

Senate File 498 - Introduced

SENATE FILE _____
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1152)

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

A BILL FOR

1 An Act relating to child welfare services by requiring services
2 to be provided to families of children removed from the home
3 by court order and providing a temporary exception to the
4 expenditure and budget targets for children placed in group
5 foster care.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 2181SV 82
8 jp/gg/14

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1 1 Section 1. Section 232.52, subsection 6, unnumbered
1 2 paragraph 1, Code 2007, is amended to read as follows:
1 3 When the court orders the transfer of legal custody of a
1 4 child pursuant to subsection 2, paragraph "d", "e", or "f",
1 5 the order shall state that reasonable efforts as defined in
1 6 section 232.57 have been made. If deemed appropriate by the
1 7 court, the order may include a determination that continuation
1 8 of the child in the child's home is contrary to the child's
1 9 welfare. The inclusion of such a determination shall not
1 10 under any circumstances be deemed a prerequisite for entering
1 11 an order pursuant to this section. However, the inclusion of
1 12 such a determination, supported by the record, may be used to
1 13 assist the department in obtaining federal funding for the
1 14 child's placement. If such a determination is included in the
1 15 order, unless the court makes a determination that further
1 16 reasonable efforts are not required, reasonable efforts shall
1 17 be made to prevent permanent removal of a child from the
1 18 child's home and to encourage reunification of the child with
1 19 the child's parents and family. The reasonable efforts may
1 20 include but are not limited to early intervention and
1 21 follow-up programs implemented pursuant to section 232.191.

1 22 Sec. 2. Section 232.102, subsection 5, paragraph b, Code
1 23 2007, is amended to read as follows:
1 24 b. In order to transfer custody of the child under this
1 25 subsection, the court must make a determination that
1 26 continuation of the child in the child's home would be
1 27 contrary to the welfare of the child, and shall identify the
1 28 reasonable efforts that have been made. The court's
1 29 determination regarding continuation of the child in the
1 30 child's home, and regarding reasonable efforts, including
1 31 those made to prevent removal and those made to finalize any
1 32 permanency plan in effect, as well as any determination by the
1 33 court that reasonable efforts are not required, must be made
1 34 on a case-by-case basis. The grounds for each determination
1 35 must be explicitly documented and stated in the court order.
2 1 However, preserving the safety of the child is the paramount
2 2 consideration. If imminent danger to the child's life or
2 3 health exists at the time of the court's consideration, the
2 4 determinations otherwise required under this paragraph shall
2 5 not be a prerequisite for an order for removal of the child.
2 6 If the court transfers custody of the child, unless the court
2 7 waives the requirement for making reasonable efforts or
2 8 otherwise makes a determination that reasonable efforts are
2 9 not required, reasonable efforts shall be made to make it
2 10 possible for the child to safely return to the family's home.

2 11 Sec. 3. Section 232.143, subsection 1, Code 2007, is
2 12 amended to read as follows:
2 13 1. a. A statewide expenditure target for children in
2 14 group foster care placements in a fiscal year, which

2 15 placements are a charge upon or are paid for by the state,
2 16 shall be established annually in an appropriation bill by the
2 17 general assembly. Representatives of the department and
2 18 juvenile court services shall jointly develop a formula for
2 19 allocating a portion of the statewide expenditure target
2 20 established by the general assembly to each of the
2 21 department's service areas. The formula shall be based upon
2 22 the service area's proportion of the state population of
2 23 children and of the statewide usage of group foster care in
2 24 the previous five completed fiscal years and upon other
2 25 indicators of need. The expenditure amount determined in
2 26 accordance with the formula shall be the group foster care
2 27 budget target for that service area.

2 28 b. A service area may exceed the service area's budget
2 29 target for group foster care by not more than five percent in
2 30 a fiscal year, provided the overall funding allocated by the
2 31 department for all child welfare services in the service area
2 32 is not exceeded.

2 33 c. If any of the following circumstances exist, a service
2 34 area may temporarily exceed the service area's budget target
2 35 as necessary for placement of a child in group foster care:

3 1 (1) The child has been placed in a shelter care or
3 2 juvenile detention facility for thirty days or more awaiting
3 3 placement in group foster care.

3 4 (2) The child is placed in a juvenile detention facility
3 5 awaiting placement in group foster care and is thirteen years
3 6 of age or younger.

3 7 d. If a child is placed pursuant to paragraph "c", causing
3 8 a service area to temporarily exceed the service area's budget
3 9 target, the department and juvenile court services shall
3 10 examine the cases of the children placed in group foster care
3 11 and counted in the service area's budget target at the time of
3 12 the placement pursuant to paragraph "c". If the examination
3 13 indicates it may be appropriate to terminate the placement for
3 14 any of the cases, the department and juvenile court services
3 15 shall initiate action to set a dispositional review hearing
3 16 under this chapter for such cases. In such a dispositional
3 17 review hearing, the court shall determine whether needed
3 18 aftercare services are available following termination of the
3 19 placement and whether termination of the placement is in the
3 20 best interests of the child and the community.

3 21 EXPLANATION

3 22 This bill relates to child welfare services by requiring
3 23 services to be provided to families of children removed from
3 24 the home by court order and provides a temporary exception
3 25 under certain circumstances to expenditure and budget targets
3 26 for children placed in group foster care.

3 27 The bill amends dispositional provisions in Code section
3 28 232.52, relating to delinquency dispositions, and Code section
3 29 232.102, relating to child in need of assistance dispositions.
3 30 The affected dispositional provisions involve court orders for
3 31 out-of-home placement of a child in which the court has made a
3 32 determination that continuing the child in the home would be
3 33 contrary to the child's welfare.

3 34 The bill amends Code section 232.52 to provide that unless
3 35 the court has made a determination that further reasonable
4 1 efforts are not required, reasonable efforts must be made to
4 2 prevent permanent removal of a child from the child's home and
4 3 to encourage reunification of the child with the child's
4 4 parents and family. The bill provides that the reasonable
4 5 efforts may include early intervention and follow-up programs
4 6 implemented pursuant to Code section 232.191.

4 7 Code section 232.102 is similarly amended.

4 8 Under current law in Code section 232.143, the general
4 9 assembly annually establishes, in an appropriation made to the
4 10 department of human services, a statewide expenditure target
4 11 for children in group foster care placements. Representatives
4 12 of the department and juvenile court services then allocate
4 13 the statewide target among the department's service areas
4 14 based upon a formula. Local representatives of the department
4 15 and juvenile court services develop a plan for the service
4 16 area to remain within the expenditure target. State payment
4 17 for group foster care services is limited to those placements
4 18 that comply with the plan, and the juvenile court is
4 19 prohibited from ordering a group foster care placement that
4 20 does not comply with the plan.

4 21 The bill provides an exception to allow a service area's
4 22 budget target to be temporarily exceeded as necessary for
4 23 placement of a child in group foster care when the child has
4 24 been placed in a shelter care or juvenile detention facility
4 25 for 30 days or more awaiting placement in group foster care or

4 26 when the child is placed in a juvenile detention facility
4 27 awaiting placement in group foster care and is age 13 or
4 28 younger.

4 29 If such a placement is made, the department and juvenile
4 30 court services are required to examine the cases of other
4 31 children placed in group foster care for that service area.
4 32 If the examination indicates it may be appropriate to
4 33 terminate the placement for any of the cases, action to
4 34 initiate a dispositional review hearing is required. In the
4 35 dispositional review hearing, the court is required to
5 1 determine whether needed aftercare services are available
5 2 following termination of the placement and whether termination
5 3 is in the best interests of the child and the community.

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