

FILED FEB 17 '68

HUMAN RESOURCES

SENATE FILE 2139

BY KREIMAN

Passed Senate, Date _____ Passed House, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act relating to custody orders involving out-of-home placement
 2 of children with a relative.

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

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SF 2139
 HUMAN RESOURCES

1 Section 1. Section 232.52, subsection 2, paragraph d, Code
2 Supplement 2003, is amended by adding the following new
3 unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. If the child-placing agency,
5 private agency, facility, or department places the child in
6 family foster care with a person who is not a relative of the
7 child, the placement shall require approval of the court that
8 issued the order. Within ten business days of making the
9 placement with a nonrelative, the agency, facility, or
10 department shall submit a written report to the court
11 describing the actions taken to place the child with a
12 relative and explaining why placement of the child with a
13 relative was not feasible or was not in the child's best
14 interest. A relative of the child who desires placement of
15 the child with the relative may request that the agency,
16 facility, or department reconsider the placement decision or
17 may appeal to the court for review of the decision to place
18 the child with a nonrelative. If determined to be in the
19 child's best interest, the court may confirm the placement,
20 modify the custody order, vacate and substitute the custody
21 order, or order the agency, facility, or department to
22 reconsider the placement decision and place the child with the
23 relative or another appropriate person.

24 Sec. 2. Section 232.102, subsection 1, Code Supplement
25 2003, is amended by adding the following new unnumbered
26 paragraph:

27 NEW UNNUMBERED PARAGRAPH. If the child-placing agency,
28 private agency, facility, institution, or department places
29 the child in family foster care with a person who is not a
30 relative of the child, the placement shall require approval of
31 the court that issued the order. Within ten business days of
32 making the placement with a nonrelative, the agency, facility,
33 institution, or department shall submit a written report to
34 the court describing the actions taken to place the child with
35 a relative and explaining why placement of the child with a

1 relative was not feasible or was not in the child's best
2 interest. A relative of the child who desires placement of
3 the child with the relative may request that the agency,
4 facility, institution, or department reconsider the placement
5 decision or may appeal to the court for review of the decision
6 to place the child with a nonrelative. If determined to be in
7 the child's best interest, the court may confirm the
8 placement, modify the custody order, vacate and substitute the
9 custody order, or order the agency, facility, institution, or
10 department to reconsider the placement decision and place the
11 child with the relative or another appropriate person.

12 Sec. 3. Section 232.117, subsection 3, Code Supplement
13 2003, is amended by adding the following new unnumbered
14 paragraph:

15 NEW UNNUMBERED PARAGRAPH. If the child-placing agency,
16 private agency, facility, institution, or department places
17 the child in family foster care with a person who is not a
18 relative of the child, the placement shall require approval of
19 the court that issued the order. Within ten business days of
20 making the placement with a nonrelative, the agency, facility,
21 institution, or department shall submit a written report to
22 the court describing the actions taken to place the child with
23 a relative and explaining why placement of the child with a
24 relative was not feasible or was not in the child's best
25 interest. A relative of the child who desires placement of
26 the child with the relative may request that the agency,
27 facility, institution, or department reconsider the placement
28 decision or may appeal to the court for review of the decision
29 to place the child with a nonrelative. If determined to be in
30 the child's best interest, the court may confirm the
31 placement, modify the custody order, vacate and substitute the
32 custody order, or order the agency, facility, institution, or
33 department to reconsider the placement decision and place the
34 child with the relative or another appropriate person.

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EXPLANATION

1 This bill relates to out-of-home placement of children with
2 a relative under Code chapter 232, the juvenile justice code.
3 Under the juvenile justice code, an out-of-home placement
4 of a child is subject to an order by the juvenile court. The
5 bill addresses the out-of-home-placement provisions in these
6 Code sections: Code section 232.52, relating to disposition
7 of a child found to have committed a delinquent act; Code
8 section 232.102, relating to transfer of custody and placement
9 of a child found to be in need of assistance; and Code section
10 232.117, relating to disposition of a child upon termination
11 of parental rights.

12 The bill addresses a court order transferring custody of
13 the child for placement by a child-placing agency, private
14 agency, facility, institution, or department of human
15 services. If the child is not placed with a relative, the
16 placement must be approved by the court that issued the order.
17 The agency, facility, institution, or department must submit a
18 report to the court within 10 business days describing the
19 actions taken to place the child with a relative and
20 explaining why placement of the child with a relative was not
21 feasible or was not in the child's best interest.

22 The bill authorizes a relative of the child who desires
23 placement of the child with the relative to request that the
24 agency, facility, institution, or department reconsider the
25 placement decision or to appeal to the court for review of the
26 decision to place the child with a nonrelative. If determined
27 to be in the child's best interest, the court may confirm the
28 placement, modify the custody order, vacate and substitute the
29 custody order, or order the agency, facility, institution, or
30 department to reconsider the placement decision and place the
31 child with the relative or another appropriate person.

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