

# Senate File 342 - Introduced

SENATE FILE \_\_\_\_\_  
BY LUNDBY and GRONSTAL

(COMPANION TO LSB 2149HH BY  
SWAIM)

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

## A BILL FOR

1 An Act relating to children who are subject to a court order for  
2 a temporary or permanent out-of-home placement by providing  
3 for visitation or ongoing interaction between the children and  
4 siblings.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 2149SS 82  
7 jp/es/88

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1 1 Section 1. Section 232.2, subsection 4, Code 2007, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. 1. The provisions involving sibling  
1 4 visitation or interaction required under section 232.108.  
1 5 Sec. 2. Section 232.2, Code 2007, is amended by adding the  
1 6 following new subsection:  
1 7 NEW SUBSECTION. 51A. "Sibling" means an individual who is  
1 8 related to another individual by blood, adoption, or affinity  
1 9 through a common legal or biological parent.  
1 10 Sec. 3. Section 232.58, Code 2007, is amended by adding  
1 11 the following new subsection:  
1 12 NEW SUBSECTION. 5A. With respect to a dispositional order  
1 13 made pursuant to section 232.52, subsection 2, paragraph "d",  
1 14 "e", or "f", for which the court has suspended or terminated  
1 15 sibling visitation or interaction, when a review is made under  
1 16 this section the court shall consider whether the visitation  
1 17 or interaction can be safely resumed and may modify the  
1 18 suspension or termination as appropriate.  
1 19 Sec. 4. Section 232.104, Code 2007, is amended by adding  
1 20 the following new subsection:  
1 21 NEW SUBSECTION. 4A. With respect to a dispositional order  
1 22 providing for transfer of custody of a child and siblings to  
1 23 the department or other agency for placement for which the  
1 24 court has suspended or terminated sibling visitation or  
1 25 interaction, when a review is made under this section the  
1 26 court shall consider whether the visitation or interaction can  
1 27 be safely resumed and may modify the suspension or termination  
1 28 as appropriate.  
1 29 Sec. 5. NEW SECTION. 232.108 VISITATION OR ONGOING  
1 30 INTERACTION WITH SIBLINGS.  
1 31 1. If the court orders the transfer of custody of a child  
1 32 and siblings to the department or other agency for placement  
1 33 under this division, under division II, relating to juvenile  
1 34 delinquency proceedings, or under any other provision of this  
1 35 chapter, the department or other agency shall make a  
2 1 reasonable effort to place the child and siblings together in  
2 2 the same placement. The requirement of this subsection  
2 3 remains applicable to custody transfer orders made at separate  
2 4 times and applies in addition to efforts made by the  
2 5 department or agency to place the child with a relative.  
2 6 2. If the requirements of subsection 1 apply but the  
2 7 siblings are not placed in the same placement together, the  
2 8 department or other agency shall provide the siblings with the  
2 9 reasons why and the efforts being made to facilitate such  
2 10 placement, or why making efforts for such placement is not  
2 11 appropriate. Unless visitation or ongoing interaction with  
2 12 siblings is suspended or terminated by the court, the  
2 13 department or agency shall make reasonable effort to provide  
2 14 for frequent visitation or other ongoing interaction between  
2 15 the child and the child's siblings from the time of the

2 16 child's out-of-home placement until the child returns home or  
2 17 is in a permanent placement.

2 18 3. A person who wishes to assert a sibling relationship  
2 19 with a child who is subject to an order under this chapter for  
2 20 an out-of-home placement and to request frequent visitation or  
2 21 other ongoing interaction with the child may file a petition  
2 22 with the court with jurisdiction over the child. Unless the  
2 23 court determines it would not be in the child's best interest,  
2 24 upon finding that the person is a sibling of the child, the  
2 25 provisions of this section providing for frequent visitation  
2 26 or other ongoing interaction between the siblings shall apply.

2 27 4. If the court determines by clear and convincing  
2 28 evidence that visitation or other ongoing interaction between  
2 29 a child and the child's siblings would be detrimental to the  
2 30 well-being of the child or a sibling, the court shall order  
2 31 the visitation or interaction to be suspended or terminated.  
2 32 The reasons for the determination shall be noted in the court  
2 33 order suspending or terminating the visitation or interaction  
2 34 and shall be explained to the child and the child's siblings,  
2 35 and to the parent, guardian, or custodian of the child.

3 1 5. The case permanency plan of a child who is subject to  
3 2 this section shall comply with all of the following, as  
3 3 applicable:

3 4 a. The plan shall document the efforts being made to  
3 5 provide for the child's frequent visitation or other ongoing  
3 6 interaction with the child's siblings from the time of the  
3 7 child's out-of-home placement until the child returns home or  
3 8 is in a permanent placement. The child's parent, guardian, or  
3 9 custodian may comment on the efforts as documented in the case  
3 10 permanency plan.

3 11 b. If at any point the court determines that the child's  
3 12 visitation or interaction with siblings would be detrimental  
3 13 to the child's well-being and visitation or interaction with  
3 14 siblings is suspended or terminated by the court, the  
3 15 determination shall be noted in the case permanency plan. If  
3 16 the court lifts the suspension or termination, the case  
3 17 permanency plan shall be revised to document the efforts to  
3 18 provide for visitation or interaction as required under  
3 19 paragraph "a".

3 20 c. If one or more of the child's siblings are also subject  
3 21 to an order under this chapter for an out-of-home placement  
3 22 and the siblings are not placed in the same placement  
3 23 together, the plan shall document the reasons why and the  
3 24 efforts being made to facilitate such placement, or why making  
3 25 efforts for such placement is not appropriate.

3 26 6. If an order is entered for termination of parental  
3 27 rights of a child who is subject to this section, unless the  
3 28 court has suspended or terminated sibling visitation or  
3 29 interaction in accordance with this section, the department or  
3 30 child-placing agency shall do all of the following to  
3 31 facilitate frequent visitation or ongoing interaction between  
3 32 the child and siblings when the child is adopted or enters a  
3 33 permanent placement:

3 34 a. Include in the training provided to prospective  
3 35 adoptive parents information regarding the importance of  
4 1 sibling relationships to an adopted child and counseling  
4 2 methods for maintaining sibling relationships.

4 3 b. Provide prospective adoptive parents with information  
4 4 regarding the child's siblings. The address of a sibling's  
4 5 residence shall not be disclosed in the information unless  
4 6 authorized by court order for good cause shown.

4 7 c. Encourage prospective adoptive parents to plan for  
4 8 facilitating postadoption contact between the child and the  
4 9 child's siblings.

4 10 7. Any information regarding court-ordered or authorized  
4 11 sibling visitation, interaction, or contact shall be provided  
4 12 to the foster parent, relative caretaker, guardian,  
4 13 prospective adoptive parent, and child as soon as reasonably  
4 14 possible following the entry of the court order or  
4 15 authorization as necessary to facilitate the visitation or  
4 16 interaction.

4 17 Sec. 6. Section 238.18, Code 2007, is amended to read as  
4 18 follows:

4 19 238.18 DUTY OF LICENSEE.

4 20 ~~The licensee~~ A child-placing agency licensed under this  
4 21 chapter shall keep a record and make reports in the form to be  
4 22 prescribed by said the administrator. For a child being  
4 23 placed by the agency, the agency's duties shall include  
4 24 compliance with the requirements of section 232.108 relating  
4 25 to visitation or ongoing interaction between the child and the  
4 26 child's siblings.

EXPLANATION

4 27  
4 28 This bill relates to children who are subject to a court  
4 29 order under Code chapter 232 for a temporary or permanent  
4 30 out-of-home placement by providing for visitation or ongoing  
4 31 interaction between the children and siblings.

4 32 The term "sibling" is defined by the bill in Code section  
4 33 232.2 to mean an individual who is related to another  
4 34 individual by blood, adoption, or affinity through a common  
4 35 legal or biological parent.

5 1 New Code section 232.108 outlines requirements for sibling  
5 2 visitation or other ongoing involvement for any child subject  
5 3 to an order under Code chapter 232 for an out-of-home  
5 4 placement. The requirements apply to the department of human  
5 5 services and other agencies to which custody is transferred  
5 6 for placement of a child, to the court, and to child-placing  
5 7 agencies when parental rights over a child are terminated.  
5 8 When siblings are subject to out-of-home placement orders,  
5 9 regardless of when the orders are made, the department or  
5 10 other agency must make a reasonable effort to place the  
5 11 siblings in the same placement together. If such placement is  
5 12 not possible, the reasons why must be provided to the child  
5 13 and siblings and effort made to facilitate frequent visitation  
5 14 or other ongoing interaction. However, if the court  
5 15 determines that the visitation or contact would be detrimental  
5 16 to the child's well-being, the court may suspend or terminate  
5 17 the visitation or contact.

5 18 New Code section 232.108 also authorizes an individual who  
5 19 wishes to assert a sibling relationship with a child to  
5 20 petition the court with jurisdiction over the child for a  
5 21 hearing and to request frequent visitation or other ongoing  
5 22 interaction with the child. Upon finding the individual to be  
5 23 a sibling of the child, unless the court determines that the  
5 24 visitation or contact would be detrimental to the child, the  
5 25 individual is required to be included in the visitation or  
5 26 interaction effort.

5 27 New Code section 232.108 also requires sibling placement,  
5 28 visitation, and contact efforts and orders to be reflected in  
5 29 the case permanency plan, and the Code section 232.2  
5 30 provisions for such plans are amended to reference these  
5 31 requirements.

5 32 Under new Code section 232.108, if the parental rights over  
5 33 a child are terminated, the department or a child-placing  
5 34 agency working on the child's adoption or other permanent  
5 35 placement are required to take steps to help preserve the  
6 1 child's sibling relationships. The steps include providing  
6 2 training and information to prospective adoptive parents and  
6 3 encouraging planning. The duties of a licensed child-placing  
6 4 agency under Code section 238.18 are amended to include the  
6 5 bill's requirements involving siblings.

6 6 Code sections 232.58 and 232.104, relating to permanency  
6 7 hearings held for children found to be delinquent or to be a  
6 8 child in need of assistance, are amended to provide that when  
6 9 the court has suspended or terminated sibling visitation or  
6 10 interaction, the court is required to review its determination  
6 11 when permanency hearings are held and may modify the  
6 12 suspension or revocation, as appropriate.

6 13 LSB 2149SS 82  
6 14 jp:nh/es/88.1