

**House Study Bill 608 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON MILLER)

**A BILL FOR**

- 1 An Act concerning child welfare, including provisions relating
  - 2 to children under the custody, control, and supervision of
  - 3 the department of human services and provisions relating to
  - 4 children who are sex trafficking victims.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1       Section 1. Section 232.2, subsection 4, unnumbered  
2 paragraph 1, Code 2016, is amended to read as follows:  
3       “*Case permanency plan*” means the plan, mandated by Pub. L.  
4 No. 96-272 and Pub. L. No. 105-89, as codified in 42 U.S.C.  
5 §622(b)(10), 671(a)(16), and 675(1),(5), which is designed to  
6 achieve placement in the most appropriate, least restrictive,  
7 and most family-like setting available and in close proximity  
8 to the parent’s home, consistent with the best interests and  
9 special needs of the child, and which considers the placement’s  
10 proximity to the school in which the child is enrolled at  
11 the time of placement. The plan shall be developed by the  
12 department or agency involved and the child’s parent, guardian,  
13 or custodian. If the child is fourteen years of age or older,  
the plan shall be developed in consultation with the child and,  
at the option of the child, with up to two persons chosen by  
the child to be members of the child’s case planning team if  
such persons are not a foster parent of, or caseworker for, the  
child. The department may reject a person selected by a child  
to be a member of the child’s case planning team at any time  
if the department has good cause to believe that the person  
would not act in the best interests of the child. One person  
selected by a child to be a member of the child’s case planning  
team may be designated to be the child’s advisor or, if  
necessary, the child’s advocate with respect to the application  
of the reasonable and prudent parent standard. The plan shall  
26 specifically include all of the following:

27       Sec. 2. Section 232.2, subsection 4, paragraph f, Code 2016,  
28 is amended to read as follows:

29       f. (1) When a child is sixteen fourteen years of age  
30 or older, a written transition plan of services, supports,  
31 activities, and referrals to programs which, based upon an  
32 assessment of the child’s needs, would assist the child in  
33 preparing for the transition from foster care to adulthood.  
34 The transition plan and needs assessment shall be developed  
35 with a focus on the services, other support, and actions

1 necessary to facilitate the child's successful entry into  
2 adulthood. The transition plan shall be personalized at the  
3 direction of the child and shall be developed with the child  
4 present, honoring the goals and concerns of the child, and  
5 shall address the following areas of need ~~when the child~~  
6 ~~becomes an adult for the child's successful transition from~~  
7 foster care to adulthood, including but not limited to all of  
8 the following:

- 9 (a) Education.  
10 (b) Employment services and other workforce support.  
11 (c) Health and health care coverage.  
12 (d) Housing and money management.  
13 (e) Relationships, including local opportunities to have a  
14 mentor.

15 (f) If the needs assessment indicates the child is  
16 reasonably likely to need or be eligible for services or  
17 other support from the adult service system upon reaching age  
18 eighteen, the transition plan shall provide for the child's  
19 application for adult services.

20 (2) The transition plan shall be considered a working  
21 document and shall be reviewed and updated ~~for each permanency~~  
~~hearing by the court or other formal case permanency plan~~  
~~review during a periodic case review, which shall occur at a~~  
~~minimum of once every six months~~. The transition plan shall  
25 also be reviewed and updated during the ninety calendar-day  
26 period preceding the child's eighteenth birthday and during the  
27 ninety calendar-day period immediately preceding the date the  
28 child is expected to exit foster care, if the child remains  
29 in foster care after the child's eighteenth birthday. The  
30 transition plan may be reviewed and updated more frequently.

31 (3) The transition plan shall be developed and reviewed  
32 by the department in collaboration with a child-centered  
33 transition team. The transition team shall be comprised of  
34 the child's caseworker and persons selected by the child,  
35 persons who have knowledge of services available to the child,

1 and any person who may reasonably be expected to be a service  
2 provider for the child when the child becomes an adult or to  
3 become responsible for the costs of services at that time.  
4 If the child is reasonably likely to need or be eligible for  
5 adult services, the transition team membership shall include  
6 representatives from the adult services system. ~~The adult~~  
~~services system representatives may include but are not limited~~  
~~to the administrator of county general relief under chapter~~  
~~251 or 252 or the regional administrator of the county mental~~  
~~health and disability services region, as defined in section~~  
~~331.388.~~ The membership of the transition team and the meeting  
12 dates for the team shall be documented in the transition plan.  
13 (4) The final transition plan shall specifically identify  
14 how the need for housing will be addressed.

15 (5) If the child is interested in pursuing higher education,  
16 the transition plan shall provide for the child's participation  
17 in the college student aid commission's program of assistance  
18 in applying for federal and state aid under **section 261.2**.

19 (6) If the needs assessment indicates the child is  
20 reasonably likely to need or be eligible for services or  
21 other support from the adult service system upon reaching age  
22 eighteen, the transition plan shall be reviewed and approved  
23 by the transition committee for the area in which the child  
24 resides, in accordance with **section 235.7**, before the child  
25 reaches age seventeen and one-half. The transition committee's  
26 review and approval shall be indicated in the case permanency  
27 plan.

28 (7) Provision for the department or a designee of the  
29 department on or before the date the child reaches age  
30 eighteen, unless the child has been placed in foster care for  
31 less than six months, to provide to the child a certified copy  
32 of the child's birth certificate, ~~and to facilitate securing~~  
33 ~~a federal social security card, and driver's license or~~  
34 ~~government-issued nonoperator's identification card.~~ The fee  
35 for the certified copy of the child's birth certificate that is

1 otherwise chargeable under section 144.13A, 144.46, or 331.605  
2 shall be waived by the state or county registrar.

3 Sec. 3. Section 232.2, Code 2016, is amended by adding the  
4 following new subsection:

5 NEW SUBSECTION. 45A. "*Reasonable and prudent parent*  
6 *standard*" means the same as defined in section 237.1.

7 Sec. 4. Section 232.58, subsection 3, paragraph d,  
8 subparagraph (4), Code 2016, is amended to read as follows:

9 (4) If the child is sixteen years of age or older and  
10 the department has documented to the court's satisfaction a  
11 compelling reason for determining that an order under the  
12 other subparagraphs of this paragraph "d" would not be in the  
13 child's best interest, order another planned permanent living  
14 arrangement for the child.

15 Sec. 5. Section 232.58, Code 2016, is amended by adding the  
16 following new subsection:

17 NEW SUBSECTION. 3A. If the court enters an order for  
18 another planned permanent living arrangement pursuant to  
19 subsection 3, paragraph "d", the court shall do all of the  
20 following:

21 a. Ask the child about the child's desired permanency  
22 outcome and make a judicial determination that another planned  
23 permanent living arrangement is the best permanency plan for  
24 the child.

25 b. Require the department to do all of the following:

26 (1) Document the efforts to place a child permanently with a  
27 parent, relative, or in a guardianship or adoptive placement.

28 (2) Document that the planned permanent living arrangement  
29 is the best permanency plan for the child and compelling  
30 reasons why it is not in the child's best interest to be placed  
31 permanently with a parent, relative, or in a guardianship or  
32 adoptive placement.

33 (3) Document all of the following at the permanency hearing  
34 and the six-month periodic review:

35 (a) The steps the department is taking to ensure that the

1 planned permanent living arrangement follows the reasonable and  
2 prudent parent standard.

3 (b) Whether the child has regular opportunities to engage in  
4 age-appropriate or developmentally appropriate activities.

5 Sec. 6. Section 232.68, subsection 2, paragraph a, Code  
6 2016, is amended by adding the following new subparagraph:

7 NEW SUBPARAGRAPH. (11) The recruitment, harboring,  
8 transportation, provision, obtaining, patronizing, or  
9 soliciting of a child for the purpose of commercial sexual  
10 activity as defined in section 710A.1.

11 Sec. 7. Section 232.68, Code 2016, is amended by adding the  
12 following new subsections:

13 NEW SUBSECTION. 01. "*A severe form of trafficking in*  
14 *persons*" means sex trafficking in which commercial sexual  
15 activity, as defined in section 710A.1, is induced by force,  
16 fraud, or coercion, or in which the person induced to perform  
17 such act has not attained eighteen years of age.

18 NEW SUBSECTION. 10. "*Sex trafficking*" means the  
19 recruitment, harboring, transportation, provision, obtaining,  
20 patronizing, or soliciting of a person for the purpose of  
21 commercial sexual activity as defined in section 710A.1.

22 NEW SUBSECTION. 11. "*Sex trafficking victim*" means a victim  
23 of any of the following:

24 a. A severe form of trafficking in persons.

25 b. Sex trafficking.

26 Sec. 8. Section 232.70, subsections 8 and 9, Code 2016, are  
27 amended to read as follows:

28 8. ~~If a report would be determined to constitute an~~  
~~allegation of child abuse as defined under section 232.68,~~  
~~subsection 2, paragraph "a", subparagraph (3) or (5), except~~  
~~that the suspected abuse resulted from the acts or omissions~~  
~~of a person other than a person responsible for the care of the~~  
~~child, the department shall refer the report to the appropriate~~  
~~law enforcement agency having jurisdiction to investigate the~~  
~~allegation. The department shall refer the report orally~~

1 as soon as practicable and in writing within seventy-two  
2 hours of receiving the report. Within twenty-four hours of  
3 receiving a report from a mandatory or permissive reporter,  
4 the department shall inform the reporter, orally or by other  
5 appropriate means, whether or not the department has commenced  
6 an assessment of the allegation in the report.

7 9. Within twenty-four hours of receiving a report from a  
8 mandatory or permissive reporter, the department shall inform  
9 the reporter, orally or by other appropriate means, whether  
10 or not the department has commenced an assessment of the  
11 allegation in the report. If a report would be determined  
12 to constitute an allegation of child abuse as defined under  
13 section 232.68, subsection 2, paragraph "a", subparagraph (3)  
14 or (5), except that the suspected abuse resulted from the acts  
15 or omissions of a person other than a person responsible for  
16 the care of the child, the department shall refer the report  
17 to the appropriate law enforcement agency having jurisdiction  
18 to investigate the allegation. The department shall refer the  
19 report orally as soon as practicable and in writing within  
20 seventy-two hours of receiving the report.

21 Sec. 9. Section 232.70, Code 2016, is amended by adding the  
22 following new subsection:

23 NEW SUBSECTION. 10. If the department has reasonable  
24 cause to believe that a child under the placement, care, or  
25 supervision of the department is, or is at risk of becoming,  
26 a sex trafficking victim, the department shall do all of the  
27 following:

28 a. Identify the child as a sex trafficking victim or at risk  
29 of becoming a sex trafficking victim and include documentation  
30 in the child's department records.

31 b. Refer the child for appropriate services.

32 c. Refer the child identified as a sex trafficking victim,  
33 within twenty-four hours, to the appropriate law enforcement  
34 agency having jurisdiction to investigate the allegation.

35 Sec. 10. Section 232.71B, subsection 1, paragraph a,

1 subparagraph (1), Code 2016, is amended to read as follows:

2       (1) Upon acceptance of a report of child abuse, the  
3 department shall commence a child abuse assessment when the  
4 report alleges child abuse as defined in section 232.68,  
5 subsection 2, paragraph "a", subparagraphs (1) through (3) and  
6 subparagraphs (5) through ~~(10)~~ (11), or which alleges child  
7 abuse as defined in **section 232.68, subsection 2, paragraph "a"**,  
8 subparagraph (4), that also alleges imminent danger, death, or  
9 injury to a child.

10      Sec. 11. Section 232.71B, subsection 3, Code 2016, is  
11 amended to read as follows:

12       3. *Involvement of law enforcement.*

13       a. The department shall apply protocols, developed with the  
14 local child protection assistance team established pursuant to  
15 section 915.35, to prioritize the actions taken in response  
16 to a child abuse assessment and shall work jointly with child  
17 protection assistance teams and law enforcement agencies in  
18 performing assessment and investigative processes for child  
19 abuse assessments in which a criminal act harming a child is  
20 alleged. The county attorney and appropriate law enforcement  
21 agencies shall also take any other lawful action which may be  
22 necessary or advisable for the protection of the child.

23       b. If a report is determined not to constitute a child  
24 abuse allegation or if the child abuse report is accepted  
25 but assessed under the family assessment, but a criminal act  
26 harming a child is alleged, the department shall immediately  
27 refer the matter to the appropriate law enforcement agency.

28       c. If the department has reasonable cause to believe that  
29 a child under the placement, care, or supervision of the  
30 department is, or is at risk of becoming, a sex trafficking  
31 victim, the department shall do all of the following:

32       (1) Identify the child as a sex trafficking victim or  
33 at risk of becoming a sex trafficking victim and include  
34 documentation in the child's department records.

35       (2) Refer the child for appropriate services.

1       (3) Refer the child identified as a sex trafficking victim,  
2 within twenty-four hours, to the appropriate law enforcement  
3 agency having jurisdiction to investigate the allegation.

4       d. The department shall report a child under the placement,  
5 care, or supervision of the department who is reported as  
6 missing or abducted to law enforcement and to the national  
7 center for missing and exploited children within twenty-four  
8 hours of receipt of the report.

9       Sec. 12. Section 232.102, subsection 1, paragraph a,  
10 subparagraph (3), Code 2016, is amended to read as follows:

11       (3) The department of human services. If the child is  
12 placed in a juvenile shelter care home or with an individual  
13 or agency as defined in section 237.1, the department shall  
14 assign decision-making authority to the juvenile shelter care  
15 home, individual, or agency for the purpose of applying the  
16 reasonable and prudent parent standard during the child's  
17 placement.

18       Sec. 13. Section 232.104, subsection 2, paragraph d,  
19 subparagraph (4), Code 2016, is amended to read as follows:

20       (4) If the child is sixteen years of age or older and  
21 the department has documented to the court's satisfaction a  
22 compelling reason for determining that an order under the  
23 other subparagraphs of this paragraph "d" would not be in the  
24 child's best interest, order another planned permanent living  
25 arrangement for the child.

26       Sec. 14. Section 232.104, Code 2016, is amended by adding  
27 the following new subsection:

28       **NEW SUBSECTION.** 2A. If the court enters an order for  
29 another planned permanent living arrangement pursuant to  
30 subsection 2, paragraph "d", the court shall do all of the  
31 following:

32       a. Ask the child about the child's desired permanency  
33 outcome and make a judicial determination that another planned  
34 permanent living arrangement is the best permanency plan for  
35 the child.

1        b. Require the department to do all of the following:

2        (1) Document the efforts to place a child permanently with a  
3 parent, relative, or in a guardianship or adoptive placement.

4        (2) Document that the planned permanent living arrangement  
5 is the best permanency plan for the child and compelling  
6 reasons why it is not in the child's best interest to be placed  
7 permanently with a parent, relative, or in a guardianship or  
8 adoptive placement.

9        (3) Document all of the following at the permanency hearing  
10 and the six-month periodic review:

11        (a) The steps the department is taking to ensure that the  
12 planned permanent living arrangement follows the reasonable and  
13 prudent parent standard.

14        (b) Whether the child has regular opportunities to engage in  
15 age-appropriate or developmentally appropriate activities.

16        Sec. 15. Section 232.127, subsection 10, Code 2016, is  
17 amended to read as follows:

18        10. If the child is sixteen fourteen years of age or older  
19 and an order for an out-of-home placement is entered, the  
20 order shall specify the services needed to assist the child in  
21 preparing for the transition from foster care to adulthood. If  
22 the child has a case permanency plan, the court shall consider  
23 the written transition plan of services and needs assessment  
24 developed for the child's case permanency plan. If the child  
25 does not have a case permanency plan containing the transition  
26 plan and needs assessment at the time the order is entered, the  
27 written transition plan and needs assessment shall be developed  
28 and submitted for the court's consideration no later than six  
29 months from the date of the transfer order. The court shall  
30 modify the initial transfer order as necessary to specify  
31 the services needed to assist the child in preparing for the  
32 transition from foster care to adulthood. If the transition  
33 plan identifies services or other support needed to assist  
34 the child ~~when the child becomes an adult~~ in transitioning  
35 from foster care to adulthood and the court deems it to be

1 beneficial to the child, the court may authorize the individual  
2 who is the child's guardian ad litem or court appointed special  
3 advocate to continue a relationship with and provide advice to  
4 the child for a period of time beyond the child's eighteenth  
5 birthday.

6 Sec. 16. Section 232.183, subsection 5, paragraph d, Code  
7 2016, is amended to read as follows:

8     d. If the child is sixteen fourteen years of age or older,  
9 the order shall specify the services needed to assist the child  
10 in preparing for the transition from foster care to adulthood.  
11 If the child has a case permanency plan, the court shall  
12 consider the written transition plan of services and needs  
13 assessment developed for the child's case permanency plan. If  
14 the child does not have a case permanency plan containing the  
15 transition plan and needs assessment at the time the order is  
16 entered, the transition plan and needs assessment shall be  
17 developed and submitted for the court's consideration no later  
18 than six months from the date of the transfer order. The court  
19 shall modify the initial transfer order as necessary to specify  
20 the services needed to assist the child in preparing for the  
21 transition from foster care to adulthood. If the transition  
22 plan identifies services or other support needed to assist  
23 the child ~~when the child becomes an adult~~ in transitioning  
24 from foster care to adulthood and the court deems it to be  
25 beneficial to the child, the court may authorize the individual  
26 who is the child's guardian ad litem or court appointed special  
27 advocate to continue a relationship with and provide advice to  
28 the child for a period of time beyond the child's eighteenth  
29 birthday.

30 Sec. 17. Section 237.1, Code 2016, is amended by adding the  
31 following new subsection:

32     NEW SUBSECTION. 9. "*Reasonable and prudent parent standard*"  
33 means the standard characterized by careful and sensible  
34 parenting decisions that maintain the health, safety, and  
35 best interests of a child, while at the same time encouraging

1 the emotional and developmental growth of a child, that a  
2 caregiver shall use when determining whether to allow a child  
3 in foster care under the placement, care, or supervision of  
4 the department to participate in extracurricular, enrichment,  
5 cultural, or social activities. For the purposes of this  
6 subsection, "caregiver" means an individual or an agency  
7 licensed under this chapter with which a child in foster care  
8 has been placed or a juvenile shelter care home approved under  
9 chapter 232 in which a child in foster care has been placed.

10 Sec. 18. **NEW SECTION.** **237.14A Reasonable and prudent parent**  
**11 standard — immunity from liability.**

12 The department, or any individual, agency, or juvenile  
13 shelter care home that applies the reasonable and prudent  
14 parent standard in good faith in regard to a child in foster  
15 care shall have immunity from civil or criminal liability which  
16 might otherwise be incurred or imposed. This section shall  
17 not remove or limit any existing liability protection afforded  
18 under any other law.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with  
21 the explanation's substance by the members of the general assembly.

22 This bill concerns child welfare, including provisions  
23 relating to children under the custody, control, and  
24 supervision of the department of human services (DHS) and  
25 provisions relating to children who are, or are at risk of  
26 becoming, victims of sex trafficking.

27 CASE PERMANENCY PLAN. The bill amends the definition of  
28 case permanency plan under Code section 232.2, to provide that  
29 if the child is 14 years of age or older, the case permanency  
30 plan shall be developed in consultation with the child and,  
31 at the option of the child, up to two persons chosen by the  
32 child shall be members of the child's case planning team if  
33 such persons are not a foster parent of, or caseworker for, the  
34 child. DHS may reject a person selected by a child to be a  
35 member of the child's case planning team at any time if the DHS

1 has good cause to believe that the person would not act in the  
2 best interests of the child. One person selected by a child to  
3 be a member of the child's case planning team may be designated  
4 to be the child's advisor and, if necessary, advocate for  
5 certain purposes.

6 TRANSITION SERVICES PLAN. A case permanency plan includes  
7 a written transition plan of services for a child who is 16  
8 years of age or older. The bill amends this requirement to  
9 require a written transition plan for a child who is 14 years  
10 of age or older and requires the services plan to include  
11 information on supports, activities, and referrals to programs  
12 that would assist the child in transitioning from foster care  
13 to adulthood. The bill requires the written transition plan  
14 to include money management among other areas of need to aid  
15 in the child's successful transition to adulthood from foster  
16 care, and that the transition plan shall be reviewed and  
17 updated at a minimum of every six months. As a part of the  
18 transition services plan, DHS is required, on or before the  
19 date the child reaches the age of 18, to provide the child  
20 with a certified copy of the child's birth certificate, social  
21 security card, and driver's license or government-issued  
22 nonoperator's identification card unless the child has been  
23 placed in foster care for less than six months.

24 PERMANENCY HEARING — OTHER PLANNED PERMANENT LIVING  
25 ARRANGEMENTS. A court order for an out-of-home placement of  
26 a child includes a determination by the court in a permanency  
27 hearing that continuation of the child in the child's home is  
28 contrary to the child's welfare. The bill amends the option  
29 for the court after a permanency hearing to order another  
30 planned permanent living arrangement to only allow such  
31 option if the child is 16 years of age or older, and provides  
32 guidelines for the court to follow if the court enters such an  
33 order.

34 CHILD ABUSE — SEX TRAFFICKING. The bill includes the  
35 recruitment, harboring, transportation, provision, obtaining,

1 patronizing, or soliciting of a child for the purpose of  
2 commercial sexual activity as defined in Code section 710A.1 in  
3 the definition of "child abuse" under Code section 232.68.

4 CHILD SEX TRAFFICKING REPORTING PROCEDURES. If DHS has  
5 reasonable cause to believe that a child under the placement,  
6 care, or supervision of the department is, or is at risk of  
7 becoming, a sex trafficking victim as defined in the bill, DHS  
8 is required to identify the child as a sex trafficking victim  
9 or at risk of becoming a sex trafficking victim, refer the  
10 child for appropriate services, and refer the child within  
11 24 hours to the appropriate law enforcement agency. DHS is  
12 also required to report a child who is reported as missing or  
13 abducted to law enforcement and to the national center for  
14 missing and exploited children within 24 hours after receipt  
15 of the report.

16 TRANSFER OF LEGAL CUSTODY OF CHILD AND PLACEMENT. If the  
17 court after a dispositional hearing transfers the legal custody  
18 of a child to DHS and the child is placed in a juvenile shelter  
19 care home or with an individual or agency for foster care, DHS  
20 is required to assign decision-making authority to the juvenile  
21 shelter care home, individual, or agency for the purpose of  
22 applying the reasonable and prudent parent standard during the  
23 child's placement.

24 REASONABLE AND PRUDENT PARENT STANDARD. The bill defines  
25 "reasonable and prudent parent standard" for purposes of  
26 certain decision-making regarding children placed in foster  
27 care and provides an immunity provision to DHS, or any  
28 individual, agency, or juvenile shelter care home under Code  
29 chapter 237 that applies the standard in good faith.

30 The bill makes conforming Code changes.