

House File 186 - Introduced

HOUSE FILE 186

BY SHIPLEY

A BILL FOR

1 An Act relating to human services and juvenile justice
2 including child custody, child in need of assistance, and
3 family in need of assistance proceedings, establishing
4 the department of family stabilization and preservation,
5 providing penalties, and including effective date
6 provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

DEPARTMENT OF FAMILY STABILIZATION AND PRESERVATION

Section 1. NEW SECTION. 217A.1 Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. "*Board*" means the board of the department of family stabilization and preservation established in section 217A.4.
2. "*Department*" means the department of family stabilization and preservation established in section 217A.2.
3. "*Director*" means the director of the department.
4. "*Institution*" means the same as defined in section 218.1.

Sec. 2. NEW SECTION. 217A.2 Department established.

1. The department of family stabilization and preservation is established to be responsible for providing access to services and resources to families, children, and dependent adults in crisis.
2. "*Crisis*" for the purposes of this chapter includes but is not limited to all of the following:
 - a. Lack of vital resources.
 - b. Lack of access to vital resources.
 - c. Lack of shelter.
 - d. Lack of transportation.
 - e. Lack of access to mental health services and resources.
 - f. Food insecurity.
 - g. Medical emergency.
 - h. Lack of access to court-ordered services.

3. Receipt of department services are voluntary unless, with good cause, are ordered by a court in a criminal action.

Sec. 3. NEW SECTION. 217A.3 Family law court mediation division.

1. This section establishes, within the department of family stabilization and preservation, a family law court mediation division for family matters including child custody, dissolution of marriage, and civil family matters.
2. The district court may, on its own motion or on the

1 motion of any party, order the parties to participate in
2 mediation in any child custody, dissolution of marriage action,
3 or any other civil family matter. Mediation performed under
4 this section shall comply with the provisions of chapter 679C.

5 3. The supreme court shall prescribe rules for the mediation
6 program, including the circumstances under which the district
7 court may order participation in mediation.

8 4. Any dispute resolution program shall comply with all of
9 the following standards:

10 a. Participation in mediation shall include attendance
11 at a mediation session with the mediator and the parties
12 to the action, listening to the mediator's explanation of
13 the mediation process, presentation of one party's view of
14 the case, and listening to the response of the other party.
15 Participation in mediation does not require that the parties
16 reach an agreement.

17 b. The parties may choose the mediator, or the court shall
18 appoint a mediator. A court-appointed mediator shall meet the
19 qualifications established by the supreme court.

20 c. Parties to the mediation have the right to the advice and
21 presence of counsel at all times.

22 d. The parties to the mediation shall present any agreement
23 reached through the mediation to their attorneys, if any.
24 A mediation agreement reached by the parties shall not be
25 enforceable until approved by the court.

26 e. The costs of mediation shall be borne by the parties,
27 as agreed to by the parties, or as ordered by the court, and
28 may be taxed as court costs. Mediation shall be provided on a
29 sliding fee scale for parties who are determined to be indigent
30 pursuant to section 815.9.

31 5. The supreme court shall prescribe qualifications for
32 mediators under this section. The qualifications shall include
33 but are not limited to the ethical standards to be observed by
34 mediators. The qualifications shall not include a requirement
35 that the mediator be licensed to practice any particular

1 profession.

2 Sec. 4. NEW SECTION. 217A.4 **Board created.**

3 A board of family stabilization and preservation is created
4 within the department. The board shall consist of seven
5 members appointed by the governor subject to confirmation by
6 the senate. Not more than four members shall be from the same
7 political party. Members shall be residents of the state.
8 Six of the seven members shall be residents of a different
9 congressional district. Members of the boards shall serve
10 four-year staggered terms.

11 Sec. 5. NEW SECTION. 217A.5 **Board of family stabilization
12 and preservation — duties.**

13 1. Organize annually and select a chairperson and a vice
14 chairperson.

15 2. Adopt and establish policies for the operation and
16 conduct of the department and the implementation of all
17 department programs.

18 3. Recommend to the governor the names of individuals
19 qualified for the position of director when a vacancy exists
20 in the office.

21 4. Report immediately to the governor any failure by the
22 director of the department to carry out any of the policy
23 decisions or directives of the board.

24 5. Adopt rules in accordance with chapter 17A as the
25 board deems necessary to transact its business and for the
26 administration and exercise of its powers and duties.

27 6. Make recommendations from time to time to the governor
28 and the general assembly.

29 7. Perform other functions as provided by law.

30 Sec. 6. NEW SECTION. 217A.6 **Meetings.**

31 The board shall meet at least twelve times a year. Special
32 meetings may be called by the chairperson or upon written
33 request of any three members of the board. The chairperson
34 shall preside at all meetings or in the chairperson's absence,
35 the vice chairperson shall preside. The members of the board

1 shall be compensated as provided in section 7E.6 when attending
2 meetings.

3 **Sec. 7. NEW SECTION. 217A.7 Director — appointment and**
4 **qualifications.**

5 1. The chief administrative officer for the department
6 shall be the director. The director shall be appointed by the
7 governor subject to confirmation by the senate and shall serve
8 at the pleasure of the governor.

9 2. The director shall not be selected on the basis of
10 political affiliation and while employed as the director,
11 shall not be a member of a political committee, participate in
12 a political campaign, be a candidate for a partisan elective
13 office, and shall not contribute to a political campaign fund,
14 except that the director may designate on the checkoff portion
15 of the state or federal income tax return, or both, a party
16 or parties to which a contribution is made pursuant to the
17 checkoff. The director shall not hold any other office under
18 the laws of the United States or of this or any state or hold
19 any position for profit, and shall work full-time to accomplish
20 the duties of the office.

21 **Sec. 8. NEW SECTION. 217A.8 Director — duties and**
22 **responsibilities.**

23 1. The director shall:

24 *a.* Supervise the operations of the institutions under
25 the department's jurisdiction and may delegate the powers
26 and authorities given the director by statute to officers or
27 employees of the department.

28 *b.* Supervise state agents whose duties relate primarily to
29 the department.

30 *c.* Establish and maintain a program to oversee community
31 programs to foster family preservation and stabilization and to
32 provide community support to ensure continuity and consistency
33 of the programs. The person responsible for implementing this
34 section shall report to the director.

35 *d.* The director may also provide rehabilitative treatment

1 and services to other persons who require the services.
2 The director shall identify all individuals agreeing to
3 services. Identification shall be made by a qualified medical
4 professional. The director shall consult with the department
5 of health services in providing habilitative services and
6 treatment to mentally and physically challenged persons.

7 *e.* Employ, assign, and reassign personnel as necessary for
8 the performance of duties and responsibilities assigned to
9 the department. Employees shall be selected on the basis of
10 fitness for work to be performed with due regard to training
11 and experience and are subject to chapter 8A, subchapter IV.

12 *f.* Examine all state institutions and service providers
13 to determine their efficiency for adequate care, custody, and
14 training of their workers and report the findings to the board.

15 *g.* Prepare a budget for the department, subject to the
16 approval of the board, and other reports as required by law.

17 *h.* Develop long-range planning and an ongoing five-year
18 master plan. The director shall annually report to the general
19 assembly to inform its members as to the status and content of
20 the planning and master plan.

21 *i.* Supervise services and service providers at institutions
22 under the jurisdiction of the department who receive federal
23 or state tax dollars within the state as may be established
24 by the director. Persons committed to institutions under
25 the jurisdiction of the department may be transferred to the
26 facilities of the system and upon transfer shall be subject to
27 the same laws as pertain to the transferring institution.

28 *j.* Adopt rules, subject to the approval of the board,
29 pertaining to the internal management of institutions and
30 agencies under the director's charge and necessary to carry out
31 the duties and powers outlined in this section.

32 2. The director may establish, for any service provider,
33 the guidelines of creating, implementing, and facilitating an
34 individual self-sufficiency plan or a family self-sufficiency
35 plan.

1 3. The director may establish a bonus pay system for
2 case managers whose cases result in family stabilization and
3 preservation and the protection of families in crisis.

4 4. The director may expend moneys from the support
5 allocation of the department as reimbursement for the
6 replacement or repair of personal items of the department's
7 employees damaged or destroyed by clients of the department
8 while the employee is working. However, the reimbursement
9 shall not exceed one hundred fifty dollars for each item. The
10 director shall establish rules in accordance with chapter 17A
11 to carry out the purpose of this subsection.

12 5. The director may obtain assistance for the department
13 including construction, facility planning, data processing, and
14 project accomplishment by contracting under chapter 28E with
15 the department of general services.

16 Sec. 9. NEW SECTION. 217A.9 Official seal.

17 The department shall have an official seal with the words
18 "Iowa Department of Family Stabilization and Preservation"
19 and other engraved design as the board prescribes. Every
20 commission, order, or other paper of an official nature
21 executed by the department may be attested with the seal.

22 Sec. 10. NEW SECTION. 217A.10 Travel expenses.

23 The director, staff members, assistants, and employees,
24 in addition to a salary, shall receive necessary travel
25 expenses, calculated based on the nearest practicable route of
26 travel when engaged in the performance of official business.
27 Permission shall not be granted to any person to travel to
28 another state except by approval of the board.

29 Sec. 11. NEW SECTION. 217A.11 Report by department.

30 Annually, at the time provided by law, the department shall
31 make a report to the governor and the general assembly which
32 shall cover the annual period ending June 30 preceding the date
33 of the report and shall include all of the following:

34 1. An itemized statement of the department's expenditures
35 for each program under the department's administration.

1 2. Adequate and complete statistical reports for the state
2 as a whole concerning payments made under the department's
3 administration.

4 3. Recommendations concerning changes in laws under the
5 department's administration as the board deems necessary.

6 4. Observations and recommendations of the board and the
7 director relative to the programs of the department.

8 5. Information concerning long-range planning and the
9 master plan as provided by section 217A.8, subsection 1,
10 paragraph "h".

11 6. Other information the board or the director deems
12 advisable or which is requested by the governor or the general
13 assembly.

14 Sec. 12. NEW SECTION. **217A.12 Confidentiality of records**
15 **— report.**

16 1. The following information regarding individuals
17 receiving services from the department is confidential:

18 a. Names and addresses of individuals receiving services
19 from the department, and the types of services or amounts of
20 assistance provided, except as otherwise provided in subsection
21 4.

22 b. Information concerning the social or economic conditions
23 or circumstances of a particular individual who is receiving or
24 has received services or assistance from the department.

25 c. Agency evaluations of information about a particular
26 individual.

27 d. Medical or psychiatric data including diagnosis and
28 past history of disease or disability concerning a particular
29 individual.

30 2. Information described in subsection 1 shall not be
31 disclosed to or used by any person or agency except for the
32 purposes of administration of the department's programs of
33 services or assistance and shall not, except as otherwise
34 provided in subsection 4, be disclosed to or used by persons
35 or agencies outside the department unless they are subject to

1 standards of confidentiality comparable to those imposed on the
2 department by this section.

3 3. This section does not restrict the disclosure or use
4 of information regarding the cost, purpose, number of persons
5 served or assisted by, and results of any program administered
6 by the department, and other general and statistical
7 information, so long as the information does not identify
8 particular individuals served or assisted.

9 4. a. The general assembly finds and determines that
10 the use and disclosure of information as provided in this
11 subsection is for purposes directly connected with the
12 administration of the programs of services and assistance
13 referred to in this section and is essential for proper
14 administration.

15 b. Confidential information described in subsection 1,
16 paragraphs "a", "b", and "c", shall be disclosed to public
17 officials for use in connection with official duties relating
18 to law enforcement, audits, and other purposes directly
19 connected with the administration of the programs, upon written
20 application to, and with the approval of the director or the
21 director's designee.

22 5. Any reasonable grounds to believe that a public employee
23 has violated a provision of this section is grounds for
24 immediate removal from any access to confidential records or
25 suspension from duty without pay.

26 6. If it is established that a provision of this section
27 would cause any of the department's programs of services
28 or assistance to become ineligible for federal funds, the
29 provision shall be limited or restricted to the extent
30 necessary to make the program eligible for federal funds. The
31 department shall adopt rules pursuant to chapter 17A necessary
32 to implement this subsection.

33 7. Violation of this section is a serious misdemeanor.

34 8. This section takes precedence over section 17A.12,
35 subsection 7.

1 Sec. 13. NEW SECTION. **217A.13 Action for damages.**

2 A person may institute a civil action for damages under
3 chapter 232 or to restrain the dissemination of confidential
4 records set out in section 217A.12, subsection 1, in violation
5 of that section, and a person, agency, governmental body,
6 or similar entity, proven to have disseminated or to have
7 requested and received confidential records in violation of
8 section 217A.12, subsection 1, is liable for actual damages and
9 exemplary damages for each violation, and shall be liable for
10 court costs, expenses, and reasonable attorney fees incurred by
11 the party bringing the action. The award for damages shall not
12 be less than one hundred dollars.

13 Sec. 14. NEW SECTION. **217A.14 Powers of governor — report**
14 **of abuses.**

15 Section 217A.8, subsection 1, paragraph "a", does not
16 limit the general supervisory or examining powers vested in
17 the governor by the laws or constitution of the state, or
18 legally vested by the governor in a committee appointed by
19 the governor. The superintendent of an institution shall
20 make reports to the board and the director as requested by
21 the board and the director, and the director shall report, in
22 writing, to the governor any abuses found to exist in any of
23 the institutions.

24 Sec. 15. NEW SECTION. **217A.15 Appointment of**
25 **superintendents of institutions.**

26 1. The director shall appoint, subject to the approval of
27 the board, a superintendent of an institution.

28 2. A superintendent has the immediate custody and control,
29 subject to the orders and policies of the director, of all
30 property used in connection with the institution except as
31 otherwise provided by law.

32 3. The tenure of a superintendent shall be at the pleasure
33 of the director, but a superintendent may be removed for
34 inability or refusal to properly perform the duties of the
35 office. Removal shall occur only after an opportunity to

1 be heard before the board and the director and upon written
2 charges. The removal when made is final.

3 Sec. 16. NEW SECTION. 217A.16 **Subordinate officers and**
4 **employees.**

5 The director shall determine the number of subordinate
6 officers and employees for each institution, and the
7 compensation for subordinate officers and employees. Subject
8 to this chapter, the subordinate officers and employees shall
9 be appointed and discharged by the superintendent who shall
10 keep in the record of each subordinate officer and employee the
11 date of employment, the compensation, and the date of and the
12 reasons for each discharge.

13 DIVISION II

14 JUVENILE JUSTICE PROVISIONS

15 Sec. 17. FINDINGS — FAMILIAL RIGHTS.

16 1. The legislature finds that the familial rights and
17 the liberty of families of origin to direct the upbringing,
18 education, and care of their children is a fundamental right.
19 The first amendment to the Constitution of the United States
20 guarantees the right of parents and children to have and
21 maintain intimate and expressive close family relations and
22 parent-child freedom of speech, association, worship, and
23 family privacy, the regulation of which shall be subject to
24 strict scrutiny, and the state shall not interfere with these
25 rights except upon the most compelling of justifications in
26 compliance with narrowly tailored laws and only where the
27 state has demonstrated that the means employed are the least
28 restrictive means relating to the rights of both parents and
29 children. When the state interferes with these first amendment
30 rights, the state irreparably harms children.

31 2. The familial right to direct education includes the
32 rights of parents to choose, as an alternative to public
33 education, private, religious, and home school education. A
34 parent shall have the right to make reasonable choices for
35 their child attending public school including the right to

1 make reasonable medical decisions and to train, direct, and
2 discipline their child in an appropriately corrective manner
3 and in a manner that promotes good citizenship.

4 3. The United States or the state shall not infringe on
5 the rights of families guaranteed by this section without
6 demonstrating that a governmental interest is of the highest
7 order and not capable of being achieved by less restrictive
8 means. The familial rights guaranteed by this section shall
9 not be denied or abridged due to any disability.

10 4. This section shall not be construed to apply to parental
11 actions or decisions that would place a child in imminent
12 danger as defined in section 232.2.

13 5. No treaty may be adopted nor shall any international law
14 be employed to supersede, modify, interpret, or apply to the
15 rights guaranteed by this section.

16 Sec. 18. Section 232.1, Code 2021, is amended to read as
17 follows:

18 **232.1 Rules of construction.**

19 1. This chapter shall be liberally construed to the end
20 that each child under the jurisdiction of the court shall
21 receive, preferably in the child's own home, the care, guidance
22 and control that will best serve the child's welfare ~~and the~~
23 ~~best interest of the state, will preserve constitutionally~~
24 protected rights, and will protect the relationship of a child
25 to and with a child's family of origin, all of which serve
26 the interests of the state. ~~When a child is removed from the~~
27 ~~control of the child's parents, the court shall secure for~~
28 ~~the child care as nearly as possible equivalent to that which~~
29 ~~should have been given by the parents.~~

30 2. Compelling justification is required for the state
31 to interfere in the private family realm and to infringe on
32 first amendment associational rights of parents and children.
33 A court shall be required to make case and fact-specific
34 determinations relating to due process given the substantive
35 rights at issue, and shall be required to perform a fact and

1 case-specific substantive rights analysis based on a clear and
2 convincing evidentiary standard. If the proper standard has
3 been met to invoke the state's parens patriae power, a proper
4 state agency investigation that preserves the rights of the
5 accused as well as the child shall be undertaken while securing
6 a safe and secure home for the child.

7 3. If a child is removed from a child's home and a family
8 member of the child cannot assume responsibility for the
9 child, closely monitored safety and welfare checks of the
10 child's placement with a person other than a family member
11 shall be required. The child shall only be removed from the
12 natural parent's home long enough to ensure that any imminently
13 dangerous situation is addressed and care has been taken to
14 correct the imminent danger.

15 4. A state agency shall not require any natural parent to
16 admit to any act or omission as a condition of maintaining an
17 association with and possession of their child. Matters of
18 conscience, differences of opinion, beliefs, and values between
19 natural parents and the state shall not be used as evidence
20 against a natural parent. When evaluating the severity of harm
21 to a child, no presumption exists that a child placed in foster
22 care will not suffer any harm. The state shall establish
23 evidence-based balancing metrics of risk and severity based
24 on the abuse children receive in foster care and the harm the
25 children suffer when that abuse is a result of the acts or
26 omissions of a caretaker to whom such children are not bonded.

27 Sec. 19. Section 232.2, subsection 2, Code 2021, is amended
28 to read as follows:

29 2. "Adjudicatory hearing" means a hearing to determine if
30 the allegations of a petition are true, and to obtain a just,
31 fair, equitable, and impartial adjudication of the rights of
32 parties under established principles of substantive law. This
33 objective shall be attained expeditiously and at the least
34 expense to the parties and the state as is practicable.

35 Sec. 20. Section 232.2, subsection 4, Code 2021, is amended

1 by striking the subsection.

2 Sec. 21. Section 232.2, subsection 6, paragraph e, Code
3 2021, is amended to read as follows:

4 e. Who is in need of medical treatment to cure, alleviate,
5 or prevent serious physical injury or illness and whose parent,
6 guardian, or custodian is unwilling ~~or unable~~ to provide such
7 treatment.

8 Sec. 22. Section 232.2, subsection 6, paragraph m, Code
9 2021, is amended to read as follows:

10 m. Who is in need of treatment to cure or alleviate
11 chemical dependency and whose parent, guardian, or custodian is
12 unwilling ~~or unable~~ to provide such treatment.

13 Sec. 23. Section 232.2, subsection 6, paragraph p,
14 unnumbered paragraph 1, Code 2021, is amended to read as
15 follows:

16 Whose parent, guardian, custodian, or other adult member
17 of the household in which a child resides does any of the
18 following: unlawfully ~~uses, possesses, manufactures,~~
19 ~~cultivates, or distributes~~ a dangerous substance in the
20 presence of a child; or knowingly allows such ~~use, possession,~~
21 ~~manufacture, cultivation, or distribution~~ by another person in
22 the presence of a child; possesses a product with the intent
23 to use the product as a precursor or an intermediary to a
24 dangerous substance in the presence of a child; or unlawfully
25 ~~uses, possesses, manufactures, cultivates, or distributes~~ a
26 dangerous substance specified in subparagraph (2), subparagraph
27 division (a), (b), or (c), in a child's home, on the premises,
28 or in a motor vehicle located on the premises.

29 Sec. 24. Section 232.2, subsection 6, paragraph p,
30 subparagraph (1), Code 2021, is amended to read as follows:

31 (1) For the purposes of this paragraph, "*in the presence of*
32 *a child*" means in the physical presence of a child or occurring
33 under other circumstances in which a reasonably prudent person
34 would know that the ~~use, possession, manufacture, cultivation,~~
35 ~~or distribution~~ may be seen, ~~smelled,~~ or ingested, ~~or heard by~~

1 ~~a child.~~

2 Sec. 25. Section 232.2, subsection 13, Code 2021, is amended
3 to read as follows:

4 13. "*Department*" means the department of ~~human services~~
5 family stabilization and preservation created pursuant to
6 section 217A.2 and includes the local, county, and service area
7 officers of the department.

8 Sec. 26. Section 232.2, subsection 17, Code 2021, is amended
9 to read as follows:

10 17. "*Director*" means the director of the department of ~~human~~
11 ~~services~~ family stabilization and preservation or that person's
12 designee.

13 Sec. 27. Section 232.2, subsection 20, Code 2021, is amended
14 to read as follows:

15 20. "*Family in need of assistance*" means a family in which
16 there has been a breakdown in the relationship between a child
17 and the child's parent, guardian, or custodian, or a family in
18 need of stabilization resources and services.

19 Sec. 28. Section 232.2, subsection 22, paragraph b,
20 subparagraphs (1) and (5), Code 2021, are amended to read as
21 follows:

22 (1) Conducting in-person interviews with the child, if the
23 child's age is appropriate for the interview, and interviewing
24 each parent, guardian, or other person having custody of the
25 child, if authorized by counsel. All interviews conducted
26 shall be recorded and made a part of the court record.

27 (5) Obtaining firsthand knowledge, ~~if possible,~~ of the
28 facts, circumstances, and parties involved in the matter in
29 which the person is appointed guardian ad litem.

30 Sec. 29. Section 232.2, subsection 22, paragraph c, Code
31 2021, is amended to read as follows:

32 c. The order appointing the guardian ad litem shall grant
33 authorization to the guardian ad litem to interview any
34 relevant person and inspect and copy any records relevant to
35 the proceedings, if not prohibited by federal law. The order

1 shall specify that the guardian ad litem may interview any
2 person providing medical, mental health, social, educational,
3 or other services to the child, may attend any departmental
4 staff meeting, case conference, or meeting with medical or
5 mental health providers, service providers, organizations,
6 or educational institutions regarding the child, if deemed
7 necessary by the guardian ad litem, and ~~may~~ shall inspect and
8 copy any records relevant to the proceedings.

9 Sec. 30. Section 232.2, Code 2021, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 23A. "*Imminent danger*" means an emergency
12 situation in which the welfare or life of a child is
13 threatened. A child is in imminent danger when there is
14 reasonable cause to believe one of the following conditions
15 exist and substantial additional harm threatening the life
16 or health of a child is likely to occur before a court order
17 authorizing removal of a child from a child's home is obtained:

18 a. Prostitution, coerced sexual activity, or coerced sexual
19 exploitation.

20 b. Nonaccidental trauma inflicted by a parent, guardian,
21 custodian, sibling, child care provider, or other caretaker, to
22 include intentional infliction of bodily injury resulting in
23 broken bones, burns, lacerations, or beatings.

24 c. Nutritional deprivation in circumstances involving
25 nonorganic failure to thrive of a child under five years of age
26 or of a child who is physically or mentally challenged who is
27 malnourished or dehydrated to such a degree that the child is
28 in immediate jeopardy of loss of life or subject to permanent
29 physical impairment unless treatment is provided immediately.

30 d. Abandonment.

31 e. A condition requiring emergency medical treatment which,
32 if left untreated, will likely result in permanent physical
33 damage. In such a situation, a parent who seeks secondary or
34 alternative medical advice shall not be deemed as unreasonable
35 or unwilling to provide care.

1 *f.* Substantial emotional injury which shall include only the
2 threat of imminent suicide of a child which a parent, guardian,
3 custodian, or other caretaker is unwilling to address or take
4 precautionary measures to avoid.

5 Sec. 31. Section 232.2, subsection 39, Code 2021, is amended
6 to read as follows:

7 39. "*Parent*" means a biological or adoptive mother or father
8 of a child; ~~or a father whose paternity has been established by~~
9 ~~operation of law due to the individual's marriage to the mother~~
10 ~~at the time of conception, birth, or at any time during the~~
11 ~~period between conception and birth of the child, by order of~~
12 ~~a court of competent jurisdiction, or by administrative order~~
13 ~~when authorized by state law.~~ "*Parent*" but does not include a
14 mother or father whose parental rights have been terminated.

15 Sec. 32. Section 232.2, subsection 45A, Code 2021, is
16 amended to read as follows:

17 45A. "*Reasonable and prudent parent standard*" means ~~the~~
18 ~~same as defined in [section 237.1](#)~~ a standard for a parent,
19 guardian, custodian, or an out-of-home care provider to use
20 in making decisions concerning a child's participation in age
21 or developmentally appropriate extracurricular, enrichment,
22 cultural, and social activities that are characterized by
23 careful and sensible parental decisions that maintain the
24 health, safety, best interests, and cultural, religious, and
25 tribal values of the child while at the same time encouraging
26 the emotional and developmental growth of the child. For
27 purposes of this subsection, "*age or developmentally appropriate*
28 *activities*" means activities that are generally accepted as
29 suitable for children of a given chronological age or level
30 of maturity or that are determined to be developmentally
31 appropriate for a child based on the cognitive, emotional,
32 physical, and behavioral capacities that are typical of
33 children of a given age or age group or, in the case of a
34 specific child, activities that are suitable for the child
35 based on the cognitive, emotional, physical, and behavioral

1 capacities of that child.

2 Sec. 33. Section 232.2, subsection 47, Code 2021, is amended
3 to read as follows:

4 47. *“Residual parental rights and responsibilities”* means
5 those rights and responsibilities remaining with the parent
6 after transfer of legal custody or guardianship of the
7 person of the child. These include but are not limited to
8 the right of visitation, the right to consent to adoption,
9 the right to make educational and medical decisions, and the
10 responsibility for support up to the point of any termination
11 of the parent-child relationship and adoption. A parent who
12 completes the necessary steps to have their child returned to
13 their care shall not be required to reimburse the state. Such
14 a parent shall be deemed to be a family in need of assistance
15 who received stabilization services and resources.

16 Sec. 34. Section 232.2, Code 2021, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 54A. *“Stabilization plan”* means the
19 plan, mandated by Pub. L. No. 96-272 and Pub. L. No. 105-89,
20 as codified in 42 U.S.C. §622(b)(10), 671(a)(16), 675(1),
21 and 675(5), which is designed to achieve placement in the
22 most appropriate, least restrictive, and most family-like
23 setting available and in close proximity to the parent’s
24 home, consistent with the best interests and special needs
25 of the child, and which considers the placement’s proximity
26 to the school in which the child is enrolled at the time of
27 placement. The plan shall be developed by the department or
28 agency involved and the child’s parent, guardian, or custodian.
29 The plan shall specifically include all of the following:

30 a. Plans for carrying out the voluntary placement agreement
31 or judicial determination pursuant to which the child entered
32 care.

33 b. The type and appropriateness of the placement and
34 services to be provided to the child or services needed by the
35 family with detailed information of how the services benefit

1 the family and how such services will help solve the family's
2 issues.

3 *c.* The care and services that will be provided to the
4 child, biological parents, and foster parents, with a detailed
5 description of how the services promote the goal of keeping the
6 family remaining intact.

7 *d.* How the care and services will meet the needs of the
8 child while in care and will facilitate the child's return home
9 or other permanent placement.

10 *e.* The most recent information available regarding the
11 child's health and education records, including the date the
12 records were supplied to the agency or individual who is
13 the child's foster care provider. If the child remains in
14 foster care until the age of majority, the child is entitled
15 to receive, prior to discharge, the most recent information
16 available regarding the child's health and educational records.

17 *f.* 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.

21 *g.* (1) When a child is fourteen years of age or older,
22 a written transition plan of services, supports, activities,
23 and referrals to programs which, based upon an assessment of
24 the child's needs, would assist the child in preparing for the
25 transition from foster care to adulthood. The transition plan
26 and needs assessment shall be developed with a focus on the
27 services, other support, and actions necessary to facilitate
28 the child's successful entry into adulthood. The transition
29 plan shall be personalized at the direction of the child and
30 shall be developed with the child present, honoring the goals
31 and concerns of the child, and shall address the following
32 areas of need for the child's successful transition from foster
33 care to adulthood, including but not limited to all of the
34 following:

35 (a) Education.

1 (b) Employment services and other workforce support.

2 (c) Health and health care coverage.

3 (d) Housing and money management.

4 (e) Relationships, including local opportunities to have a
5 mentor.

6 (f) If the needs assessment indicates the child is
7 reasonably likely to need or be eligible for services or
8 other support from the adult service system upon reaching age
9 eighteen, the transition plan shall provide for the child's
10 application for adult services.

11 (2) The transition plan shall be considered a working
12 document and shall be reviewed and updated during a periodic
13 case review, which shall occur at a minimum of once every
14 six months. The transition plan shall also be reviewed and
15 updated during the ninety calendar-day period preceding the
16 child's eighteenth birthday and during the ninety calendar-day
17 period immediately preceding the date the child is expected to
18 exit foster care, if the child remains in foster care after
19 the child's eighteenth birthday. The transition plan may be
20 reviewed and updated more frequently.

21 (3) The transition plan shall be developed and reviewed
22 by the department in collaboration with a child-centered
23 transition team. The transition team shall be comprised of
24 the child's caseworker and persons selected by the child,
25 persons who have knowledge of services available to the child,
26 and any person who may reasonably be expected to be a service
27 provider for the child when the child becomes an adult or to
28 become responsible for the costs of services at that time.
29 If the child is reasonably likely to need or be eligible for
30 adult services, the transition team membership shall include
31 representatives from the adult services system. The membership
32 of the transition team and the meeting dates for the team shall
33 be documented in the transition plan.

34 (4) The final transition plan shall specifically identify
35 how the need for housing will be addressed.

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

5 (6) If the needs assessment indicates the child is
6 reasonably likely to need or be eligible for services or
7 other support from the adult service system upon reaching age
8 eighteen, the transition plan shall be reviewed and approved
9 by the transition committee for the area in which the child
10 resides, in accordance with section 235.7, before the child
11 reaches age seventeen and one-half. The transition committee's
12 review and approval shall be indicated in the case permanency
13 plan.

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

25 *h.* The actions expected of the parent, guardian, or
26 custodian in order for the department or agency to recommend
27 that the court terminate a dispositional order for the child's
28 out-of-home placement and for the department or agency to end
29 its involvement with the child and the child's family.

30 *i.* If reasonable efforts to place a child for adoption
31 or with a guardian are made concurrently with reasonable
32 efforts as defined in section 232.102, the concurrent goals
33 and timelines may be identified. Concurrent case permanency
34 plan goals for reunification, and for adoption or for other
35 permanent out-of-home placement of a child shall not be

1 considered inconsistent in that the goals reflect divergent
2 possible outcomes for a child in an out-of-home placement.

3 *j.* A provision that a designee of the department or other
4 person responsible for placement of a child out of state shall
5 visit the child at least once every six months.

6 *k.* If it has been determined that the child cannot return to
7 the child's home, documentation of the steps taken to make and
8 finalize an adoption or other permanent placement.

9 *l.* If it is part of the child's records or it is otherwise
10 known that the child has behaved in a manner that threatened
11 the safety of another person, has committed a violent act
12 causing bodily injury to another person, or has been a victim
13 or perpetrator of sexual abuse, that information shall be
14 addressed in the plan and shall be provided to the child's
15 parent, guardian, or foster parent or other person with custody
16 of the child. The information shall be provided whether the
17 child's placement is voluntary or made pursuant to a court
18 determination. The information shall be provided at the time
19 it is learned by the department or agency developing the plan
20 and, if possible, at the time of the child's placement. The
21 information shall only be withheld if ordered by the court
22 or it is determined by the department or agency developing
23 the plan that providing the information would be detrimental
24 to the child or to the family with whom the child is living.
25 In determining whether providing the information would be
26 detrimental, the court, department, or agency shall consider
27 any history of abuse within the child's family or toward the
28 child.

29 *m.* The provisions involving sibling visitation or
30 interaction required under section 232.108.

31 *n.* Documentation of the educational stability of the child
32 while in foster care. The documentation shall include but is
33 not limited to all of the following:

34 (1) Evidence there was an evaluation of the appropriateness
35 of the child's educational setting while in placement and of

1 the setting's proximity to the educational setting in which the
2 child was enrolled at the time of placement.

3 (2) An assurance either that the department coordinated
4 with appropriate local educational agencies to identify how
5 the child could remain in the educational setting in which
6 the child was enrolled at the time of placement or, if it was
7 determined it was not in the child's best interest to remain
8 in that setting, that the affected educational agencies would
9 immediately and appropriately enroll the child in another
10 educational setting during the child's placement and ensure
11 that the child's educational records were provided for use
12 in the new educational setting. For the purposes of this
13 subparagraph, "*local educational agencies*" means the same as
14 defined in the federal Elementary and Secondary Education Act
15 of 1965, §9101, as codified in 20 U.S.C. §7801(26).

16 o. Any issues relating to the application of the reasonable
17 and prudent parent standard and the child's participation in
18 age or developmentally appropriate activities while in foster
19 care.

20 Sec. 35. Section 232.2, subsection 58, Code 2021, is amended
21 to read as follows:

22 58. "*Voluntary placement*" means a foster care placement
23 in which the department provides foster care services to a
24 child according to a signed placement agreement between the
25 department and the child's parent or guardian or a voluntary
26 removal made by and agreed to by the parent to a custodian
27 or guardian of the parent's choice, who shall assume the
28 responsibilities of the parent for a temporary period of time.

29 Sec. 36. Section 232.57, subsection 1, Code 2021, is amended
30 to read as follows:

31 1. For the purposes of **this subchapter**, unless the context
32 otherwise requires, "*reasonable efforts*" means the efforts made
33 to prevent permanent removal of a child from the child's home
34 and to encourage reunification of the child with the child's
35 parents and family. Reasonable efforts shall include but

1 are not limited to giving consideration, ~~if appropriate,~~ to
2 interstate placement of a child in the permanency planning
3 decisions involving the child and giving consideration to
4 in-state and out-of-state placement options at a permanency
5 hearing and when using concurrent planning. If a court order
6 includes a determination that continuation of the child in the
7 child's home is not appropriate or not possible, reasonable
8 efforts may include the efforts made in a timely manner to
9 finalize a permanency plan for the child.

10 Sec. 37. NEW SECTION. **232.59 Right to jury trial.**

11 Parents, custodians, and guardians shall have the right
12 to demand a jury trial in cases involving child custody and
13 marriage dissolution, in accordance with the provisions of the
14 Constitution of the United States, and the Constitution of the
15 State of Iowa.

16 Sec. 38. Section 232.62, subsection 2, unnumbered paragraph
17 1, Code 2021, is amended to read as follows:

18 The court may transfer any child in need of assistance
19 proceedings brought under [this chapter](#) to the juvenile civil
20 or family court of any county having venue at any stage in the
21 proceedings as follows:

22 Sec. 39. Section 232.67, Code 2021, is amended to read as
23 follows:

24 **232.67 Legislative findings — purpose and policy.**

25 Children in this state are in urgent need of protection
26 from abuse. It is the purpose and policy of this part 2 of
27 subchapter III to provide the greatest possible protection to
28 victims or potential victims of abuse through encouraging the
29 increased reporting of suspected cases of abuse, ensuring the
30 thorough and prompt assessment of these reports, and providing
31 rehabilitative, restorative, and stabilization services, where
32 appropriate and whenever possible to abused children and their
33 families which will stabilize the home environment so that the
34 family can remain intact without further danger to the child.

35 Sec. 40. Section 232.68, subsection 2, paragraph a,

1 subparagraph (4), Code 2021, is amended by adding the following
2 new subparagraph division:

3 NEW SUBPARAGRAPH DIVISION. (d) The choice by a parent or
4 guardian to seek a second medical opinion related to a medical
5 condition shall not be considered child abuse.

6 Sec. 41. Section 232.68, subsections 2A and 4, Code 2021,
7 are amended to read as follows:

8 2A. ~~"Child protection worker"~~ "Child and family safety
9 investigator" means an individual designated by the department
10 to perform an assessment in response to a report of child abuse
11 who does all of the following:

12 a. Coordinates, facilitates, and secures access to
13 recommended services for a parent, guardian, or custodian at
14 state expense if the parent, guardian, or custodian is unable
15 to pay for the services.

16 b. Monitors a family's progress in achieving goals set to
17 keep a child within the child's home and prepares a report for
18 members of the family's care team.

19 c. Provides education and information.

20 d. Helps facilitate parenting time.

21 e. Protects, preserves, and promotes the inalienable rights
22 of children and families.

23 f. Meets all of the following qualifications:

24 (1) Has earned at least a bachelor's degree in education,
25 social work, psychology, sociology, addiction treatment,
26 family therapy, or a related field. A waiver may be made if
27 a candidate is within one year of completing an educational
28 program in a subject area specified in this subparagraph.

29 (2) Has at least two years of experience working with
30 vulnerable populations.

31 (3) Has completed continuing education training in the
32 fundamentals of family and constitutional rights, diversity
33 in cultural and ethnic awareness, indications of drug use and
34 abuse, and mental health awareness.

35 (4) Is willing and able to pass a preemployment drug

1 screening and agrees to random drug screening after employment.

2 (5) Shall not have a history of violence against vulnerable
3 populations, been convicted of a forcible felony, or have a
4 history of substance abuse within the five years immediately
5 preceding employment.

6 4. "*Department*" means the state department of ~~human services~~
7 family stabilization and preservation and includes the local,
8 county, and service area offices of the department.

9 Sec. 42. Section 232.68, subsection 3, paragraphs a and b,
10 Code 2021, are amended to read as follows:

11 a. "*Interview*" means the verbal exchange between the a
12 child ~~protection worker~~ and family safety investigator and the
13 child for the purpose of developing information necessary to
14 protect the child. A child ~~protection worker~~ and family safety
15 investigator is not precluded from recording visible evidence
16 of abuse.

17 b. "*Observation*" means direct physical viewing of a child
18 under the age of four by the a child ~~protection worker~~ and
19 family safety investigator where the viewing is limited
20 to the child's body other than the genitalia and pubes.
21 "*Observation*" also means direct physical viewing of a child
22 aged four or older by the a child ~~protection worker~~ and family
23 safety investigator without touching the child or removing
24 an article of the child's clothing, and doing so without the
25 consent of the child's parent, custodian, or guardian. A
26 child ~~protection worker~~ and family safety investigator is
27 not precluded from recording evidence of abuse obtained as a
28 result of a child's voluntary removal of an article of clothing
29 without inducement by the a child ~~protection worker~~ and family
30 safety investigator. However, if prior consent of the child's
31 parent or guardian, or an ex parte court order, is obtained,
32 "*observation*" may include viewing the child's unclothed body
33 other than the genitalia and pubes.

34 Sec. 43. Section 232.68, subsection 5, unnumbered paragraph
35 1, Code 2021, is amended to read as follows:

1 *“Differential response”* means an assessment system in
2 which there are two discrete pathways to respond to accepted
3 reports of child abuse, a child abuse assessment and a family
4 assessment. The child abuse assessment pathway shall require a
5 determination of abuse ~~and a determination of whether criteria~~
6 ~~for placement on the central abuse registry are met.~~ As used
7 in [this subsection](#) and [this part](#):

8 Sec. 44. Section 232.68, subsection 5, paragraph b, Code
9 2021, is amended to read as follows:

10 *b. “Child abuse assessment”* means an assessment process by
11 which the department responds to all accepted reports of child
12 abuse which allege child abuse as defined in [subsection 2](#),
13 paragraph *“a”*, subparagraphs (1) through (3) and subparagraphs
14 (5) through (10), or which allege child abuse as defined in
15 subsection 2, paragraph *“a”*, subparagraph (4), that also
16 allege imminent danger, death, or injury to a child. A *“child*
17 *abuse assessment”* results in a disposition and a determination
18 of whether a case meets the definition of child abuse ~~and a~~
19 ~~determination of whether criteria for placement on the registry~~
20 ~~are met.~~

21 Sec. 45. Section 232.71B, subsection 4, paragraph a,
22 subparagraph (2), Code 2021, is amended to read as follows:

23 (2) An evaluation of the home environment. If concerns
24 regarding protection of children are identified by the child
25 ~~protection worker~~ and family safety investigator, the child
26 ~~protection worker~~ and family safety investigator shall evaluate
27 the child named in the report and any other children in the
28 same home as the parents or other persons responsible for their
29 care.

30 Sec. 46. Section 232.71B, subsection 4, paragraph b,
31 subparagraph (4), Code 2021, is amended to read as follows:

32 (4) An interview of the person alleged to have committed
33 the child abuse, if the person’s identity and location are
34 known. The offer of an interview shall be made to the person
35 prior to any consideration or determination being made that

1 the person committed the alleged abuse. The person shall be
2 informed of the complaint or allegation made regarding the
3 person. The person shall be informed in a manner that protects
4 the confidentiality rights of the individual who reported the
5 child abuse or provided information as part of the assessment
6 process and the constitutional rights of the child and the
7 family against whom the complaint was made. The purpose of the
8 interview shall be to provide the person with the opportunity
9 to explain or rebut the allegations of the child abuse report
10 or other allegations made during the assessment. The court
11 may waive the requirement to offer the interview only for
12 good cause. The person offered an interview, or the person's
13 attorney on the person's behalf, may decline the offer of an
14 interview of the person.

15 Sec. 47. Section 232.71B, subsection 7, Code 2021, is
16 amended to read as follows:

17 7. *Facility or school visit.* The assessment may include
18 a visit to a facility providing care to the child named in
19 the report or to any public or private school subject to the
20 authority of the department of education where the child named
21 in the report is located. The administrator of a facility,
22 or a public or private school shall cooperate with the child
23 ~~protection worker~~ and family safety investigator by providing
24 confidential access to the child named in the report for the
25 purpose of interviewing the child, and shall allow the child
26 ~~protection worker~~ and family safety investigator confidential
27 access to other children for the purpose of conducting
28 interviews in order to obtain relevant information. The child
29 ~~protection worker~~ and family safety investigator may observe a
30 child named in a report in accordance with the provisions of
31 section 232.68, subsection 3, paragraph "b". A witness shall
32 be present during an observation of a child. Any child aged
33 ten years of age or older can terminate contact with the child
34 ~~protection worker~~ and family safety investigator by stating or
35 indicating the child's wish to discontinue the contact. The

1 immunity granted by [section 232.73](#) applies to acts or omissions
2 in good faith of administrators and their facilities or
3 school districts for cooperating in an assessment and allowing
4 confidential access to a child.

5 Sec. 48. Section 232.71B, subsection 8, paragraph b, Code
6 2021, is amended to read as follows:

7 b. In performing an assessment, the department may request
8 criminal history data from the department of public safety on
9 any person believed to be responsible for an injury to a child
10 which, if confirmed and criminally prosecuted, would constitute
11 child abuse. The department shall establish procedures for
12 determining when a criminal history records check is necessary.

13 Sec. 49. Section 232.71B, subsection 13, paragraph e, Code
14 2021, is amended to read as follows:

15 e. If after completing the assessment the child ~~protection~~
16 ~~worker~~ and family safety investigator determines, with the
17 concurrence of the worker's supervisor and the department's
18 area administrator, that a report of suspected child abuse is a
19 spurious report or that protective concerns are not present,
20 the portions of the written assessment report described under
21 paragraph "a", subparagraphs (3) and (4) shall not be required.

22 Sec. 50. Section 232.72, subsection 1, Code 2021, is amended
23 to read as follows:

24 1. For the purposes of [this subchapter](#), the terms
25 ~~"department of human services"~~ "department of family
26 stabilization and preservation", "department", or "county
27 attorney" ordinarily refer to the service area or local office
28 of the department of ~~human services~~ family stabilization and
29 preservation or of the county attorney's office serving the
30 county in which the child's home is located.

31 Sec. 51. Section 232.73, subsection 1, Code 2021, is amended
32 to read as follows:

33 1. A person participating in good faith in the making of
34 a report, photographs, or X rays, or in the performance of a
35 medically relevant test pursuant to [this chapter](#), or aiding and

1 assisting in an assessment of a child abuse report pursuant to
2 section 232.71B, shall have immunity from any liability, civil
3 or criminal, which might otherwise be incurred or imposed,
4 unless there is a violation of the Iowa criminal code or faulty
5 medical equipment which leads to false results. The person
6 shall have the same immunity with respect to participation in
7 good faith in any judicial proceeding resulting from the report
8 or relating to the subject matter of the report.

9 Sec. 52. Section 232.75, Code 2021, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 4. Any person, official, agency, or
12 institution that engages in perjury; the falsification of
13 documents, medical records, school records, or any other
14 records; or that participates in retaliation, intimidation,
15 coercion, obstruction of justice, or abuse of power, shall be
16 subject to criminal prosecution.

17 Sec. 53. Section 232.76, subsection 2, Code 2021, is amended
18 to read as follows:

19 2. a. For the purposes of [this subsection](#), in addition
20 to the definition in [section 232.68](#), a ~~"child protection~~
21 ~~worker"~~ "child and family safety investigator" also includes
22 any employee of the department who provides services to or
23 otherwise works directly with children and families for whom
24 child abuse has been alleged.

25 b. The training of a child protection worker and family
26 safety investigator shall include but is not limited to
27 the worker's legal duties to protect the constitutional and
28 statutory rights of a child and the child's family members
29 throughout the child or family members' period of involvement
30 with the department beginning with the child abuse report
31 and ending with the department's closure of the case. The
32 curriculum used for the training shall specifically include
33 instruction on the fourth amendment to the Constitution of the
34 United States and parents' legal rights.

35 Sec. 54. Section 232.78, subsection 1, paragraph b,

1 subparagraphs (1) and (2), Code 2021, are amended to read as
2 follows:

3 (1) The refusal or failure of the person responsible for
4 the care of the child to comply with the request of a peace
5 officer, juvenile court officer, or child ~~protection worker~~
6 and family safety investigator for such person to obtain
7 and provide to the requester the results of a physical or
8 mental examination of the child. The request for a physical
9 examination of the child may specify the performance of a
10 medically relevant test.

11 (2) The refusal or failure of the person responsible for
12 the care of the child or a person present in the person's
13 home to comply with a request of a peace officer, juvenile
14 court officer, or child ~~protection worker~~ and family safety
15 investigator for such a person to submit to and provide to
16 the requester the results of a medically relevant test of the
17 person.

18 Sec. 55. NEW SECTION. **232.81A Initial contact with family.**

19 1. Upon initial contact with a person responsible for the
20 care of a child, a social investigator shall provide:

21 a. Proof of identity, including any department insignia,
22 and worker identification number. A state vehicle driven by a
23 social investigator making an initial contact pursuant to this
24 section shall bear the insignia of the department by an affixed
25 sticker, magnet, or other means that is unique and distinct to
26 the department.

27 b. Contact information for the investigator, the name of
28 the investigator's immediate supervisor, and written notice
29 of rights explaining the parent's rights and responsibilities
30 according to the law. The notice of rights shall include all
31 of the following information:

32 (1) The person responsible for the care of a child is not
33 required to permit the investigator to enter the residence of
34 the person responsible for the care of a child. However, if
35 permission is refused, the juvenile court, family court, or

1 district court may authorize the social investigator to enter
2 the home to interview or observe the child upon a showing of
3 probable cause.

4 (2) The person responsible for the care of a child is not
5 required to speak with the investigator.

6 (3) The person responsible for the care of a child is
7 entitled to seek the representation of an attorney and to have
8 an attorney present when the person responsible for the care of
9 a child is questioned by the social investigator.

10 (4) Any statement made by the person responsible for the
11 care of a child or any statements made by other family members
12 may be used against the person responsible for the care of a
13 child in an administrative or court proceeding.

14 (5) The social investigator is not an attorney and cannot
15 provide legal advice to the person responsible for the care of
16 a child.

17 (6) The person responsible for the care of a child is
18 not required to sign any document presented by the social
19 investigator including but not limited to a release of claims
20 or a service agreement and is entitled to have an attorney
21 review any document before agreeing to sign any document.

22 (7) A failure of the person responsible for the care of
23 a child to communicate with the social investigator may have
24 serious consequences, which may include the department's filing
25 of a petition for the removal of a child from the home of the
26 person responsible for the care of a child, and it is in the
27 best interest of the person responsible for the care of a child
28 to speak with the social investigator or immediately seek the
29 advice of an attorney.

30 (a) The social investigator shall request that the person
31 responsible for the care of a child sign and date the written
32 notice of rights as evidence of having received the notice.

33 (b) If the person responsible for the care of a child
34 refuses to sign and date the notice of rights, the investigator
35 shall specifically indicate on the notice that the person

1 responsible for the care of a child was requested to sign
2 and date the notice and refused to do so, and the social
3 investigator shall sign the notice as witness to the refusal.
4 The department shall provide the person responsible for the
5 care of a child with a copy of the signed notice at the time of
6 the department's initial face-to-face contact with the person
7 responsible for the care of a child.

8 (c) If the initial contact with the person responsible for
9 the care of a child occurs telephonically, the department shall
10 orally provide the person with notice of that person's rights
11 as specified in this paragraph. If the department has provided
12 oral notice, the department shall also provide written notice
13 upon the department's initial face-to-face contact with the
14 person responsible for the care of a child.

15 (d) The department shall make reasonable efforts to ensure
16 that the notice provided to a person responsible for the care
17 of a child is provided in a manner that will be understood by
18 the person responsible for the care of a child, including but
19 not limited to ensuring that the notice is provided in language
20 understood by the person responsible for the care of a child.

21 (e) Any statement made by the person responsible for
22 the care of a child, or by a child who is a member of the
23 person's family or household to the investigator prior to the
24 provision of notice as described in subparagraph division (a),
25 or any statement made by the person responsible for the care
26 of a child prior to the provision of notice as described in
27 subparagraph division (b), shall be deemed inadmissible in any
28 administrative or court proceeding.

29 2. For purposes of subsection 1, paragraph "b", "*person*
30 *responsible for the care of a child*" means the same as described
31 in section 232.68, subsection 8, paragraphs "a" and "b".

32 3. a. All social investigators shall record the initial
33 contact with the family. The recording shall include all of
34 the following information:

35 (1) The investigator's name, identification number, and the

1 name of the social investigator's supervisor.

2 (2) The alleged complaint and the person who is the point
3 of contact.

4 (3) The date, time, and place where the contact occurred.

5 b. A recording created pursuant to this subsection may be
6 video, audio, or both, and may be made on a department-issued
7 cell phone, body camera, or other department-issued recording
8 device.

9 c. The department shall employ an independent vendor to
10 create and maintain a digital record of an initial contact.
11 The digital record must include documentation of the receipt
12 of the notice of rights and shall include a signed or recorded
13 statement from the parents, or a detailed record of refusal.

14 4. A social investigator is authorized to leave a notice of
15 rights in the mailbox of a parent under investigation; however,
16 a certified copy of the notice of rights must be mailed within
17 twenty-four hours of an initial contact attempt.

18 5. A parent's acknowledgment of the notice of rights does
19 not constitute agreement for services nor shall it be construed
20 as an admission of guilt.

21 Sec. 56. Section 232.104, subsection 1, paragraph a,
22 subparagraph (1), Code 2021, is amended to read as follows:

23 (1) For a temporary removal order entered under section
24 232.78, 232.95, or 232.96, for a child who was removed without
25 a court order under section 232.79, or for an order entered
26 under section 232.102, for which the court has not waived
27 reasonable efforts requirements, the permanency hearing shall
28 be held within twelve months of the date the child was removed
29 from the home. A parent shall have the right to demand a jury
30 trial for any proceeding that involves the right of a parent to
31 raise the parent's child.

32 Sec. 57. Section 232.108, subsection 1, Code 2021, is
33 amended to read as follows:

34 1. If the court orders the transfer of custody of a child
35 and siblings to the department or other agency for placement

1 under this subchapter, under subchapter II, relating to
2 juvenile delinquency proceedings, or under any other provision
3 of this chapter, the department or other agency shall make a
4 reasonable effort to place the child and siblings together in
5 the same placement. The requirement of this subsection remains
6 applicable to custody transfer orders made at separate times
7 and applies in addition to efforts made by the department or
8 agency to place the child with a relative. Interference with
9 the exercise of the protected rights of sibling visitation
10 shall be a serious or aggravated misdemeanor and shall be
11 considered a violation of chapter 720.

12 Sec. 58. Section 232.116, subsection 1, paragraph b, Code
13 2021, is amended to read as follows:

14 b. The court or jury finds that there is clear and
15 convincing evidence that the child has been abandoned or
16 deserted.

17 Sec. 59. Section 232.116, subsection 3, paragraph e, Code
18 2021, is amended by striking the paragraph.

19 Sec. 60. REPEAL. Sections 217.8 and 217.9, Code 2021, are
20 repealed.

21 DIVISION III

22 DEPARTMENT OF HUMAN SERVICES WORK GROUP

23 Sec. 61. DEPARTMENT OF HUMAN SERVICES — CHILD AND FAMILY
24 SERVICES WORK GROUP.

25 1. The department of human services, in conjunction with the
26 department of public health and the department of corrections,
27 shall convene a work group of representatives of state and
28 local agencies who have experience and expertise in child
29 and family services, child protection investigations, child
30 protective services, and child abuse and neglect.

31 2. The purpose of the work group is to review current
32 practices, and how those practices can be amended in accordance
33 with this act to improve child safety and the preservation of
34 families, to establish consistent and statewide practices that
35 promote and ensure effective policies and procedures to address

1 issues associated with intervention of any governmental agency
2 into the private institution of a family, and to ensure that
3 criminal investigations are conducted by law enforcement with
4 child and family services being provided by the department.

5 3. The work group shall submit a written report to the
6 general assembly regarding the findings and recommendations of
7 the work group by December 1, 2021.

8 DIVISION IV

9 CORRESPONDING AMENDMENTS LEGISLATION

10 Sec. 62. CORRESPONDING AMENDMENTS LEGISLATION. Additional
11 legislation is required to fully implement divisions I and
12 II of this Act. The director of the department of human
13 resources shall, in compliance with section 2.16, prepare draft
14 legislation for submission to the legislative services agency,
15 as necessary, to implement the transition and elimination of
16 authority and duties under divisions I and II of this Act
17 and to implement the transition and elimination of authority
18 and duties under other provisions of law including but not
19 limited to the duties and authority of the department of human
20 services, juvenile justice, and child and family services,
21 and any division, commission, or subunit of such entities or
22 offices.

23 DIVISION V

24 EFFECTIVE DATE

25 Sec. 63. EFFECTIVE DATE. This Act takes effect July 1,
26 2022.

27 EXPLANATION

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

30 This bill relates to human services by establishing
31 the department of family stabilization and preservation,
32 establishing the department of health services, and providing
33 penalties.

34 Division I of the bill establishes the department of
35 family stabilization and preservation and the department of

1 health services. The department of family stabilization and
2 preservation is established to be responsible for providing
3 access to services and resources to families, children, and
4 dependent adults in crisis, and the department of health
5 services is established to be responsible for providing medical
6 and medical-related services. A board of family stabilization
7 and preservation and a board of health are created within the
8 respective departments. The services provided by the new
9 departments are currently provided by the department of human
10 services.

11 Division II of the bill amends sections in Code chapter
12 232 concerning juvenile justice. The bill provides that
13 the department of family stabilization and preservation,
14 not the department of human services, will be responsible
15 for implementing the provisions of that Code chapter
16 including child custody, judicial proceedings, child in
17 need of assistance proceedings, termination of parent-child
18 relationship proceedings, and family in need of assistance
19 proceedings. The bill strikes references in the Code chapter
20 to the department of human services.

21 Division III of the bill calls for the department of human
22 services, in conjunction with the departments of public health
23 and corrections to convene a work group to review current
24 practices, and how those practices can be amended in accordance
25 with the bill to improve child safety and the preservation of
26 families, to establish consistent and statewide practices that
27 promote and ensure effective policies and procedures to address
28 issues associated with intervention of any governmental agency
29 into the private institution of a family, and to ensure that
30 criminal investigations are conducted by law enforcement with
31 child and family services being provided by the department.
32 The work group is required to submit a report to the general
33 assembly by December 1, 2021.

34 Division IV of the bill provides that additional legislation
35 is required to fully implement divisions I and II of the bill,

1 and requires the director of the department of human services
2 to prepare draft legislation for submission to the legislative
3 services agency to implement the transition and elimination of
4 authority of the department of human services and duties under
5 divisions I and II of the bill and to implement the transition
6 and elimination of authority and duties under other provisions
7 of law including but not limited to the duties and authority of
8 the department of human services, juvenile justice, and child
9 and family services, and any division, commission, or subunit
10 of such entities or offices.

11 The bill takes effect July 1, 2022.