

# House File 802 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 212)

(COMPANION TO LSB 1245SV BY  
COMMITTEE ON HUMAN RESOURCES)

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

## A BILL FOR

1 An Act relating to regulation of children's services by the  
2 department of human services by increasing the age for certain  
3 children receiving child care regulated by the department and  
4 revising child welfare and juvenile justice service  
5 provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 1245HV 82  
8 jp/je/5

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1 1 DIVISION I  
1 2 CHILD CARE SERVICES  
1 3 Section 1. Section 237A.13, subsection 1, Code 2007, is  
1 4 amended by adding the following new paragraph:  
1 5 NEW PARAGRAPH. f. The person's family circumstances are  
1 6 described in paragraph "a", "b", "c", or "d", the person is  
1 7 thirteen years of age or older but younger than sixteen years  
1 8 of age, and state child care assistance is approved for the  
1 9 person by the director or the director's designee based on a  
1 10 request for an exception to policy made by the person's  
1 11 parent, guardian, or custodian because special family  
1 12 circumstances exist that would place the safety and well-being  
1 13 of the person at risk if the person is left home alone. The  
1 14 definition of child in section 237A.1 does not apply to child  
1 15 care supported by state child care assistance approved  
1 16 pursuant to this lettered paragraph.

## DIVISION II

### INTERSTATE PLACEMENT OF CHILDREN IN FOSTER CARE

1 18 Sec. 2. Section 232.2, subsection 4, paragraph e, Code  
1 19 2007, is amended to read as follows:  
1 20 e. ~~To the extent the records are available and accessible,~~  
1 21 ~~a summary of The most recent information available regarding~~  
1 22 ~~the child's health and education records, including the date~~  
1 23 ~~the records were supplied to the agency or individual who is~~  
1 24 ~~the child's foster care provider.~~

1 25 Sec. 3. Section 232.2, subsection 4, paragraph i, Code  
1 26 2007, is amended to read as follows:

1 27 i. A provision that a designee of the department or other  
1 28 person responsible for placement of a child out of state shall  
1 29 visit the child at least once every ~~twelve~~ six months.

1 30 Sec. 4. Section 232.57, subsection 1, Code 2007, is  
1 31 amended to read as follows:

1 32 1. For the purposes of this division, unless the context  
1 33 otherwise requires, "reasonable efforts" means the efforts  
1 34 made to prevent permanent removal of a child from the child's  
2 1 home and to encourage reunification of the child with the  
2 2 child's parents and family. Reasonable efforts shall include  
2 3 but are not limited to giving consideration, if appropriate,  
2 4 to interstate placement of a child in the permanency planning  
2 5 decisions involving the child and giving consideration to  
2 6 in-state and out-of-state placement options at a permanency  
2 7 hearing and when using concurrent planning. If a court order  
2 8 includes a determination that continuation of the child in the  
2 9 child's home is not appropriate or not possible, reasonable  
2 10 efforts may include the efforts made in a timely manner to  
2 11 finalize a permanency plan for the child.

2 12 Sec. 5. Section 232.58, subsection 2, Code 2007, is

2 13 amended to read as follows:

2 14 2. Reasonable notice shall be provided of a permanency  
2 15 hearing for an out-of-home placement in which the court order  
2 16 has included a determination that continuation of the child in  
2 17 the child's home is contrary to the child's welfare. A  
2 18 permanency hearing shall be conducted in substantial  
2 19 conformance with the provisions of section 232.99. During the  
2 20 hearing, the court shall consider the child's need for a  
2 21 secure and permanent placement in light of any case permanency  
2 22 plan or evidence submitted to the court and the reasonable  
2 23 efforts made concerning the child. Upon completion of the  
2 24 hearing, the court shall enter written findings identifying a  
2 25 primary permanency goal for the child. If a case permanency  
2 26 plan is in effect at the time of the hearing, the court shall  
2 27 also make a determination as to whether reasonable progress is  
2 28 being made in achieving the permanency goal and in complying  
2 29 with the other provisions of that case permanency plan.

2 30 Sec. 6. Section 232.102, subsection 10, paragraph a,  
2 31 unnumbered paragraph 1, Code 2007, is amended to read as  
2 32 follows:

2 33 As used in this division, "reasonable efforts" means the  
2 34 efforts made to preserve and unify a family prior to the  
2 35 out-of-home placement of a child in foster care or to  
3 1 eliminate the need for removal of the child or make it  
3 2 possible for the child to safely return to the family's home.  
3 3 Reasonable efforts shall include but are not limited to giving  
3 4 consideration, if appropriate, to interstate placement of a  
3 5 child in the permanency planning decisions involving the child  
3 6 and giving consideration to in-state and out-of-state  
3 7 placement options at a permanency hearing and when using  
3 8 concurrent planning. If returning the child to the family's

3 9 home is not appropriate or not possible, reasonable efforts  
3 10 shall include the efforts made in a timely manner to finalize  
3 11 a permanency plan for the child. A child's health and safety  
3 12 shall be the paramount concern in making reasonable efforts.  
3 13 Reasonable efforts may include intensive family preservation  
3 14 services or family-centered services, if the child's safety in  
3 15 the home can be maintained during the time the services are  
3 16 provided. In determining whether reasonable efforts have been  
3 17 made, the court shall consider both of the following:

3 18 Sec. 7. Section 232.104, subsection 1, paragraph c, Code  
3 19 2007, is amended to read as follows:

3 20 c. Reasonable notice of a permanency hearing shall be  
3 21 provided to the parties. A permanency hearing shall be  
3 22 conducted in substantial conformance with the provisions of  
3 23 section 232.99. During the hearing, the court shall consider  
3 24 the child's need for a secure and permanent placement in light  
3 25 of any permanency plan or evidence submitted to the court and  
3 26 the reasonable efforts made concerning the child. Upon  
3 27 completion of the hearing, the court shall enter written  
3 28 findings and make a determination identifying a primary  
3 29 permanency goal for the child. If a permanency plan is in  
3 30 effect at the time of the hearing, the court shall also make a  
3 31 determination as to whether reasonable progress is being made  
3 32 in achieving the permanency goal and complying with the other  
3 33 provisions of that permanency plan.

#### 3 34 DIVISION III

#### 3 35 CHILD WELFARE FAMILY-CENTERED AND 4 1 FAMILY PRESERVATION SERVICES

4 2 Sec. 8. Section 225C.49, subsection 1, unnumbered  
4 3 paragraph 1, Code 2007, is amended to read as follows:

4 4 The department shall provide coordination of the programs  
4 5 administered by the department which serve individuals with a  
4 6 disability and the individuals' families, including but not  
4 7 limited to the following juvenile justice and child welfare  
4 8 services: family-centered ~~and intensive family preservation~~  
4 9 services described under section 232.102, decategorization of  
4 10 child welfare funding provided for under section 232.188, and  
4 11 foster care services paid under section 234.35, subsection 3.  
4 12 The department shall regularly review administrative rules  
4 13 associated with such programs and make recommendations to the  
4 14 council on human services, governor, and general assembly for  
4 15 revisions to remove barriers to the programs for individuals  
4 16 with a disability and the individuals' families including the  
4 17 following:

4 18 Sec. 9. Section 232.102, subsection 10, Code 2007, is  
4 19 amended to read as follows:

4 20 10. a. As used in this division, "reasonable efforts"  
4 21 means the efforts made to preserve and unify a family prior to  
4 22 the out-of-home placement of a child in foster care or to  
4 23 eliminate the need for removal of the child or make it

4 24 possible for the child to safely return to the family's home.  
4 25 If returning the child to the family's home is not appropriate  
4 26 or not possible, reasonable efforts shall include the efforts  
4 27 made in a timely manner to finalize a permanency plan for the  
4 28 child. A child's health and safety shall be the paramount  
4 29 concern in making reasonable efforts. Reasonable efforts may  
4 30 include ~~intensive family preservation services or but are not~~  
4 31 ~~limited to family-centered services, if the child's safety in~~  
4 32 the home can be maintained during the time the services are  
4 33 provided. In determining whether reasonable efforts have been  
4 34 made, the court shall consider both of the following:

4 35 (1) The type, duration, and intensity of services or  
5 1 support offered or provided to the child and the child's  
5 2 family. If ~~intensive family preservation~~ family-centered  
5 3 services were not provided, the court record shall enumerate  
5 4 the reasons the services were not provided, including but not  
5 5 limited to whether the services were not available, not  
5 6 accepted by the child's family, judged to be unable to protect  
5 7 the child and the child's family during the time the services  
5 8 would have been provided, judged to be unlikely to be  
5 9 successful in resolving the problems which would lead to  
5 10 removal of the child, or other services were found to be more  
5 11 appropriate.

5 12 (2) The relative risk to the child of remaining in the  
5 13 child's home versus removal of the child.

5 14 b. As used in this section+

5 15 ~~(1) "Family-centered, "family-centered services" means~~  
5 16 ~~services which utilize a comprehensive approach to addressing~~  
5 17 ~~the problems of individual family members, whether or not the~~  
5 18 ~~problems are integrally related to the family, within the~~  
5 19 ~~context of the family and other support intended to safely~~  
5 20 ~~maintain a child with the child's family or with a relative,~~  
5 21 ~~to safely and in a timely manner return a child to the home of~~  
5 22 ~~the child's parent or relative, or to promote achievement of~~  
5 23 ~~concurrent planning goals by identifying and helping the child~~  
5 24 ~~secure placement for adoption, with a guardian, or with other~~  
5 25 ~~alternative permanent family connections. Family-centered~~  
5 26 ~~services are adapted to the individual needs of a family in~~  
5 27 ~~the regard to the specific services and other support provided~~  
5 28 ~~to the child's family and the intensity and duration of~~  
5 29 ~~service delivery and. Family-centered services are intended~~  
5 30 ~~to preserve a child's connections to the child's neighborhood,~~  
5 31 ~~community, and family and to improve the overall capacity of~~  
5 32 ~~the child's family functioning to provide for the needs of the~~  
5 33 ~~children in the family.~~

5 34 ~~(2) "Intensive family preservation services" means~~  
5 35 ~~services provided to a family with a child who is at imminent~~  
6 1 ~~risk of out-of-home placement. The services are designed to~~  
6 2 ~~address any problem creating the need for out-of-home~~  
6 3 ~~placement and have the following characteristics: are~~  
6 4 ~~persistently offered but provided at the family's option; are~~  
6 5 ~~provided in the family's home; are available twenty-four hours~~  
6 6 ~~per day; provide a response within twenty-four hours of the~~  
6 7 ~~initial contact for assistance; have worker caseloads of not~~  
6 8 ~~more than two through four families per worker at any one~~  
6 9 ~~time; are provided for a period of four to six weeks; and~~  
6 10 ~~provide funding in order to meet the special needs of a~~  
6 11 ~~family.~~

6 12 Sec. 10. Section 234.6, subsection 6, paragraph c, Code  
6 13 2007, is amended to read as follows:

6 14 c. ~~Intensive family preservation services and~~  
6 15 ~~family-centered~~ Family-centered services, as defined in  
6 16 section 232.102, subsection 10, paragraph "b".

#### DIVISION IV

#### CHILD=PLACING AGENCY INSPECTIONS

6 19 Sec. 11. Section 238.20, Code 2007, is amended to read as  
6 20 follows:

6 21 238.20 MINIMUM INSPECTION == RECORD.

6 22 Authorized employees of the department of inspections and  
6 23 appeals shall visit and inspect the premises of licensed  
6 24 child=placing agencies at least once every ~~six~~ twelve months  
6 25 and make and preserve written reports of the conditions found.

#### DIVISION V

#### LICENSED FOSTER CARE == RECORD CHECKS

6 28 Sec. 12. Section 237.8, subsection 2, paragraph a, Code  
6 29 2007, is amended by adding the following new subparagraphs:

6 30 NEW SUBPARAGRAPH. (1A) For an individual subject to  
6 31 licensure under this chapter as a foster parent, in addition  
6 32 to the record checks conducted under subparagraph (1), the  
6 33 individual's fingerprints shall be provided to the department  
6 34 of public safety for submission through the state criminal

6 35 history repository to the United States department of justice,  
7 1 federal bureau of investigation for a national criminal  
7 2 history check. The cost of the criminal history check  
7 3 conducted under this subparagraph is the responsibility of the  
7 4 department of human services.  
7 5 NEW SUBPARAGRAPH. (1B) If the criminal and child abuse  
7 6 record checks conducted in this state under subparagraph (1)  
7 7 for an individual being considered for licensure as a foster  
7 8 parent have been completed and the individual either does not  
7 9 have a record of crime or founded abuse or the department's  
7 10 evaluation of the record has determined that prohibition of  
7 11 the individual's licensure is not warranted, the individual  
7 12 may be provisionally approved for licensure pending the  
7 13 outcome of the fingerprint-based criminal history check  
7 14 conducted pursuant to subparagraph (1A).

7 15 EXPLANATION

7 16 This bill relates to regulation of children's services by  
7 17 the department of human services by increasing the age for  
7 18 certain children receiving child care and revising child  
7 19 welfare and juvenile justice service provisions. The bill is  
7 20 organized into divisions.

7 21 CHILD CARE SERVICES. This division adds a new eligibility  
7 22 category for the state child care assistance program under  
7 23 Code section 237A.13. The new category is directed to a  
7 24 person age 13 through 15 who is part of a family in which the  
7 25 parent, guardian, or custodian meets one of the following  
7 26 existing eligibility categories: is participating in approved  
7 27 academic or vocational training; is seeking employment; is  
7 28 employed but the family income meets income requirements; or  
7 29 is absent for a limited period of time due to hospitalization,  
7 30 physical illness, or mental illness, or is present but is  
7 31 unable to care for the child for a limited period as verified  
7 32 by a physician. In addition, under the new eligibility  
7 33 category the provision of assistance must be approved by the  
7 34 director of the department of human services or the director's  
7 35 designee based on a request for exception to policy because  
8 1 special circumstances exist in the family setting that would  
8 2 place the person at risk if the person is left alone in the  
8 3 family setting. An exception is authorized to the child care  
8 4 definition in Code section 237A.1 which would otherwise limit  
8 5 child care to children age 12 or younger.

8 6 INTERSTATE PLACEMENT OF CHILDREN IN FOSTER CARE. This  
8 7 division makes changes to the term "reasonable efforts" used  
8 8 in Code chapter 232, relating to juvenile justice and child  
8 9 welfare. The term refers to the efforts made to preserve and  
8 10 unify a family prior to the out-of-home placement of a child  
8 11 in foster care or to eliminate the need for removal of the  
8 12 child or make it possible for the child to safely return to  
8 13 the family's home. The changes are to comply with the federal  
8 14 Safe and Timely Interstate Placement of Foster Care Children  
8 15 Act of 2006.

8 16 Code section 232.2, providing the definitions used in the  
8 17 Code chapter, is amended to revise the requirements in the  
8 18 case permanency plan definition for a child who is subject to  
8 19 an out-of-home placement. The bill replaces the current  
8 20 requirement to provide a summary of the child's health and  
8 21 education records to the extent the records are available with  
8 22 a requirement to include the most recent information available  
8 23 regarding the records. The current requirement for making a  
8 24 visit to a child in an out-of-state placement at least every  
8 25 12 months is changed to at least every six months.

8 26 The reasonable efforts provisions are addressed in Code  
8 27 section 232.57, relating to delinquency proceedings, and in  
8 28 Code section 232.102, relating to child in need of assistance  
8 29 proceedings. The bill provides that such efforts include  
8 30 giving consideration, if appropriate, to interstate placement  
8 31 of a child in the permanency planning decisions involving the  
8 32 child and giving consideration to in-state and out-of-state  
8 33 placement options at a permanency hearing and when using  
8 34 concurrent planning. Concurrent planning means that the  
8 35 planning to place a child for adoption or with a guardian can  
9 1 be performed at the same time as planning to return the child  
9 2 to the child's home.

9 3 Code sections 232.58 and 232.104, relating to the  
9 4 permanency hearings held concerning a child subject to an  
9 5 order for an out-of-home placement, are amended to require the  
9 6 court to consider the reasonable efforts made concerning the  
9 7 child.

9 8 CHILD WELFARE FAMILY-CENTERED AND FAMILY PRESERVATION  
9 9 SERVICES. This division addresses child welfare  
9 10 family-centered and family preservation services administered

9 11 by the department of human services.  
9 12 Code section 232.102, relating to juvenile court  
9 13 dispositional orders when a child has been found to be a child  
9 14 in need of assistance, is amended. When the court orders  
9 15 transfer of custody from the child's parent, current law  
9 16 requires identification of the "reasonable efforts" that have  
9 17 been made to preserve and unify a family prior to the  
9 18 out-of-home placement of a child in foster care or to  
9 19 eliminate the need for removal of the child or make it  
9 20 possible for the child to safely return to the family's home.  
9 21 The bill eliminates references to the term "intensive  
9 22 family preservation services" as a form of reasonable efforts  
9 23 and expands the scope of the term "family-centered services"  
9 24 as a form of reasonable efforts. The existing focus of  
9 25 family-centered services as a comprehensive approach to  
9 26 addressing the problems of individual family members within  
9 27 the context of the family is eliminated. Instead, the bill  
9 28 provides that family-centered services means services and  
9 29 other support intended to safely maintain a child with the  
9 30 child's family or with a relative, to safely and in a timely  
9 31 manner return a child to the home of the child's parent or  
9 32 relative, or to promote achievement of concurrent planning  
9 33 goals by identifying and helping the child secure placement  
9 34 for adoption, with a guardian, or with other alternative  
9 35 permanent family connections. Furthermore, these services are  
10 1 to be adapted to individual family needs and are intended to  
10 2 preserve a child's existing connections and improve the  
10 3 capacity of the child's family to provide for the needs of the  
10 4 children of the family.  
10 5 The bill makes conforming amendments to Code sections  
10 6 225C.49, relating to department of human services duties  
10 7 involving individuals with a disability, and 234.6, relating  
10 8 to the duties of the department of human services child  
10 9 welfare administrator, to eliminate references to intensive  
10 10 family preservation services.  
10 11 CHILD-PLACING AGENCY INSPECTIONS. This division amends  
10 12 Code section 238.20 to change the minimum period within which  
10 13 the department of inspections and appeals is required to visit  
10 14 and inspect the premises of a licensed child placing agency  
10 15 from six months to 12 months. These agencies are engaged in  
10 16 placing children permanently or temporarily in private family  
10 17 homes for adoption or foster care or in receiving children for  
10 18 such placement. The agencies are licensed by the department  
10 19 of human services.  
10 20 LICENSED FOSTER CARE == RECORD CHECKS. This division  
10 21 amends Code section 237.8, relating to requirements for foster  
10 22 care licensing. Existing law authorizes the department of  
10 23 human services to conduct criminal and child abuse record  
10 24 checks in other states. In addition, for individual child  
10 25 foster parent licensees the bill requires a fingerprint-based  
10 26 national criminal history check to be made through the  
10 27 databases of the national crime information center of the  
10 28 United States department of justice, federal bureau of  
10 29 investigation. If the state criminal history and abuse  
10 30 registry checks have been made without an indication that  
10 31 prohibition of the individual's foster parent licensure would  
10 32 be warranted, the individual may be provisionally approved for  
10 33 licensure pending the outcome of the fingerprint-based  
10 34 national criminal history check.  
10 35 LSB 1245HV 82  
11 1 jp:nh/je/5