region~~  
40 service area concerning the current status of the  
41 ~~regional~~ service area plan's implementation.

42 3. State payment for group foster care placements  
43 shall be limited to those placements which are in  
44 accordance with the ~~regional~~ service area plans  
45 developed pursuant to subsection 2.

46 Sec. \_\_\_\_ . Section 232.188, subsection 4, Code  
47 Supplement 2003, is amended to read as follows:

48 4. In a decategorization agreement, the department  
49 and the county's or group of counties'  
50 decategorization governance board shall agree on all

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1 of the following items: the governance relationship  
2 between the department and the decategorization  
3 governance board; the respective areas of autonomy of  
4 the department and the board; the budgeting structure  
5 for the decategorization; and a method for resolving  
6 disputes between the department and the board. The  
7 decategorization agreement shall require the  
8 department and the decategorization governance board  
9 to agree upon a budget within sixty days of the date  
10 by which the ~~regional~~ group foster care budget targets  
11 are determined for departmental service areas under  
12 section 232.143 for the fiscal year to which the  
13 budget applies. The budget may later be modified to  
14 reflect new or changed circumstances.

15 Sec. \_\_\_\_\_. Section 234.35, subsection 1, paragraph  
16 e, Code Supplement 2003, is amended to read as  
17 follows:

18 e. When a court has entered an order transferring  
19 the legal custody of the child to a foster care  
20 placement pursuant to section 232.52, subsection 2,  
21 paragraph "d", or section 232.102, subsection 1.  
22 However, payment for a group foster care placement  
23 shall be limited to those placements which conform to  
24 a ~~regional~~ service area group foster care plan  
25 established pursuant to section 232.143.

26 Sec. \_\_\_\_\_. Section 235B.1, subsection 4, paragraph  
27 a, subparagraph (1), Code 2003, is amended to read as  
28 follows:

29 (1) Advise the director of human services ~~and the~~  
30 ~~administrator of the division of child and family~~  
31 ~~services of the department of human services, the~~  
32 director of elder affairs, the director of inspections  
33 and appeals, the director of public health, the  
34 director of the department of corrections, and the  
35 director of human rights regarding dependent adult  
36 abuse."

37 2. By striking page 1, line 3, through page 2,  
38 line 2, and inserting the following:

39 "~~2. All of the following persons shall report~~  
40 ~~suspected dependent adult abuse to the department:~~

41 ~~a. A social worker.~~

42 ~~b. A certified psychologist.~~

43 ~~c.~~ 2. A person who, in the course of employment,  
44 examines, attends, counsels, or treats a dependent  
45 adult and reasonably believes the dependent adult has  
46 suffered abuse, shall report the suspected dependent  
47 adult abuse to the department including all of the  
48 following:

49 ~~(1)~~ a. A member of the staff of a community  
50 mental health center, a member of the staff of a

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1 hospital, a member of the staff or employee of a  
2 public or private health care facility as defined in  
3 section 135C.1, a member of the staff or employee of  
4 an elder group home as defined in section 231B.1, a  
5 member of the staff or employee of an assisted living  
6 program certified under section 231C.3, and a member  
7 of the staff or employee of an adult day services  
8 program as defined in section 231D.1.

9 ~~(2)~~ b. A peace officer.

10 ~~(3)~~ c. An in-home homemaker-home health aide.

11 ~~(4)~~ d. An individual employed as an outreach  
12 person.

13 ~~(5)~~ e. A health practitioner, as defined in  
14 section 232.68.

15 ~~(6)~~ f. A member of the staff or an employee of a  
16 supported community living service, sheltered  
17 workshop, or work activity center.

18 g. A social worker.

19 h. A certified psychologist.

20 ~~d. A person who performs inspections of elder~~  
21 ~~group homes for the department of inspections and~~  
22 ~~appeals and a resident advocate committee member~~  
23 ~~assigned to an elder group home pursuant to chapter~~  
24 ~~231B.~~

25 3. a. If a staff member or employee is required  
26 to report pursuant to this section, the person shall  
27 immediately notify the department and shall also  
28 immediately notify the person in charge or the  
29 ~~person's designated agent, and the person in charge or~~  
30 ~~the designated agent shall make the report by the end~~  
31 ~~of the next business day.~~

32 b. The employer or supervisor of a person who is  
33 required to or may make a report pursuant to this  
34 section shall not apply a policy, work rule, or other  
35 requirement that interferes with the person making a  
36 report of dependent adult abuse or that results in the  
37 failure of another person to make the report."

38 3. Page 2, by inserting before line 3, the  
39 following:

40 "Sec. \_\_\_\_ . Section 235B.3, Code Supplement 2003,  
41 is amended by adding the following new subsection:

42 NEW SUBSECTION. 3A. An employee of a financial  
43 institution may report suspected financial  
44 exploitation of a dependent adult to the department."

45 4. Page 2, by inserting before line 3 the  
46 following:

47 "Sec. \_\_\_\_ . Section 237.5A, Code 2003, is amended  
48 by adding the following new unnumbered paragraph:

49 NEW UNNUMBERED PARAGRAPH. A licensee who is unable  
50 to complete six hours of foster parent training prior

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1 to annual licensure renewal because the licensee is  
2 engaged in active duty in the military service shall  
3 be considered to be in compliance with the training  
4 requirement for annual licensure renewal."

5 5. By striking page 3, line 27, through page 4,  
6 line 22, and inserting the following:

7 "Sec. \_\_\_\_ . Section 235A.15, subsection 10, if  
8 enacted by 2004 Iowa Acts, House File 2328, section 7,  
9 is amended to read as follows:

10 10. The information released by the director of  
11 human services or the director's designee pursuant to  
12 a request made under subsection 9 relating to a case  
13 of founded child abuse involving a fatality or near  
14 fatality to a child shall ~~be a summary of~~ include all  
15 of the following, unless such information is excepted  
16 from disclosure under subsection 9:

17 a. Any relevant child abuse ~~report data~~  
18 information concerning the child or the child's family  
19 and the department's response and findings ~~concerning~~  
20 ~~the report data, including but not limited to~~  
21 ~~assessment and disposition data.~~

22 b. ~~Information~~ A summary of information, that  
23 would otherwise be confidential under section 217.30,  
24 as to whether or not the child or a member of the  
25 child's family was utilizing social services provided  
26 by the department at the time of the child fatality or  
27 near fatality or within the five-year period preceding  
28 the fatality or near fatality.

29 c. Any recommendations made by the department to  
30 the county attorney or the juvenile court.

31 d. If applicable, a summary of an evaluation of  
32 the department's responses in the case.

33 Sec. \_\_\_\_ . CHILD DEVELOPMENT HOMES -- PROVIDER  
34 QUALIFICATIONS. The department of human services  
35 shall revise the department's standards for child  
36 development home provider qualifications under  
37 category "C" which are applicable at times when more  
38 than one qualified provider must be present. The  
39 revised standards shall provide that one of the  
40 providers required to be present must meet the  
41 provider qualifications for category "C" and allow any  
42 other providers required to be present to meet the  
43 provider qualifications for either category "B" or  
44 "C". Until the revised standards are adopted, a  
45 provider to which the revised standards would be  
46 applicable may request approval from the department  
47 for an exception to policy for the provider to operate  
48 under the revised standards as described in this  
49 section prior to adoption of the revised standards."

50 6. Title page, by striking lines 2 and 3 and

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- 1 inserting the following: "the department of human
- 2 services."
- 3 7. By renumbering as necessary.

RECEIVED FROM THE SENATE

**H-8554** FILED APRIL 14, 2004

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**HOUSE FILE 2390**

**H-8589**

- 1 Amend the Senate amendment, H-8554, to House File
- 2 2390, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 7, by striking lines 33 through 49.
- 5 2. By renumbering as necessary.

By SMITH of Marshall

**H-8589** FILED APRIL 15, 2004

*Heston  
Carroll  
Smith*

Succeeded By  
SF 2390

**HSB 521**  
**HUMAN RESOURCES**

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 making technical changes to programs under the purview of  
2 the department of human services.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 235B.3, subsections 2 and 3, Code  
2 Supplement 2003, are amended to read as follows:

3 2. All of the following persons shall report suspected  
4 dependent adult abuse to the department:

5 ~~a. A social worker.~~

6 ~~b. A certified psychologist.~~

7 ~~c. a.~~ A person who, in the course of employment, examines,  
8 attends, counsels, or treats a dependent adult and reasonably  
9 believes the dependent adult has suffered abuse, including:

10 (1) A member of the staff of a community mental health  
11 center, a member of the staff of a hospital, a member of the  
12 staff or employee of a public or private health care facility  
13 as defined in section 135C.1.

14 (2) A peace officer.

15 (3) An in-home homemaker-home health aide.

16 (4) An individual employed as an outreach person.

17 (5) A health practitioner, as defined in section 232.68.

18 (6) A member of the staff or an employee of a supported  
19 community living service, sheltered workshop, or work activity  
20 center.

21 (7) A social worker.

22 (8) A certified psychologist.

23 ~~d. b.~~ A person who performs inspections of elder group  
24 homes for the department of inspections and appeals and a  
25 resident advocate committee member assigned to an elder group  
26 home pursuant to chapter 231B.

27 3. ~~a. If a staff member or employee is required to report~~  
28 ~~pursuant to this section, the person shall immediately notify~~  
29 ~~the person in charge or the person's designated agent, and the~~  
30 ~~person in charge or the designated agent shall make the report~~  
31 ~~by the end of the next business day.~~

32 ~~b.~~ The employer or supervisor of a person who is required  
33 to or may make a report pursuant to this section shall not  
34 apply a policy, work rule, or other requirement that  
35 interferes with the person making a report of dependent adult

1 abuse or that results in the failure of another person to make  
2 the report.

3 Sec. 2. Section 252B.9, Code 2003, is amended by adding  
4 the following new subsection:

5 NEW SUBSECTION. 4. Nothing in this chapter, chapter 252A,  
6 252C, 252D, 252E, 252F, 252G, 252H, 252I, 252J, or 252K, or  
7 any other comparable chapter or law shall preclude the unit  
8 from exchanging any information, notice, document, or  
9 certification with any government or private entity through  
10 mutually agreed upon electronic data transfer.

11 Sec. 3. Section 252H.8, subsection 4, paragraph b, Code  
12 2003, is amended to read as follows:

13 b. The return of service, acceptance of service, or signed  
14 statement by the parent requesting review and adjustment or  
15 requesting modification, waiving service of the notice.

16 Sec. 4. Section 252H.15, subsection 2, Code 2003, is  
17 amended to read as follows:

18 2. Notice shall be served upon each parent in accordance  
19 with the rules of civil procedure, except that a parent  
20 requesting a review pursuant to section 252H.13 may shall  
21 waive the right to personal service of the notice in writing  
22 and accept service by regular mail. If the service by regular  
23 mail does not occur within ninety days of the written waiver  
24 of personal service, personal service of the notice is  
25 required unless a new waiver of personal service is obtained.

26 Sec. 5. Section 252H.19, subsection 2, unnumbered  
27 paragraph 1, Code 2003, is amended to read as follows:

28 The notice shall be served upon each parent in accordance  
29 with the rules of civil procedure, except that a parent  
30 requesting modification shall, at the time of the request,  
31 wave the right to personal service of the notice in writing  
32 and accept service by regular mail. The unit shall adopt  
33 rules pursuant to chapter 17A to ensure that all of the  
34 following are included in the notice:

35 Sec. 6. Section 252J.5, subsection 3, Code 2003, is

1 amended to read as follows:

2 3. Following issuance of a certificate of noncompliance,  
3 if the obligor enters into a written agreement with the unit,  
4 the unit shall issue a withdrawal of the certificate of  
5 noncompliance and shall forward a copy of the withdrawal by  
6 regular mail to the obligor ~~and any appropriate licensing~~  
7 ~~authority.~~

8 Sec. 7. Section 252J.6, subsection 2, paragraph a, Code  
9 2003, is amended to read as follows:

10 a. That ~~a copy of~~ the certificate of noncompliance or  
11 withdrawal of the certificate of noncompliance has been  
12 provided to the licensing authorities named in the notice  
13 provided pursuant to section 252J.3.

14 Sec. 8. Section 252J.7, subsection 1, Code 2003, is  
15 amended to read as follows:

16 1. If the individual fails to respond to the notice of  
17 potential license sanction provided pursuant to section 252J.3  
18 or the unit issues a written decision under section 252J.6  
19 which states that the individual is not in compliance, the  
20 unit shall certify, in writing, to any appropriate licensing  
21 authority that the support obligor is not in compliance with a  
22 support order or the individual is not in compliance with a  
23 subpoena or warrant ~~and shall include a copy of the~~  
24 ~~certificate of noncompliance.~~

25

#### EXPLANATION

26 This bill makes changes to child support and dependent  
27 adult abuse provisions under the purview of the department of  
28 human services.

29 The bill provides that only social workers and certified  
30 psychologists who, in the course of their employment, examine,  
31 attend, counsel, or treat a dependent adult are required to  
32 report suspected dependent adult abuse. Current law requires  
33 all social workers and certified psychologists to report  
34 suspected dependent adult abuse.

35 The bill also eliminates a provision applicable to



1 mandatory dependent adult abuse reporters who are staff or  
 2 employees of certain facilities that required the staff member  
 3 or employee to report the suspected dependent adult abuse to  
 4 the person in charge or the person's designated agent, and the  
 5 person in charge or the designated agent was then to make the  
 6 report. With the elimination of this language, the staff or  
 7 employee would make the report directly.

8 The bill provides that the child support recovery unit is  
 9 not prohibited from exchanging any information, notice,  
 10 document, or certification with any government or private  
 11 entity through mutually agreed upon electronic transfer. The  
 12 bill provides that a parent requesting a review and adjustment  
 13 or a modification of a child support order will receive the  
 14 initial notice that the process has begun by regular mail  
 15 rather than choosing between personal service or regular mail.

16 With regard to child support licensing sanctions, the bill  
 17 deletes the requirement that the child support recovery unit  
 18 issue a copy of a withdrawal of a certificate of noncompliance  
 19 to the appropriate licensing authority as well as to the  
 20 obligor when the obligor for whom the child support recovery  
 21 unit has issued a certificate of noncompliance enters into a  
 22 written agreement for payment of support and compliance. The  
 23 bill also provides that the written decision of the child  
 24 support recovery unit, following the noncompliance of an  
 25 obligor and the request of the obligor for a conference, is to  
 26 state that the actual certificate of noncompliance or  
 27 withdrawal of the certificate of noncompliance, not a copy of  
 28 these, has been provided to the named licensing authority.  
 29 The bill also eliminates the requirement that the child  
 30 support recovery unit include a copy of the certificate of  
 31 noncompliance of an obligor with the written certification to  
 32 the licensing authority of the obligor's noncompliance in  
 33 cases in which the obligor does not respond to a notice of  
 34 potential license sanction or the unit enters a written  
 35 decision stating that the obligor is not in compliance.



# STATE OF IOWA

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

DEPARTMENT OF HUMAN SERVICES  
KEVIN W. CONCANNON, DIRECTOR

DATE: December 31, 2003  
TO: Members of the General Assembly  
FROM: Kate Walton, Legislative Liaison *KW*

The Iowa Department of Human Services is proposing legislation relating to:

## **DEPENDENT ADULT ABUSE**

It is proposed that IA Code, Section 235B.3, subsection 2, be changed to require only social workers and psychologists who work with dependent adults to obtain mandatory reporter training on dependent adult abuse. Social workers and psychologists who do not work with dependent adults would no longer be required to obtain the training.

It is proposed that IA Code, Section 235B.3, subsection 3, be changed by deleting the paragraph that orders mandatory reporters who are staff members or employees of an agency or facility to report dependent adult abuse to the person in charge or the person's designated agent, who then makes the report to DHS or DIA. By eliminating this paragraph, all mandatory reporters would be required to report directly to DHS or DIA, rather than through an intermediary.

## **CHILD SUPPORT**

It is proposed that IA Code, chapter 252B be changed to clarify that information and document transfers between the Child Support Recovery Unit and government or private entities may be done by mutually agreed upon electronic transfer. This will be more cost-effective.

It is proposed that IA Code Sections 252H.8, 252H.15 and 252H.19 be changed to provide that a parent who asks the Child Support Recovery Unit for help in modifying a support order be notified by mail when the review or modification process begins. Currently, the parent requesting the modification may choose between being notified by mail or by a sheriff or other process server, which is more costly. This proposal only makes a change for the requesting parent. The non-requesting parent will still have the opportunity to accept service of the notice by mail as opposed to by sheriff or process server.

It is proposed that IA Code Sections 252J.5, 252J.6 and 252J.7 relating to licensing sanctions be changed. The changes remove requirements that the Child Support Recovery Unit send paper copies of certificates of noncompliance to licensing agencies, or copies of withdrawals of those certificates. This clarifies that the Unit may issue certificates and withdrawals electronically to other government agencies, which will be less costly. Obligor will continue to receive paper copies.

HOUSE FILE 2390

AN ACT

MAKING TECHNICAL CHANGES TO PROGRAMS UNDER THE PURVIEW OF THE DEPARTMENT OF HUMAN SERVICES.

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

Section 1. Section 225C.42, subsection 1, Code Supplement 2003, is amended to read as follows:

1. The department shall conduct ~~an annual~~ a periodic evaluation of the family support subsidy program and shall submit the evaluation report with recommendations to the governor and general assembly ~~by September 30 following the end of the fiscal year.~~

Sec. 2. Section 225C.42, subsection 2, paragraph a, Code Supplement 2003, is amended to read as follows:

a. A statement of the number of children and families served by the program during the ~~fiscal year~~ period and the number remaining on the waiting list at the end of the ~~fiscal year~~ period.

Sec. 3. Section 232.2, subsection 13, Code Supplement 2003, is amended to read as follows:

13. "Department" means the department of human services and includes the local, county, and ~~regional~~ service area officers of the department.

Sec. 4. Section 232.52, subsection 2A, Code Supplement 2003, is amended to read as follows:

2A. Notwithstanding subsection 2, the court shall not order group foster care placement of the child which is a charge upon the state if that placement is not in accordance with the ~~regional~~ service area plan for group foster care established pursuant to section 232.143 for the departmental ~~region~~ service area in which the court is located.

Sec. 5. Section 232.52, subsection 7, Code Supplement 2003, is amended to read as follows:

7. If the court orders the transfer of the custody of the child to the department of human services or to another agency for placement in group foster care, the department or agency shall make every reasonable effort to place the child ~~within the state,~~ in the least restrictive, most family-like, and most appropriate setting available and in close proximity to the parents' home, consistent with the child's best interests and special needs, and shall consider the placement's proximity to the school in which the child is enrolled at the time of placement.

Sec. 6. Section 232.68, subsection 4, Code Supplement 2003, is amended to read as follows:

4. "Department" means the state department of human services and includes the local, county, and ~~regional~~ service area offices of the department.

Sec. 7. Section 232.72, subsection 1, Code Supplement 2003, is amended to read as follows:

1. For the purposes of this division, the terms "department of human services", "department", or "county attorney" ordinarily refer to the ~~regional~~ service area or local office of the department of human services or of the county attorney's office serving the county in which the child's home is located.

Sec. 8. Section 232.102, subsection 1A, Code Supplement 2003, is amended to read as follows:

1A. The court shall not order group foster care placement of the child which is a charge upon the state if that placement is not in accordance with the ~~regional~~ service area plan for group foster care established pursuant to section 232.143 for the departmental ~~region~~ service area in which the court is located.

Sec. 9. Section 232.102, subsection 7, Code Supplement 2003, is amended to read as follows:

7. In any order transferring custody to the department or an agency, or in orders pursuant to a custody order, the court shall specify the nature and category of disposition which will serve the best interests of the child, and shall

prescribe the means by which the placement shall be monitored by the court. If the court orders the transfer of the custody of the child to the department of human services or other agency for placement, the department or agency shall submit a case permanency plan to the court and shall make every reasonable effort to return the child to the child's home as quickly as possible consistent with the best interests of the child. When the child is not returned to the child's home and if the child has been previously placed in a licensed foster care facility, the department or agency shall consider placing the child in the same licensed foster care facility. If the court orders the transfer of custody to a parent who does not have physical care of the child, other relative, or other suitable person, the court may direct the department or other agency to provide services to the child's parent, guardian, or custodian in order to enable them to resume custody of the child. If the court orders the transfer of custody to the department of human services or to another agency for placement in group foster care, the department or agency shall make every reasonable effort to place the child ~~within Iowa~~ in the least restrictive, most family-like, and most appropriate setting available, and in close proximity to the parents' home, consistent with the child's best interests and special needs, and shall consider the placement's proximity to the school in which the child is enrolled at the time of placement.

Sec. 10. Section 232.102, Code Supplement 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Unless prohibited by the court order transferring custody of the child for placement or other court order or the department or agency that received the custody transfer finds that allowing the visitation would not be in the child's best interest, the department or agency may authorize reasonable visitation with the child by the child's grandparent, great-grandparent, or other adult relative who has established a substantial relationship with the child.

Sec. 11. Section 232.117, subsection 4, Code Supplement 2003, is amended to read as follows:

4. The court shall not order group foster care placement of the child which is a charge upon the state if that placement is not in accordance with the regional service area plan for group foster care established pursuant to section 232.143 for the departmental region service area in which the court is located.

Sec. 12. Section 232.127, subsection 8, Code Supplement 2003, is amended to read as follows:

8. The court shall not order group foster care placement of the child which is a charge upon the state if that placement is not in accordance with the regional service area plan for group foster care established pursuant to section 232.143 for the departmental region service area in which the court is located.

Sec. 13. Section 232.143, Code Supplement 2003, is amended to read as follows:

232.143 REGIONAL SERVICE AREA GROUP FOSTER CARE BUDGET TARGETS.

1. A statewide expenditure target for children in group foster care placements in a fiscal year, which placements are a charge upon or are paid for by the state, shall be established annually in an appropriation bill by the general assembly. The Representatives of the department and the judicial-branch juvenile court services shall jointly develop a formula for allocating a portion of the statewide expenditure target established by the general assembly to each of the department's regions service areas. The formula shall be based upon the region's service area's proportion of the state population of children and of the statewide usage of group foster care in the previous five completed fiscal years and upon other indicators of need. The expenditure amount determined in accordance with the formula shall be the group foster care budget target for that region service area. A region service area may exceed its the service area's budget target for group foster care by not more than five percent in

a fiscal year, provided the overall funding allocated by the department for all child welfare services in the region service area is not exceeded.

2. For each of the department's regions service areas, representatives appointed by the department and the juvenile court services 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 service area pursuant to subsection 1. The plan shall be established in a manner so as to ensure the budget target amount will last the entire fiscal year. 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. Funds for a child placed in group foster care shall be considered encumbered for the duration of the child's projected or actual length of stay, whichever is applicable. Each regional service area plan shall be established within sixty days of the date by which the group foster care budget target for the region service area is determined. To the extent possible, the department and the juvenile court services shall coordinate the planning required under this subsection with planning for services paid under section 232.141, subsection 4. The department's regional administrator service area manager shall communicate regularly, as specified in the regional service area plan, with the chief juvenile courts court officers within that region service area concerning the current status of the regional service area plan's implementation.

3. State payment for group foster care placements shall be limited to those placements which are in accordance with the regional service area plans developed pursuant to subsection 2.

Sec. 14. Section 232.188, subsection 4, Code Supplement 2003, 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 within sixty days of the date by which the regional group foster care budget targets are determined for departmental service areas 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.

Sec. 15. Section 234.35, subsection 1, paragraph e, Code Supplement 2003, is amended to read as follows:

e. When a court has entered an order transferring the legal custody of the child to a foster care placement pursuant to section 232.52, subsection 2, paragraph "d", or section 232.102, subsection 1. However, payment for a group foster care placement shall be limited to those placements which conform to a regional service area group foster care plan established pursuant to section 232.143.

Sec. 16. Section 235B.1, subsection 4, paragraph a, subparagraph (1), Code 2003, is amended to read as follows:

(1) Advise the director of human services and the ~~administrator of the division of child and family services of the department of human services,~~ the director of elder affairs, the director of inspections and appeals, the director of public health, the director of the department of corrections, and the director of human rights regarding dependent adult abuse.

Sec. 17. Section 235B.3, subsections 2 and 3, Code Supplement 2003, are amended to read as follows:

~~2.--All-of-the-following-persons-shall-report-suspected dependent-adult-abuse-to-the-department:~~

~~a.--A-social-worker;~~

~~b.--A-certified-psychologist.~~

~~e. 2. A person who, in the course of employment, examines, attends, counsels, or treats a dependent adult and reasonably believes the dependent adult has suffered abuse, shall report the suspected dependent adult abuse to the department including all of the following:~~

~~{1} a. A member of the staff of a community mental health center, a member of the staff of a hospital, a member of the staff or employee of a public or private health care facility as defined in section 135C.1, a member of the staff or employee of an elder group home as defined in section 231B.1, a member of the staff or employee of an assisted living program certified under section 231C.3, and a member of the staff or employee of an adult day services program as defined in section 231D.1.~~

~~{2} b. A peace officer.~~

~~{3} c. An in-home homemaker-home health aide.~~

~~{4} d. An individual employed as an outreach person.~~

~~{5} e. A health practitioner, as defined in section 232.68.~~

~~{6} f. A member of the staff or an employee of a supported community living service, sheltered workshop, or work activity center.~~

~~g. A social worker.~~

~~h. A certified psychologist.~~

~~d.--A-person-who-performs-inspections-of-elder-group-homes-for-the-department-of-inspections-and-appeals-and-a-resident-advocate-committee-member-assigned-to-an-elder-group-home-pursuant-to-chapter-231B.~~

~~3. a. If a staff member or employee is required to report pursuant to this section, the person shall immediately notify the department and shall also immediately notify the person in charge or the person's designated agent, and the person in charge or the designated agent shall make the report by the end of the next business day.~~

~~b. The employer or supervisor of a person who is required to or may make a report pursuant to this section shall not~~

apply a policy, work rule, or other requirement that interferes with the person making a report of dependent adult abuse or that results in the failure of another person to make the report.

Sec. 18. Section 235B.3, Code Supplement 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. An employee of a financial institution may report suspected financial exploitation of a dependent adult to the department.

Sec. 19. Section 237.5A, Code 2003, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A licensee who is unable to complete six hours of foster parent training prior to annual licensure renewal because the licensee is engaged in active duty in the military service shall be considered to be in compliance with the training requirement for annual licensure renewal.

Sec. 20. Section 252B.9, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Nothing in this chapter, chapter 252A, 252C, 252D, 252E, 252F, 252G, 252H, 252I, 252J, or 252K, or any other comparable chapter or law shall preclude the unit from exchanging any information, notice, document, or certification with any government or private entity, if the exchange is not otherwise prohibited by law, through mutually agreed upon electronic data transfer rather than through other means.

Sec. 21. Section 252H.8, subsection 4, paragraph b, Code 2003, is amended to read as follows:

b. The return of service, acceptance of service, or signed statement by the parent requesting review and adjustment or requesting modification, waiving service of the notice.

Sec. 22. Section 252H.15, subsection 2, Code 2003, is amended to read as follows:

2. Notice shall be served upon each parent in accordance with the rules of civil procedure, except that a parent requesting a review pursuant to section 252H.13 may shall

waive the right to personal service of the notice in writing and accept service by regular mail. If the service by regular mail does not occur within ninety days of the written waiver of personal service, personal service of the notice is required unless a new waiver of personal service is obtained.

Sec. 23. Section 252H.19, subsection 2, unnumbered paragraph 1, Code 2003, is amended to read as follows:

The notice shall be served upon each parent in accordance with the rules of civil procedure, except that a parent requesting modification shall, at the time of the request, waive the right to personal service of the notice in writing and accept service by regular mail. The unit shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

Sec. 24. Section 252J.5, subsection 3, Code 2003, is amended to read as follows:

3. Following issuance of a certificate of noncompliance, if the obligor enters into a written agreement with the unit, the unit shall issue a withdrawal of the certificate of noncompliance to any appropriate licensing authority and shall forward a copy of the withdrawal by regular mail to the obligor ~~and any appropriate licensing authority.~~

Sec. 25. Section 252J.6, subsection 2, paragraph a, Code 2003, is amended to read as follows:

a. That ~~a copy of~~ the certificate of noncompliance or withdrawal of the certificate of noncompliance has been provided to the licensing authorities named in the notice provided pursuant to section 252J.3.

Sec. 26. Section 252J.7, subsection 1, Code 2003, is amended to read as follows:

1. If the individual fails to respond to the notice of potential license sanction provided pursuant to section 252J.3 or the unit issues a written decision under section 252J.6 which states that the individual is not in compliance, the unit shall ~~certify, in writing,~~ issue a certificate of noncompliance to any appropriate licensing authority ~~that the support obligor is not in compliance with a support order or~~

~~the individual is not in compliance with a subpoena or warrant and shall include a copy of the certificate of noncompliance.~~

Sec. 27. Section 235A.15, subsection 10, if enacted by 2004 Iowa Acts, House File 2328, section 7, is amended to read as follows:

10. The information released by the director of human services or the director's designee pursuant to a request made under subsection 9 relating to a case of founded child abuse involving a fatality or near fatality to a child shall be a ~~summary of~~ include all of the following, unless such information is excepted from disclosure under subsection 9:

a. Any relevant child abuse ~~report data~~ information concerning the child or the child's family and the department's response and findings ~~concerning the report data including but not limited to assessment and disposition data.~~

b. ~~Information~~ A summary of information, that would otherwise be confidential under section 217.30, as to whether or not the child or a member of the child's family was utilizing social services provided by the department at the time of the child fatality or near fatality or within the five-year period preceding the fatality or near fatality.

c. Any recommendations made by the department to the county attorney or the juvenile court.

d. If applicable, a summary of an evaluation of the department's responses in the case.

Sec. 28. CHILD DEVELOPMENT HOMES -- PROVIDER QUALIFICATIONS. The department of human services shall revise the department's standards for child development home provider qualifications under category "C" which are applicable at times when more than one qualified provider must be present. The revised standards shall provide that one of the providers required to be present must meet the provider qualifications for category "C" and allow any other providers required to be present to meet the provider qualifications for either category "B" or "C". Until the revised standards are adopted, a provider to which the revised standards would be applicable may request approval from the department for an exception to

policy for the provider to operate under the revised standards as described in this section prior to adoption of the revised standards.

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CHRISTOPHER C. RANTS  
Speaker of the House

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JEFFREY M. LAMBERTI  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2390, Eightieth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2004

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THOMAS J. VILSACK  
Governor