

Senate File 477 - Introduced

SENATE FILE 477
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1209)

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.