

Senate Study Bill 3036 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

1 An Act relating to the temporary emergency removal of a child
2 from the child's home and background investigations on adult
3 persons with whom a child is placed, and providing fees.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.79, Code 2018, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. When there has been an emergency removal
4 of a child without a court order, the department is authorized
5 to request a name-based national criminal history check of each
6 adult person with whom the child is being placed pursuant to
7 the procedures established in section 232.79B.

8 Sec. 2. Section 232.79A, Code 2018, is amended to read as
9 follows:

10 **232.79A Children without adult supervision.**

11 1. If a peace officer determines that a child does not
12 have adult supervision because the child's parent, guardian,
13 or other person responsible for the care of the child has been
14 arrested and detained or has been unexpectedly incapacitated,
15 and that no adult who is legally responsible for the care of
16 the child can be located within a reasonable period of time,
17 the peace officer shall attempt to place the child with an
18 adult relative of the child, an adult person who cares for the
19 child, or another adult person who is known to the child. The
20 person with whom the child is placed is authorized to give
21 consent for emergency medical treatment of the child and shall
22 not be held liable for any action arising from giving the
23 consent. Upon the request of the peace officer, the department
24 shall assist in making the placement. The placement shall not
25 exceed a period of twenty-four hours and shall be terminated
26 when a person who is legally responsible for the care of the
27 child is located and takes custody of the child. If a person
28 who is legally responsible for the care of the child cannot be
29 located within the twenty-four hour period or a placement in
30 accordance with [this section](#) is unavailable, the provisions of
31 section 232.79 shall apply. If the person with whom the child
32 is placed charges a fee for the care of the child, the fee
33 shall be paid from funds provided in the appropriation to the
34 department for protective child care.

35 2. When there is a placement of a child pursuant to this

1 section, the department may request a name-based national
2 criminal history check of each adult person with whom the child
3 is being placed pursuant to section 232.79B. If the placement
4 lasts longer than twenty-four hours, the department shall
5 obtain the fingerprints of each adult person with whom the
6 child is being placed pursuant to section 232.79B.

7 Sec. 3. NEW SECTION. 232.79B **Emergency removal —**
8 **background check.**

9 1. When there has been an emergency removal of a child
10 pursuant to section 232.79A, the department may request a
11 criminal or juvenile justice agency to perform a named-based
12 national criminal history check of each adult person with whom
13 the child is being placed.

14 2. *a.* A person with whom a child is being placed may be
15 required to submit a full set of the person's fingerprints to
16 the department of public safety under any of the following
17 circumstances:

18 (1) If the placement lasts longer than a period of
19 twenty-four hours. In such a case, the person shall be
20 required to submit the person's fingerprints to the department
21 of public safety within seven calendar days from the date the
22 name-based national criminal history check was conducted.

23 (2) If the request for the placement is denied based on
24 the results of the name-based national criminal history check
25 performed pursuant to paragraph "a", the person may contest the
26 denial by submitting the person's fingerprints for additional
27 identification purposes.

28 *b.* Upon the submission of fingerprints pursuant to paragraph
29 "a", the department of public safety shall either attempt
30 to identify the person by the person's fingerprints or by
31 forwarding the person's fingerprints to the federal bureau of
32 investigation within fifteen calendar days from the date the
33 name-based national criminal history check was conducted on the
34 person for such identification.

35 3. If, based on the results of a background investigation

1 conducted pursuant to this section, the department determines
2 that the placement of a child is not in the best interests of
3 the child, the person fails to provide written permission to
4 perform a named-based national criminal history check, or fails
5 to provide fingerprints, the child shall be immediately removed
6 from the placement home.

7 4. The department of public safety and the federal bureau of
8 investigation may charge a reasonable fee for costs associated
9 with the processing of fingerprints pursuant to this section.
10 The department shall establish the amount of the fee by rule
11 and make all fees available through the department of public
12 safety.

13

EXPLANATION

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

16 This bill relates to the temporary emergency removal of a
17 child from the child's home and background investigations on
18 adult persons with whom a child is placed.

19 When there has been an emergency removal of a child from a
20 home by the department of human services under the bill, the
21 department may request that a criminal or juvenile justice
22 agency perform a name-based national criminal history check of
23 each adult with whom the child is being placed.

24 If the placement lasts longer than 24 hours, the bill
25 requires the department of human services to obtain a complete
26 set of fingerprints from each adult person residing in the home
27 where the child is being placed, and provide such fingerprints
28 to the department of public safety within seven calendar days
29 from the date the named-based national criminal history check
30 was conducted. If the placement of a child in a home is denied
31 based on the results of a named-based national criminal history
32 check performed pursuant to the bill, a person may contest the
33 denial by submitting the person's fingerprints for further
34 identification purposes. The bill requires the department of
35 public safety to either attempt to identify the person by using

1 the person's fingerprints or forward the fingerprints to the
2 federal bureau of investigation within 15 calendar days from
3 the date the name-based national criminal history check was
4 conducted on the person for such identification.

5 If the department of human services determines that the
6 placement of a child is not in the best interests of the
7 child, or an adult residing in the placement home fails to
8 provide written permission to perform a named-based national
9 criminal history check or fails to provide fingerprints, the
10 bill requires that the child be immediately removed from the
11 placement home.

12 The department of public safety and the federal bureau of
13 investigation may each charge a reasonable fee for processing
14 fingerprints pursuant to the bill. The bill specifies
15 that the department of public safety shall determine the
16 department's fees by rule and make all fees available through
17 the department.