

Senate Study Bill 1152

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

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 repealing restrictions on court orders for
4 placement of children in group foster care.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2181XC 82
7 jp/gg/14

PAG LIN

1 1 Section 1. Section 232.52, subsection 2A, Code 2007, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 232.52, subsection 6, unnumbered paragraph
1 4 1, Code 2007, is amended to read as follows:
1 5 When the court orders the transfer of legal custody of a
1 6 child pursuant to subsection 2, paragraph "d", "e", or "f",
1 7 the order shall state that reasonable efforts as defined in
1 8 section 232.57 have been made. If deemed appropriate by the
1 9 court, the order may include a determination that continuation
1 10 of the child in the child's home is contrary to the child's
1 11 welfare. The inclusion of such a determination shall not
1 12 under any circumstances be deemed a prerequisite for entering
1 13 an order pursuant to this section. However, the inclusion of
1 14 such a determination, supported by the record, may be used to
1 15 assist the department in obtaining federal funding for the
1 16 child's placement. If such a determination is included in the
1 17 order, unless the court makes a determination that further
1 18 reasonable efforts are not required, reasonable efforts shall
1 19 be made to prevent permanent removal of a child from the
1 20 child's home and to encourage reunification of the child with
1 21 the child's parents and family. The reasonable efforts may
1 22 include but are not limited to services or other support
1 23 associated with reasonable efforts listed in section 232.102.
1 24 Sec. 3. Section 232.102, subsection 1A, Code 2007, is
1 25 amended by striking the subsection.
1 26 Sec. 4. Section 232.102, subsection 5, paragraph b, Code
1 27 2007, is amended to read as follows:
1 28 b. In order to transfer custody of the child under this
1 29 subsection, the court must make a determination that
1 30 continuation of the child in the child's home would be
1 31 contrary to the welfare of the child, and shall identify the
1 32 reasonable efforts that have been made. The court's
1 33 determination regarding continuation of the child in the
1 34 child's home, and regarding reasonable efforts, including
1 35 those made to prevent removal and those made to finalize any
2 1 permanency plan in effect, as well as any determination by the
2 2 court that reasonable efforts are not required, must be made
2 3 on a case-by-case basis. The grounds for each determination
2 4 must be explicitly documented and stated in the court order.
2 5 However, preserving the safety of the child is the paramount
2 6 consideration. If imminent danger to the child's life or
2 7 health exists at the time of the court's consideration, the
2 8 determinations otherwise required under this paragraph shall
2 9 not be a prerequisite for an order for removal of the child.
2 10 If the court transfers custody of the child, unless the court
2 11 waives the requirement for making reasonable efforts or
2 12 otherwise makes a determination that reasonable efforts are
2 13 not required, reasonable efforts shall be made to make it
2 14 possible for the child to safely return to the family's home.
2 15 Sec. 5. Section 232.117, subsection 4, Code 2007, is
2 16 amended by striking the subsection.

2 17 Sec. 6. Section 232.127, subsection 8, Code 2007, is
2 18 amended by striking the subsection.
2 19 Sec. 7. Section 234.35, subsection 1, paragraph e, Code
2 20 2007, is amended to read as follows:
2 21 e. When a court has entered an order transferring the
2 22 legal custody of the child to a foster care placement pursuant
2 23 to section 232.52, subsection 2, paragraph "d", or section
2 24 232.102, subsection 1. ~~However, payment for a group foster
2 25 care placement shall be limited to those placements which
2 26 conform to a service area group foster care plan established
2 27 pursuant to section 232.143.~~

2 28 Sec. 8. Section 232.143, Code 2007, is repealed.

2 29 EXPLANATION

2 30 This bill relates to child welfare services by requiring
2 31 services to be provided to families of children removed from
2 32 the home by court order and repealing restrictions in the
2 33 juvenile justice code in Code chapter 232 on court orders for
2 34 placement of children in group foster care.

2 35 The bill amends dispositional provisions in Code section
3 1 232.52, relating to delinquency dispositions, and Code section
3 2 232.102, relating to child in need of assistance dispositions.
3 3 The affected dispositional provisions involve court orders for
3 4 out-of-home placement of a child in which the court has made a
3 5 determination that continuing the child in the home would be
3 6 contrary to the child's welfare.

3 7 The bill amends Code section 232.52 to provide that unless
3 8 the court has made a determination that further reasonable
3 9 efforts are not required, reasonable efforts must be made to
3 10 prevent permanent removal of a child from the child's home and
3 11 to encourage reunification of the child with the child's
3 12 parents and family. The bill provides that the reasonable
3 13 efforts may include services or other support associated with
3 14 reasonable efforts listed in Code section 232.102.

3 15 Code section 232.102 is similarly amended.

3 16 Under current law in Code section 232.143, the general
3 17 assembly annually establishes, in an appropriation made to the
3 18 department of human services, a statewide expenditure target
3 19 for children in group foster care placements. Representatives
3 20 of the department and juvenile court services then allocate
3 21 the statewide target among the department's service areas
3 22 based upon a formula. Local representatives of the department
3 23 and juvenile court services develop a plan for the service
3 24 area to remain within the expenditure target. State payment
3 25 for group foster care services is limited to those placements
3 26 that comply with the plan, and the juvenile court is
3 27 prohibited from ordering a group foster care placement that
3 28 does not comply with the plan.

3 29 The bill repeals the expenditure target requirements in
3 30 Code section 232.143, strikes the Code subsections limiting
3 31 the juvenile court authority to issue dispositional orders for
3 32 group foster care placements, and makes conforming changes in
3 33 related provisions.

3 34 LSB 2181XC 82

3 35 jp:nh/gg/14