

FILED FEB 26 '03

SENATE FILE

215

BY HATCH

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

A BILL FOR

1 An Act authorizing court-ordered exceptions to regional group
 2 foster care targets under certain circumstances and providing
 3 an effective date.

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

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SF 215
 HUMAN RESOURCES

1 Section 1. Section 232.52, subsection 2A, Code 2003, is
2 amended to read as follows:

3 2A. a. Notwithstanding subsection 2, except for orders
4 entered in accordance with paragraph "b", the court shall not
5 order group foster care placement of the child which is a
6 charge upon the state if that placement is not in accordance
7 with the regional plan for group foster care established
8 pursuant to section 232.143 for the departmental region in
9 which the court is located.

10 b. The court shall be notified whenever a waiting list is
11 implemented for group foster care placements in the area of
12 the court's jurisdiction. If a waiting list has been
13 implemented, the court shall identify the extent of any harm
14 that the child may be at risk of experiencing as a result of
15 delay in the child's placement due to implementation of the
16 waiting list. If the court determines that the child is at
17 risk of experiencing significant harm due to the delay in
18 placement, the court may order the child's immediate
19 placement.

20 Sec. 2. Section 232.102, subsection 1A, Code 2003, is
21 amended to read as follows:

22 1A. a. The Except for orders entered in accordance with
23 paragraph "b", the court shall not order group foster care
24 placement of the child which is a charge upon the state if
25 that placement is not in accordance with the regional plan for
26 group foster care established pursuant to section 232.143 for
27 the departmental region in which the court is located.

28 b. The court shall be notified whenever a waiting list is
29 implemented for group foster care placements in the area of
30 the court's jurisdiction. If a waiting list has been
31 implemented, the court shall identify the extent of any harm
32 that the child may be at risk of experiencing as a result of
33 delay in the child's placement due to implementation of the
34 waiting list. If the court determines that the child is at
35 risk of experiencing significant harm due to the delay in

1 placement, the court may order the child's immediate
2 placement.

3 Sec. 3. Section 232.117, subsection 4, Code 2003, is
4 amended to read as follows:

5 4. a. The Except for orders entered in accordance with
6 paragraph "b", the court shall not order group foster care
7 placement of the child which is a charge upon the state if
8 that placement is not in accordance with the regional plan for
9 group foster care established pursuant to section 232.143 for
10 the departmental region in which the court is located.

11 b. The court shall be notified whenever a waiting list is
12 implemented for group foster care placements in the area of
13 the court's jurisdiction. If a waiting list has been
14 implemented, the court shall identify the extent of any harm
15 that the child may be at risk of experiencing as a result of
16 delay in the child's placement due to implementation of the
17 waiting list. If the court determines that the child is at
18 risk of experiencing significant harm due to the delay in
19 placement, the court may order the child's immediate
20 placement.

21 Sec. 4. Section 232.127, subsection 8, Code 2003, is
22 amended to read as follows:

23 8. a. The Except for orders entered in accordance with
24 paragraph "b", the court shall not order group foster care
25 placement of the child which is a charge upon the state if
26 that placement is not in accordance with the regional plan for
27 group foster care established pursuant to section 232.143 for
28 the departmental region in which the court is located.

29 b. The court shall be notified whenever a waiting list is
30 implemented for group foster care placements in the area of
31 the court's jurisdiction. If a waiting list has been
32 implemented, the court shall identify the extent of any harm
33 that the child may be at risk of experiencing as a result of
34 delay in the child's placement due to implementation of the
35 waiting list. If the court determines that the child is at

1 risk of experiencing significant harm due to the delay in
2 placement, the court may order the child's immediate
3 placement.

4 Sec. 5. Section 232.143, subsection 3, Code 2003, is
5 amended to read as follows:

6 3. State payment for group foster care placements shall be
7 limited to those placements which are in accordance with the
8 regional plans developed pursuant to subsection 2 or are made
9 by a court for immediate placement of a child determined to be
10 at risk of experiencing significant harm when a waiting list
11 has been implemented.

12 Sec. 6. Section 234.35, subsection 1, paragraph e, Code
13 2003, is amended to read as follows:

14 e. When a court has entered an order transferring the
15 legal custody of the child to a foster care placement pursuant
16 to section 232.52, subsection 2, paragraph "d", or section
17 232.102, subsection 1. However, payment for a group foster
18 care placement shall be limited to those placements which
19 conform to a regional group foster care plan established
20 pursuant to section 232.143 or are made by a court for
21 immediate placement of a child determined to be at risk of
22 experiencing significant harm when a waiting list has been
23 implemented.

24 Sec. 7. EFFECTIVE DATE. This Act, being deemed of
25 immediate importance, takes effect upon enactment.

26 EXPLANATION

27 This bill authorizes court-ordered exceptions to the
28 regional group foster care targets under certain
29 circumstances.

30 Current law prohibits placement of a child in group foster
31 care unless the placement conforms to the regional group
32 foster plan in place for the area. This requirement applies
33 to court-ordered placements made under the following Code
34 sections: 232.52, relating to juvenile delinquency; 232.102,
35 relating to a child in need of assistance; 232.117, relating

1 to termination of parental rights; and 232.127, relating to
2 families in need of assistance. In addition, the requirement
3 applies in Code sections 232.143, relating to regional group
4 foster care targets and 234.35, relating to when the state
5 pays for foster care placements.

6 Those Code sections are amended to require the court to be
7 notified when a waiting list for group foster care placements
8 is implemented. If a waiting list is implemented, the court
9 must make a determination of the harm that a child may be at
10 risk of experiencing from a placement delay due to imposition
11 of the waiting list. If the court determines the child is at
12 risk of experiencing significant harm due to the placement
13 delay, the court may order the child's immediate placement in
14 group foster care.

15 Code sections 232.143 and 234.35 are amended to provide
16 that the state shall pay for the immediate placements made in
17 accordance with the requirements outlined in the bill.

18 The bill takes effect upon enactment.

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