

**House Study Bill 184 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

**A BILL FOR**

1 An Act relating to juvenile justice, including provisions  
2 relating to child foster care and parent visitation in child  
3 in need of assistance proceedings.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.2, subsection 4, Code 2019, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *Of.* Plans for retaining any suitable  
4 existing medical, dental, or mental health providers providing  
5 medical, dental, or mental health care to the child when the  
6 child entered foster care.

7 Sec. 2. Section 232.2, subsection 4, paragraph f,  
8 subparagraph (7), Code 2019, is amended to read as follows:

9 (7) ~~Provision~~ The transition plan shall include a provision  
10 for the department or a designee of the department on or before  
11 the date the child reaches age eighteen, unless the child  
12 has been placed in foster care for less than thirty days,  
13 to provide to the child written verification of the child's  
14 foster care status, and a certified copy of the child's birth  
15 certificate, social security card, and driver's license or  
16 government-issued nonoperator's identification card. The fee  
17 for the certified copy of the child's birth certificate that is  
18 otherwise chargeable under [section 144.13A](#), [144.46](#), or [331.605](#)  
19 shall be waived by the state or county registrar.

20 Sec. 3. Section 232.107, Code 2019, is amended to read as  
21 follows:

22 **232.107 Parent visitation.**

23 If a child is removed from the child's home in accordance  
24 with an order entered under [this division](#) ~~based upon evidence~~  
25 ~~indicating the presence of an illegal drug in the child's body,~~  
26 unless the court finds that substantial evidence exists to  
27 believe that reasonable visitation or supervised visitation  
28 would cause an imminent risk to the child's life or health, the  
29 order shall allow the child's parent reasonable visitation or  
30 supervised visitation with the child.

31 Sec. 4. Section 237.1, subsection 4, paragraph f, Code 2019,  
32 is amended to read as follows:

33 *f.* Care furnished by a relative of a child ~~for more than~~  
34 ~~twenty days in one calendar year,~~ or an individual person with  
35 a meaningful relationship with the child where the child is not

1 under the placement, care, or supervision of the department.

2 Sec. 5. Section 237.8, subsection 2, paragraph a,  
3 subparagraphs (1) and (2), Code 2019, are amended to read as  
4 follows:

5 (1) If a person is being considered for licensure under  
6 this chapter, or for employment involving direct responsibility  
7 for a child or ~~with access to a child when the child is alone~~  
8 in a facility where children reside, by a licensee under this  
9 chapter, or if a person will reside in a facility utilized by  
10 a licensee, and if the person has been convicted of a crime  
11 or has a record of founded child abuse, the department and  
12 the licensee for an employee of the licensee shall perform  
13 an evaluation to determine whether the crime or founded  
14 child abuse warrants prohibition of licensure, employment,  
15 or residence in the facility. The department shall conduct  
16 criminal and child abuse record checks in this state and may  
17 conduct these checks in other states. The evaluation shall  
18 be performed in accordance with procedures adopted for this  
19 purpose by the department.

20 (2) ~~For an individual~~ If an individual is being considered  
21 for licensure under this chapter, or for employment involving  
22 direct responsibility for a child or in a facility where  
23 children reside, by a licensee under this chapter, or if an  
24 individual will reside in a facility utilized by a licensee,  
25 or if an individual is subject to licensure under **this chapter**  
26 as a foster parent, in addition to the record checks conducted  
27 under subparagraph (1), the individual's fingerprints shall  
28 be provided to the department of public safety for submission  
29 through the state criminal history repository to the United  
30 States department of justice, federal bureau of investigation  
31 for a national criminal history check. The cost of the  
32 criminal history check conducted under this subparagraph is the  
33 responsibility of the department of human services.

34 Sec. 6. Section 237.8, subsection 2, paragraph a, Code 2019,  
35 is amended by adding the following new subparagraphs:

1     NEW SUBPARAGRAPH. (02) If the criminal and child abuse  
2 record checks conducted in this state under subparagraph (1)  
3 for an individual being considered for licensure under this  
4 chapter, or for employment involving direct responsibility for  
5 a child or in a facility where children reside, by a licensee  
6 under this chapter, or for an individual who will reside in  
7 a facility utilized by a licensee, have been completed and  
8 the individual either does not have a record of crime or  
9 founded child abuse or the department's evaluation of the  
10 record has determined that prohibition of the individual's  
11 licensure or employment is not warranted, the individual may  
12 be provisionally approved for licensure or employment pending  
13 the outcome of the fingerprint-based criminal history check  
14 conducted pursuant to subparagraph (2).

15     NEW SUBPARAGRAPH. (002) An individual being considered  
16 for licensure under this chapter, or for employment involving  
17 direct responsibility for a child or in a facility where  
18 children reside, by a licensee under this chapter, or for  
19 an individual who will reside in a facility utilized by a  
20 licensee, shall not be granted a license or be employed and an  
21 evaluation shall not be performed under this subsection if the  
22 individual has been convicted of any of the following felony  
23 offenses:

24     (a) Within the five-year period preceding the application  
25 date, a drug-related offense.

26     (b) Child endangerment or neglect or abandonment of a  
27 dependent person.

28     (c) Domestic abuse.

29     (d) A crime against a child, including but not limited to  
30 sexual exploitation of a minor.

31     (e) A forcible felony.

32     Sec. 7. DIRECTIVE TO DEPARTMENT OF HUMAN SERVICES — FOSTER  
33 CARE CASE PERMANENCY PLAN. The department of human services  
34 shall amend its administrative rules pursuant to chapter 17A  
35 to provide that a case permanency plan for a child placed

1 in foster care shall include information describing efforts  
2 to maintain suitable mental health care and medical health  
3 care for the child to avoid inappropriate diagnoses of mental  
4 illness, other emotional or behavioral disorders, medically  
5 fragile conditions, and developmental disabilities.

6 EXPLANATION

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

9 This bill relates to juvenile justice including provisions  
10 relating to child foster care placement and parent visitation  
11 in child in need of assistance proceedings.

12 CHILD FOSTER CARE. The bill requires a case permanency  
13 plan for a child placed in foster care to include certain  
14 information relating to the placement including certain care  
15 and services provided to the child that meet the child's needs.  
16 The bill provides that the case permanency plan shall also  
17 include plans for retaining any suitable existing medical,  
18 dental, or mental health providers providing medical, dental,  
19 or mental health care to the child when the child entered  
20 foster care. The bill directs the department of human services  
21 (DHS) to amend its administrative rules to provide that a case  
22 permanency plan for a child placed in foster care shall include  
23 information describing efforts to maintain suitable mental  
24 health care and medical health care in an effort to avoid  
25 inappropriate diagnoses of mental illness, other emotional  
26 or behavioral disorders, medically fragile conditions, and  
27 developmental disabilities.

28 Under current law, when a child in foster care placement  
29 is 14 years of age or older, a written transition plan of  
30 services is developed by DHS or the appropriate agency and the  
31 child's parent, guardian, or custodian and included in the case  
32 permanency plan to assist the child in preparing to transition  
33 from foster care to adulthood. The transition plan must  
34 include a provision for DHS to provide to the child a certified  
35 copy of the child's birth certificate, social security card,

1 and driver's license or government-issued nonoperator's  
2 identification card on or before the date the child reaches 18  
3 years of age, unless the child has been placed in foster care  
4 for less than 30 days. The bill expands current law to provide  
5 that DHS shall also provide the child written verification of  
6 the child's foster care status.

7 Current law excludes from the definition of "child foster  
8 care" care provided by a relative of a child for more than  
9 20 days in one calendar year, where the child is not under  
10 the placement, care, or supervision of DHS. The bill amends  
11 this provision to instead provide that care provided by a  
12 relative of a child or an individual person with a meaningful  
13 relationship with the child, where the child is not under the  
14 placement, care, or supervision of DHS, is a care situation  
15 excluded from the definition.

16 Under current law, an individual (defined as an individual  
17 person or a married couple who provides child foster care  
18 in a home environment) who is subject to licensure under  
19 Code chapter 237 (relating to child foster care facilities  
20 and licensure) as a foster parent, in addition to criminal  
21 and child abuse record checks, is required to provide the  
22 individual's fingerprints to the department of public safety  
23 for submission through the state criminal history repository  
24 to the United States department of justice, federal bureau of  
25 investigation for a national criminal history check. The bill  
26 expands the scope of individuals who must provide fingerprints  
27 to include individuals being considered for licensure  
28 under Code chapter 237, or for employment involving direct  
29 responsibility for a child or in a facility where children  
30 reside, and individuals who will reside in a facility utilized  
31 by a licensee.

32 The bill provides that if the required criminal and child  
33 abuse record checks have been completed for an individual  
34 being considered for licensure or for employment involving  
35 direct responsibility for a child or in a facility where

1 children reside, by a licensee under Code chapter 237, or for  
2 an individual who will reside in a facility utilized by a  
3 licensee and the individual does not have a record of crime  
4 or founded child abuse, or the department's evaluation of the  
5 record has determined that the prohibition of the individual's  
6 licensure or employment is not warranted, the individual  
7 may be provisionally approved for licensure or employment  
8 pending the outcome of the fingerprint-based criminal history  
9 check. However, such an individual shall not be licensed  
10 or be employed and an evaluation shall not be performed if  
11 the individual has been convicted of a felony-level offense  
12 including: a drug-related offense within the five-year  
13 period preceding the application date; child endangerment or  
14 neglect or abandonment of a dependent person; domestic abuse;  
15 a crime against a child, including but not limited to sexual  
16 exploitation of a minor; or a forcible felony.

17 CHILD IN NEED OF ASSISTANCE — PARENT VISITATION. Under  
18 current law, if a child is removed from the child's home in  
19 a child in need of assistance proceeding based upon evidence  
20 indicating the presence of an illegal drug in the child's body,  
21 unless the court finds that substantial evidence exists to  
22 believe that reasonable visitation or supervised visitation  
23 would cause an imminent risk to the child's life or health,  
24 the court shall allow the child's parent reasonable visitation  
25 or supervised visitation with the child. The bill strikes the  
26 provision relating to a removal from the child's home based  
27 only upon evidence indicating the presence of an illegal drug  
28 in the child's body.