

**House File 2507 - Introduced**

HOUSE FILE 2507  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 653)

**A BILL FOR**

1 An Act relating to juvenile justice including juvenile  
2 delinquency, child in need of assistance and family in need  
3 of assistance proceedings, juvenile justice reform, and  
4 juvenile court expenses and costs, and including effective  
5 date provisions.

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

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DIVISION I

JUVENILE JUSTICE — CONSTRUCTION AND DEFINITIONS

Section 1. Section 232.1, Code 2022, is amended to read as follows:

**232.1 Rules of construction.**

This chapter shall be liberally construed to the end that each child under the jurisdiction of the court shall receive, preferably in the child's own home, the care, guidance and control that will best serve the child's welfare and the best interest of the state. When a child is removed from the control of the child's parents, the court shall secure the least restrictive care for the ~~child care as nearly as possible equivalent to that which should have been given by the parents~~ child's placement with a preference for placement with the child's family or a fictive kin.

Sec. 2. Section 232.2, subsection 6, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

6. "*Child in need of assistance*" means a child who has been found to meet the grounds for adjudication pursuant to section 232.96A.

Sec. 3. Section 232.2, subsection 9, Code 2022, is amended to read as follows:

9. "*Court appointed special advocate*" means a person duly certified by the child advocacy board created in section 237.16 for participation in the court appointed special advocate program and appointed by the court to ~~represent the interests of a child in any judicial proceeding to which the child is a party or is called as a witness or relating to any dispositional order involving the child resulting from such proceeding~~ carry out duties pursuant to section 237.24.

Sec. 4. Section 232.2, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 20A. "*Fictive kin*" means an adult person who is not a relative of a child but who has an emotionally

1 positive significant relationship with the child or the child's  
2 family.

3 NEW SUBSECTION. 20B. "*Foster care*" means the provision of  
4 parental nurturing, including but not limited to the furnishing  
5 of food, lodging, training, education, supervision, treatment,  
6 or other care, to a child on a full-time basis by a person,  
7 including an adult relative or fictive kin of the child, and  
8 where the child is under the placement, care, or supervision  
9 of the department, juvenile court services, or tribes with  
10 whom the department has entered into an agreement pursuant  
11 to a court order or voluntary placement, but not including a  
12 guardian of the child.

13 Sec. 5. Section 232.2, subsection 21, paragraph a, Code  
14 2022, is amended to read as follows:

15 a. "*Guardian*" means a person who is not the parent of  
16 a child, but who has been appointed by a court ~~or juvenile~~  
17 ~~court~~ having jurisdiction over the child, to have a permanent  
18 self-sustaining relationship with the child and to make  
19 important decisions which have a permanent effect on the life  
20 and development of that child and to promote the general  
21 welfare of that child. A guardian may be a court ~~or a juvenile~~  
22 ~~court~~. Guardian does not mean conservator, as defined in  
23 section 633.3, although a person who is appointed to be a  
24 guardian may also be appointed to be a conservator.

25 Sec. 6. Section 232.2, subsection 22, paragraph a, Code  
26 2022, is amended to read as follows:

27 a. "*Guardian ad litem*" means a person appointed by the  
28 court to represent the interests of a child in any judicial  
29 proceeding to which the child is a party, ~~and includes a court~~  
30 ~~appointed special advocate, except that a court appointed~~  
31 ~~special advocate shall not file motions or petitions pursuant~~  
32 ~~to section 232.54, subsection 1, paragraphs "a" and "d", section~~  
33 ~~232.103, subsection 2, paragraph "c", and section 232.111.~~

34 Sec. 7. Section 232.2, subsection 22, paragraph b,  
35 unnumbered paragraph 1, Code 2022, is amended to read as

1 follows:

2 Unless otherwise enlarged or circumscribed after a finding  
3 of good cause by a court or juvenile court having jurisdiction  
4 over the child or by operation of law, the duties of a guardian  
5 ad litem with respect to a child shall include the following:

6 Sec. 8. Section 232.2, subsection 22, paragraph b, Code  
7 2022, is amended by adding the following new subparagraphs:

8 NEW SUBPARAGRAPH. (8) Submitting a written report to  
9 the juvenile court and to each of the parties detailing  
10 compliance with this subsection. If the guardian ad litem  
11 is also appointed to represent the child as an attorney, the  
12 written report shall contain an assessment of this dual role  
13 and whether there is a need for the court to appoint a separate  
14 guardian ad litem. A written report shall be submitted for  
15 each court hearing unless otherwise ordered by the court.

16 NEW SUBPARAGRAPH. (9) Providing a sibling of a child  
17 not placed with the child with the reasons why the child and  
18 the sibling have not been placed together and an explanation  
19 of the efforts being made to facilitate placement together  
20 or why efforts to place the child and sibling together  
21 are not appropriate. This subparagraph shall not apply if  
22 the sibling's age or mental state makes such explanations  
23 inappropriate.

24 Sec. 9. Section 232.2, subsection 22, Code 2022, is amended  
25 by adding the following new paragraph:

26 NEW PARAGRAPH. e. In determining the best interests of  
27 the child, rather than relying solely on a guardian ad litem's  
28 life experiences or instinct, a guardian ad litem shall, with  
29 the primary goal of achieving permanency for the child by  
30 preserving the child's family or reunifying the child with the  
31 child's family, do all of the following:

32 (1) Determine the child's circumstances through a full,  
33 independent, and efficient investigation, including the  
34 information gathered from the child's medical, mental health,  
35 and education professionals, social workers, other relevant

1 experts, and other sources obtained in accordance with this  
2 subsection.

3 (2) Assess the child and the totality of the child's  
4 circumstances at the time of each placement determination,  
5 including any potential trauma to the child that may be caused  
6 by any recommended action.

7 (3) Examine all options available to the child in light of  
8 the permanency plans.

9 (4) Incorporate a child's expressed wishes in  
10 recommendations and reports.

11 Sec. 10. Section 232.2, Code 2022, is amended by adding the  
12 following new subsection:

13 NEW SUBSECTION. 35A. "*Neglect*" means the failure on the  
14 part of a person responsible for the care of a child to provide  
15 for adequate food, shelter, clothing, medical or mental health  
16 treatment, supervision, or other care necessary for the child's  
17 health and welfare when financially able to do so or when  
18 offered financial or other reasonable means to do so.

19 Sec. 11. Section 232.2, subsection 42, Code 2022, is amended  
20 to read as follows:

21 ~~42. "*Physical abuse or neglect*" or "*abuse or neglect*"~~  
22 "*Physical abuse*" means any nonaccidental physical injury  
23 suffered by a child as the result of the acts or omissions of  
24 the child's parent, guardian, or custodian or other person  
25 legally responsible for the child.

26 Sec. 12. Section 232.2, Code 2022, is amended by adding the  
27 following new subsection:

28 NEW SUBSECTION. 045A. "*Putative father*" means a person who  
29 has been identified by the mother of a child as the child's  
30 potential biological father or a person who claims to be the  
31 biological father of a child and who was not married to the  
32 child's mother at the time of the child's birth, when all of  
33 the following circumstances apply:

34 a. Biological testing has not excluded the person as the  
35 child's biological father.

1     *b.* No legal father has been established, biological  
2 testing excludes the previously identified father, or previous  
3 paternity has otherwise been disestablished.

4     *c.* Information sufficient to identify and find the person  
5 has been provided to the county attorney by the mother, the  
6 person, or a party to proceedings under this chapter.

7     *d.* The person has not been found by a court to be  
8 uncooperative with genetic testing.

9     Sec. 13. Section 232.2, subsection 46A, Code 2022, is  
10 amended by striking the subsection and inserting in lieu  
11 thereof the following:

12     46A. "*Relative*" means an individual related to a child  
13 within the fourth degree of consanguinity or affinity, by  
14 marriage, or through adoption. For purposes of subchapters III  
15 and IV, "*relative*" includes the parent of a sibling of the child  
16 if the sibling's parent's parental rights were not previously  
17 terminated in relation to the child.

18     Sec. 14. Section 232.2, subsection 52, Code 2022, is amended  
19 to read as follows:

20     52. "*Sibling*" means an individual who is related to  
21 another individual by blood, adoption, or affinity through a  
22 common legal or biological parent, regardless of whether a  
23 common legal or biological parent's parental rights have been  
24 terminated.

25     Sec. 15. Section 232.3, subsection 1, Code 2022, is amended  
26 to read as follows:

27     1. During the pendency of an action under [this chapter](#), a  
28 party to the action is estopped from litigating concurrently  
29 the custody, guardianship, or placement of a child who  
30 is the subject of the action, in a court other than the  
31 juvenile court. A district judge, district associate judge,  
32 magistrate, or judicial hospitalization referee, upon notice  
33 of the pendency of an action under [this chapter](#), shall not  
34 issue an order, finding, or decision relating to the custody,  
35 guardianship, or placement of the child who is the subject of

1 the action, under any law, including but not limited to chapter  
2 232D, 598, 598B, or 633.

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DIVISION II

4 JUVENILE DELINQUENCY PROCEEDINGS — TAKING A CHILD INTO CUSTODY

5 Sec. 16. Section 232.19, subsection 1, paragraph c, Code  
6 2022, is amended to read as follows:

7 c. By a peace officer, when the peace officer has  
8 reasonable grounds to believe the child has run away from the  
9 child's parents, guardian, or custodian, for the purposes  
10 of determining whether the child shall be reunited with the  
11 child's parents, guardian, or custodian, or placed in shelter  
12 care, ~~or, if the child is a chronic runaway and the county has~~  
13 ~~an approved county runaway treatment plan, placed in a runaway~~  
14 ~~assessment center under~~ section 232.196.

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DIVISION III

16 JUVENILE DELINQUENCY PROCEEDINGS — JUDICIAL PROCEEDINGS

17 Sec. 17. Section 232.37, subsection 4, Code 2022, is amended  
18 to read as follows:

19 4. Service of summons or notice shall be made personally  
20 by the sheriff by delivering a copy of the summons or notice  
21 to the person being served. If the court determines that  
22 personal service of a summons or notice is impracticable, the  
23 court may order service by certified mail addressed to the last  
24 known address, by publication, or by electronic mail or other  
25 electronic means with the consent of the party to be served.  
26 Service of summons or notice shall be made not less than five  
27 days before the time fixed for hearing. Service of summons,  
28 notice, subpoenas or other process, after an initial valid  
29 summons or notice, shall be made in accordance with the rules  
30 of the court governing such service in civil actions.

31 Sec. 18. Section 232.57, subsection 2, paragraphs d, e, f,  
32 and g, Code 2022, are amended to read as follows:

33 d. The parent has been convicted of the murder of another  
34 child ~~of the parent~~.

35 e. The parent has been convicted of the voluntary

1 manslaughter of another child ~~of the parent~~.

2 *f.* The parent has been convicted of aiding or abetting,  
3 attempting, conspiring in, or soliciting the commission of  
4 the murder or voluntary manslaughter of another child ~~of the~~  
5 ~~parent~~.

6 *g.* The parent has been convicted of a felony assault which  
7 resulted in serious bodily injury of the child or of another  
8 child ~~of the parent~~.

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DIVISION IV

10 CHILD IN NEED OF ASSISTANCE PROCEEDINGS — CHILD ABUSE  
11 REPORTING, ASSESSMENT, AND REHABILITATION

12 Sec. 19. Section 232.67, Code 2022, is amended to read as  
13 follows:

14 **232.67 Legislative findings — purpose and policy.**

15 Children in this state are in urgent need of protection  
16 from abuse. It is the purpose and policy of ~~this part 2 of~~  
17 subchapter III to provide the greatest possible protection  
18 to victims or potential victims of abuse through encouraging  
19 the increased reporting of suspected cases of abuse, ensuring  
20 the thorough and prompt assessment of these reports, and  
21 providing rehabilitative services, where appropriate and  
22 whenever possible to abused children and their families which  
23 will stabilize the home environment so that the family can  
24 remain intact without further danger to the child. The state  
25 recognizes removing a child from the child's family will cause  
26 the child harm and that the harm caused by a child's removal  
27 must be weighed against the potential harm in allowing a child  
28 to remain with the child's family.

29 Sec. 20. Section 232.68, subsection 2, paragraph a,  
30 subparagraph (4), subparagraph division (a), Code 2022, is  
31 amended to read as follows:

32 (a) The failure on the part of a person responsible for  
33 the care of a child to provide for the adequate food, shelter,  
34 clothing, medical or mental health treatment, supervision, or  
35 other care necessary for the child's health and welfare when



1 financially able to do so or when offered financial or other  
2 reasonable means to do so and the failure occurred within five  
3 years of a report.

4 Sec. 21. Section 232.68, subsection 2, paragraph a,  
5 subparagraph (7), Code 2022, is amended to read as follows:

6 (7) The person responsible for the care of a child,  
7 in the presence of a child, as defined in section ~~232.2,~~  
8 ~~subsection 6, paragraph "p"~~ 232.96A, subsection 16, paragraph  
9 "e", unlawfully uses, possesses, manufactures, cultivates,  
10 or distributes a dangerous substance, as defined in section  
11 ~~232.2, subsection 6, paragraph "p"~~ 232.96A, subsection 16,  
12 paragraph "f", or knowingly allows such use, possession,  
13 manufacture, cultivation, or distribution by another person in  
14 the presence of a child; possesses a product with the intent  
15 to use the product as a precursor or an intermediary to a  
16 dangerous substance in the presence of a child; or unlawfully  
17 uses, possesses, manufactures, cultivates, or distributes a  
18 dangerous substance specified in [section 232.2, subsection 6,](#)  
19 paragraph "p", subparagraph (2), subparagraph division (a),  
20 (b), or (c) 232.96A, subsection 16, paragraph "f", subparagraph  
21 (1), (2), or (3), in a child's home, on the premises, or in a  
22 motor vehicle located on the premises and the incident occurred  
23 within five years of a report to the department.

24 Sec. 22. Section 232.70, subsection 1, Code 2022, is amended  
25 by striking the subsection and inserting in lieu thereof the  
26 following:

27 1. Each report made by a mandatory reporter, as defined  
28 in section 232.69, subsection 1, or a permissive reporter, as  
29 defined in section 232.69, subsection 2, shall be oral.

30 Sec. 23. Section 232.71B, subsection 11, Code 2022, is  
31 amended to read as follows:

32 11. *Multidisciplinary team.* In each county or multicounty  
33 area in which more than fifty child abuse reports are made  
34 per year, the department shall establish a multidisciplinary  
35 team, as defined in [section 235A.13, subsection 8](#). Upon the

1 department's request, a multidisciplinary team shall assist  
2 the department in the assessment, diagnosis, and disposition  
3 of a child abuse assessment and the subsequent provision of  
4 services.

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DIVISION V

6 CHILD IN NEED OF ASSISTANCE PROCEEDINGS — TEMPORARY CUSTODY  
7 OF A CHILD

8 Sec. 24. Section 232.78, subsection 1, paragraph b, Code  
9 2022, is amended to read as follows:

10 b. ~~It appears~~ The court has found that substantial evidence  
11 exists to demonstrate that the need for removal outweighs the  
12 potential harm removal of the child would cause the child,  
13 including but not limited to any physical, emotional, social,  
14 and mental trauma the removal may cause the child.

15 c. The court finds that the child's immediate removal  
16 is necessary to avoid imminent danger to the child's life  
17 or health. The circumstances or conditions indicating the  
18 presence of such imminent danger shall include but are not  
19 limited to any of the following:

20 (1) The refusal or failure of the person responsible for  
21 the care of the child to comply with the request of a peace  
22 officer, juvenile court officer, or child protection worker  
23 for such person to obtain and provide to the requester the  
24 results of a physical or mental examination of the child. The  
25 request for a physical examination of the child may specify the  
26 performance of a medically relevant test.

27 (2) The refusal or failure of the person responsible for  
28 the care of the child or a person present in the person's home  
29 to comply with a request of a peace officer, juvenile court  
30 officer, or child protection worker for such a person to submit  
31 to and provide to the requester the results of a medically  
32 relevant test of the person.

33 Sec. 25. Section 232.78, subsection 7, Code 2022, is amended  
34 to read as follows:

35 7. Any order entered under [this section](#) authorizing

1 temporary removal of a child must include ~~both~~ all of the  
2 following:

3     *a.* A determination made by the court that continuation  
4 of the child in the child's home would be contrary to the  
5 welfare of the child. Such a determination must be made on a  
6 case-by-case basis. The grounds for the court's determination  
7 must be explicitly documented and stated in the order.  
8 However, preserving the safety of the child must be the court's  
9 paramount consideration. If imminent danger to the child's  
10 life or health exists at the time of the court's consideration,  
11 the determination shall not be a prerequisite to the removal  
12 of the child.

13     *b.* A determination made by the court that the necessity  
14 of the removal of the child from the child's home, due to an  
15 imminent risk to the child's life or health, is greater than  
16 the potential harm including but not limited to physical,  
17 emotional, social, and mental trauma the removal may cause the  
18 child.

19     ~~*b.*~~ *c.* A statement informing the child's parent that the  
20 consequences of a permanent removal may include termination of  
21 the parent's rights with respect to the child.

22     Sec. 26. Section 232.78, Code 2022, is amended by adding the  
23 following new subsection:

24     NEW SUBSECTION. 8. *a.* If the juvenile court determines  
25 that the child should be temporarily removed from the child's  
26 home under this section, the court shall consider placing the  
27 child in the custody of another parent of the child. If the  
28 juvenile court determines placing custody of the child with any  
29 of the child's parents is not in the child's best interests,  
30 the child's custody shall be transferred to the department for  
31 placement of the child in any of the following categories in  
32 the following order of priority:

33     (1) An adult relative of the child including but not limited  
34 to adult siblings and parents of siblings.

35     (2) A fictive kin.

1 (3) Any other suitable placement identified by the child's  
2 relatives.

3 (4) An individual licensed to provide foster care pursuant  
4 to chapter 237. If the child is placed with a licensed foster  
5 care provider, the department shall assign decision-making  
6 authority to the foster care provider for the purpose of  
7 applying the reasonable and prudent parent standard during the  
8 child's placement.

9 (5) A group care facility, shelter care facility, or other  
10 residential treatment facility.

11 *b.* (1) If the court places custody of the child with the  
12 department pursuant to paragraph "a", the court may identify a  
13 category listed in paragraph "a" for placement of the child, but  
14 the department shall have the authority to select the specific  
15 person or facility within that category for placement, subject  
16 to court review at the request of an interested party.

17 (2) The court shall give deference to the department's  
18 decision for placement of a child. A party opposed to the  
19 department's placement of a child shall have the burden  
20 to prove the department failed to act in the child's best  
21 interests by unreasonably or irresponsibly failing to discharge  
22 its duties in selecting a suitable placement for the child.

23 *c.* A juvenile court shall not order placement of a child  
24 in a category listed in paragraph "a", subparagraph (2), (3),  
25 (4), or (5), without a specific finding that placement with a  
26 relative is not in the child's best interests and shall provide  
27 reasons for the court's finding.

28 Sec. 27. Section 232.79, subsection 2, Code 2022, is amended  
29 by adding the following new paragraph:

30 NEW PARAGRAPH. *0c.* Make every reasonable effort to place  
31 the child with an adult relative or a fictive kin of the child.

32 Sec. 28. Section 232.79A, Code 2022, is amended to read as  
33 follows:

34 **232.79A Children without adult supervision.**

35 If a peace officer determines that a child does not have

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

25 Sec. 29. NEW SECTION. **232.79B Safety plans.**

26 1. For the purposes of this section, "safety plan" means  
 27 a short-term, time-limited agreement entered into between the  
 28 department and a child's parent designed to address signs of  
 29 imminent or impending danger to a child identified by the  
 30 department.

31 2. Upon the department's determination that potential harm  
 32 to a child may be mitigated by the development of a safety  
 33 plan, the department may enter into a safety plan with the  
 34 child's parent.

35 3. A safety plan shall not be construed as a removal from

1 parental custody absent a court order placing the child with a  
2 person or facility other than the parent who entered into the  
3 safety plan.

4 4. The department shall adopt rules to implement this  
5 section.

6 Sec. 30. Section 232.82, Code 2022, is amended to read as  
7 follows:

8 **232.82 Removal of sexual offenders, and physical abusers, and**  
9 **domestic abusers from the residence pursuant to court order.**

10 1. Notwithstanding [section 561.15](#), if it is alleged by  
11 a person authorized to file a petition under section 232.87,  
12 subsection 2, or by the court on its own motion, that a parent,  
13 guardian, custodian, or an adult member of the household in  
14 which a child resides has committed a sexual offense with or  
15 against the child, pursuant to [chapter 709](#) or [section 726.2](#), or  
16 a physical abuse as defined by in [section 232.2](#), subsection 42,  
17 or domestic abuse assault as defined in section 708.2A, against  
18 the child or another household member at a location or in a  
19 manner a reasonably prudent person would know the child could  
20 see, hear, or otherwise experience, the juvenile court may  
21 enter an ex parte order requiring the alleged sexual offender,  
22 ~~or~~ physical abuser, or domestic abuser to vacate the child's  
23 residence upon a showing that probable cause exists to believe  
24 that the sexual offense, ~~or~~ physical abuse, or domestic abuse  
25 has occurred and that substantial evidence exists to believe  
26 that the presence of the alleged sexual offender, ~~or~~ physical  
27 abuser, or domestic abuser in the child's residence presents a  
28 danger to the child's life or physical, emotional, or mental  
29 health.

30 2. If an order is entered under [subsection 1](#) and a petition  
31 has not yet been filed under [this chapter](#), the petition shall  
32 be filed under [section 232.87](#) by the county attorney, the  
33 department of human services, or a juvenile court officer  
34 within three days of the entering of the order.

35 3. The juvenile court may order on its own motion, or

1 shall order upon the request of the alleged sexual offender,  
2 ~~or physical abuser, or domestic abuser~~ a hearing to determine  
3 whether the order to vacate the residence should be upheld,  
4 modified, or vacated. The hearing shall be held within thirty  
5 days of removal of the alleged sexual offender, physical  
6 abuser, or domestic abuser from the residence. The juvenile  
7 court may in any later child in need of assistance proceeding  
8 uphold, modify, or vacate the order to vacate the residence.

9 Sec. 31. Section 232.84, subsection 2, Code 2022, is amended  
10 to read as follows:

11 2. ~~Within~~ Unless the custody of a child is transferred  
12 from one of the child's parents to another parent of the  
13 child, within thirty days after the entry of an order under  
14 this chapter ~~transferring custody of a child to an agency for~~  
15 ~~placement~~ removing a child from the custody of a parent or  
16 parents of the child, the agency department shall exercise due  
17 diligence in identifying and providing notice to the child's  
18 grandparents, aunts, uncles, adult siblings, parents of the  
19 child's siblings, and adult relatives suggested by the child's  
20 parents, subject to exceptions due to the presence of family or  
21 domestic violence.

22 Sec. 32. Section 232.84, Code 2022, is amended by adding the  
23 following new subsections:

24 NEW SUBSECTION. 4. The agency may share information as  
25 necessary to explore a child's potential placement with any  
26 adult relative who may receive notice pursuant to subsection 2.

27 NEW SUBSECTION. 5. If an adult relative entitled to notice  
28 pursuant to subsection 2 is later discovered by or identified  
29 to the department, the department shall provide notice to that  
30 relative within thirty days of that relative becoming known to  
31 the department.

32 Sec. 33. NEW SECTION. **232.96A Child in need of assistance**  
33 **adjudication.**

34 The court may adjudicate a child in need of assistance  
35 if such child is unmarried and meets any of the following

1 requirements:

2 1. The child's parent, guardian, or other custodian has  
3 abandoned or deserted the child.

4 2. The child's parent, guardian, other custodian, or  
5 other member of the household in which the child resides has  
6 physically abused or neglected the child, or is imminently  
7 likely to physically abuse or neglect the child.

8 3. The child has suffered or is imminently likely to suffer  
9 harmful effects as a result of any of the following:

10 a. Mental injury caused by the acts of the child's parent,  
11 guardian, or custodian.

12 b. The failure of the child's parent, guardian, custodian,  
13 or other member of the household in which the child resides to  
14 exercise a reasonable degree of care in supervising the child.

15 c. The child's parent, guardian, custodian, or person  
16 responsible for the care of a child as defined in section  
17 232.68, has knowingly disseminated or exhibited obscene  
18 material, as defined in section 728.1, to the child.

19 4. The child has been, or is imminently likely to be,  
20 sexually abused by the child's parent, guardian, custodian, or  
21 other member of the household in which the child resides.

22 5. The child is in need of medical treatment to cure,  
23 alleviate, or prevent serious physical injury or illness and  
24 whose parent, guardian, or custodian is unwilling or unable to  
25 provide such treatment.

26 6. The child is in need of treatment to cure or alleviate  
27 serious mental illness or disorder, or emotional damage  
28 as evidenced by severe anxiety, depression, withdrawal, or  
29 untoward aggressive behavior toward the child's self or others  
30 and the child's parent, guardian, or custodian is unwilling to  
31 provide such treatment.

32 7. The child's parent, guardian, or custodian fails to  
33 exercise a minimal degree of care in supplying the child with  
34 adequate food, clothing, or shelter and refuses other means  
35 made available to provide such essentials.



1 8. The child has committed a delinquent act as a result  
2 of pressure, guidance, or approval from a parent, guardian,  
3 custodian, or other member of the household in which the child  
4 resides.

5 9. The child has been the subject of or a party to sexual  
6 activities for hire or who poses for live display or for  
7 photographic or other means of pictorial reproduction or  
8 display which is designed to appeal to the prurient interest,  
9 is patently offensive, and taken as a whole, lacks serious  
10 literary, scientific, political, or artistic value.

11 10. The child is without a parent, guardian, or other  
12 custodian.

13 11. The child's parent, guardian, or other custodian for  
14 good cause desires to be relieved of the child's care and  
15 custody.

16 12. The child for good cause desires to have the child's  
17 parents relieved of the child's care and custody.

18 13. The child is in need of treatment to cure or alleviate  
19 chemical dependency and whose parent, guardian, or custodian is  
20 unwilling or unable to provide such treatment.

21 14. The child's parent, guardian, or custodian suffers  
22 from a mental incapacity, a mental condition, imprisonment, or  
23 drug or alcohol abuse that results in the child not receiving  
24 adequate care or being imminently likely not to receive  
25 adequate care.

26 15. The child's body has an illegal drug present as a  
27 direct and foreseeable consequence of the acts or omissions of  
28 the child's parent, guardian, or custodian. The presence of  
29 the drug shall be determined in accordance with a medically  
30 relevant test as defined in section 232.73.

31 16. The child's parent, guardian, custodian, or other adult  
32 member of the household in which a child resides does any of  
33 the following:

34 a. Unlawfully uses, possesses, manufactures, cultivates, or  
35 distributes a dangerous substance in the presence of the child.

1     *b.* Knowingly allows the use, possession, manufacture,  
2 cultivation, or distribution of a dangerous substance by  
3 another person in the presence of the child.

4     *c.* Possesses a product with the intent to use the product as  
5 a precursor or an intermediary to a dangerous substance in the  
6 presence of the child.

7     *d.* Unlawfully uses, possesses, manufactures, cultivates,  
8 or distributes a dangerous substance listed in paragraph "*f*",  
9 subparagraph (1), (2), or (3), in the child's home, on the  
10 premises, or in a motor vehicle located on the premises.

11     *e.* For the purposes of this subsection, "*in the presence of*  
12 *a child*" means in the physical presence of a child or occurring  
13 under other circumstances in which a reasonably prudent person  
14 would know that the use, possession, manufacture, cultivation,  
15 or distribution of a dangerous substance may be seen, smelled,  
16 ingested, or heard by a child.

17     *f.* For the purposes of this subsection, "*dangerous*  
18 *substance*" means any of the following:

19         (1) Amphetamine, its salts, isomers, or salts of its  
20 isomers.

21         (2) Methamphetamine, its salts, isomers, or salts of its  
22 isomers.

23         (3) A chemical or combination of chemicals that poses a  
24 reasonable risk of causing an explosion, fire, or other danger  
25 to the life or health of persons who are in the vicinity while  
26 the chemical or combination of chemicals is used or is intended  
27 to be used in any of the following:

28             (a) The process of manufacturing an illegal or controlled  
29 substance.

30             (b) As a precursor in the manufacturing of an illegal or  
31 controlled substance.

32             (c) As an intermediary in the manufacturing of an illegal  
33 or controlled substance.

34         (4) Cocaine, its salts, isomers, salts of its isomers, or  
35 derivatives.

1 (5) Heroin, its salts, isomers, salts of its isomers, or  
2 derivatives.

3 (6) Opium and opiate, and any salt, compound, derivative, or  
4 preparation of opium or opiate.

5 17. The child is a newborn infant whose parent has  
6 voluntarily released custody of the child in accordance with  
7 chapter 233.

8 DIVISION VI

9 CHILD IN NEED OF ASSISTANCE PROCEEDINGS — JUDICIAL PROCEEDINGS

10 Sec. 34. Section 232.89, subsection 1, Code 2022, is amended  
11 to read as follows:

12 1. Upon the filing of a petition the parent, guardian,  
13 putative father, or custodian identified in the petition shall  
14 have the right to counsel in connection with all subsequent  
15 hearings and proceedings. If that person desires but is  
16 financially unable to employ counsel, the court shall appoint  
17 counsel.

18 Sec. 35. Section 232.89, subsection 2, paragraph a, Code  
19 2022, is amended to read as follows:

20 a. If the child is represented by counsel and the court  
21 determines there is a conflict of interest between the child  
22 and the child's parent, guardian, putative father, or custodian  
23 and that the retained counsel could not properly represent the  
24 child as a result of the conflict, the court shall appoint  
25 other counsel to represent the child, who shall be compensated  
26 pursuant to the provisions of [subsection 3](#).

27 Sec. 36. Section 232.89, subsection 4, Code 2022, is amended  
28 to read as follows:

29 4. The same person may serve both as the child's counsel  
30 and as guardian ad litem. However, the court may appoint a  
31 separate guardian ad litem, if the same person cannot properly  
32 represent the legal interests of the child as legal counsel  
33 and also represent the ~~best interest~~ interests of the child as  
34 guardian ad litem in accordance with section 232.2, subsection  
35 22, paragraph "e", or a separate guardian ad litem is required

1 to fulfill the requirements of subsection 2. If a child's  
2 guardian ad litem is also acting as an attorney for the child,  
3 each report submitted to a court by the guardian ad litem shall  
4 contain a statement indicating whether a separate guardian ad  
5 litem is required based on the guardian ad litem's interviews  
6 and investigations conducted until the time a report is  
7 submitted to the court.

8 Sec. 37. Section 232.91, subsections 1, 2, 3, and 4, Code  
9 2022, are amended to read as follows:

10 1. Any hearings or proceedings under this subchapter  
11 subsequent to the filing of a petition shall not take place  
12 without the presence of the child's parent, guardian,  
13 custodian, or guardian ad litem in accordance with and subject  
14 to section 232.38. A parent without custody ~~may petition~~  
15 ~~the court to~~ shall be made a party to proceedings under this  
16 subchapter.

17 2. An agency, facility, institution, ~~or person~~ adult  
18 relative with a substantial relationship to the child, fictive  
19 kin, including a foster parent or an individual providing  
20 preadoptive care, or individual providing custodial care to the  
21 child may petition the court to be made a party to proceedings  
22 under this subchapter.

23 3. Any person who is entitled under section 232.88 to  
24 receive notice of a hearing concerning a child shall be given  
25 the opportunity to be heard in any other review or hearing  
26 involving the child. A foster parent, adult relative, or other  
27 individual with whom a child has been placed for preadoptive  
28 care shall have the right to be heard in any proceeding  
29 involving the child. If a child is of an age appropriate to  
30 attend the hearing but the child does not attend, the court  
31 shall determine if the child was informed of the child's right  
32 to attend the hearing. A presumption exists that it is in the  
33 best interests of a child ~~fourteen~~ ten years of age or older to  
34 attend all hearings.

35 4. If a child is of an age appropriate to attend a hearing

1 but the child does not attend, the court shall determine if the  
2 child was informed of the child's right to attend the hearing.  
3 A presumption exists that it is in the best interests of a  
4 child ~~fourteen~~ ten years of age or older to attend all hearings  
5 and all staff or family meetings involving placement options  
6 or services provided to the child. The department shall allow  
7 the child to attend all such hearings and meetings unless the  
8 attorney for the child finds the child's attendance is not in  
9 the best interests of the child. If the child is excluded from  
10 attending a hearing or meeting, the department shall maintain a  
11 written record detailing the reasons for excluding the child.  
12 Notwithstanding [sections 232.147 through 232.151](#), a copy of the  
13 written record shall be made available to the child upon the  
14 request of the child after reaching the age of majority.

15 Sec. 38. NEW SECTION. 232.94B Continuances.

16 A court may grant a continuance in a child in need of  
17 assistance proceeding or a termination of a parent-child  
18 relationship proceeding only for good cause shown.

19 Sec. 39. Section 232.95, subsection 2, Code 2022, is amended  
20 by striking the subsection and inserting in lieu thereof the  
21 following:

22 2. a. Upon such hearing, the court may do any of the  
23 following:

24 (1) Return the child to a person with legal custody of the  
25 child pending a final order of disposition.

26 (2) Remove the child from home and place the child with a  
27 parent of the child pending a final order of disposition.

28 (3) Remove the child from home and place custody of the  
29 child with the department for placement of the child, pending a  
30 final order of disposition, in any of the following categories  
31 in the following order of priority:

32 (a) An adult relative of the child including but not limited  
33 to adult siblings and parents of siblings.

34 (b) A fictive kin.

35 (c) Any other suitable placement identified by the child's

1 relatives.

2 (d) An individual licensed to provide foster care pursuant  
3 to chapter 237. If the child is placed with a licensed foster  
4 care provider, the department shall assign decision-making  
5 authority to the foster care provider for the purpose of  
6 applying the reasonable and prudent parent standard during the  
7 child's placement.

8 (e) A group care facility, shelter care facility, or other  
9 residential treatment facility.

10 (4) Authorize a physician or hospital to provide medical  
11 or surgical procedures if such procedures are necessary to  
12 safeguard the child's life or health.

13 Sec. 40. Section 232.95, Code 2022, is amended by adding the  
14 following new subsections:

15 NEW SUBSECTION. 5. a. If the court orders a removal  
16 pursuant to subsection 2, paragraph "a", subparagraph (2) or  
17 (3), the court shall, in addition, make a determination that  
18 continuation of the child in the child's home would be contrary  
19 to the welfare of the child, and that reasonable efforts have  
20 been made to prevent or eliminate the need for removal of the  
21 child from the child's home. The court shall also make a  
22 finding that substantial evidence exists to demonstrate that  
23 the need for removal due to an imminent risk to the child's  
24 life or health is greater than the potential harm including  
25 but not limited to any physical, emotional, social, or mental  
26 trauma the removal may cause the child.

27 b. The court's determination regarding continuation  
28 of the child in the child's home and regarding reasonable  
29 efforts, including those made to prevent removal and those  
30 made to finalize any permanency plan in effect as well as any  
31 determination by the court that reasonable efforts are not  
32 required, must be made on a case-by-case basis. The grounds  
33 for each determination must be specifically documented and  
34 stated in the court order. However, preserving the safety of  
35 the child must be the court's paramount consideration. If

1 imminent danger to the child's life or health exists at the  
2 time of the court's consideration, the determinations otherwise  
3 required under this paragraph shall not be a prerequisite for  
4 an order for temporary removal of the child.

5 NEW SUBSECTION. 6. a. (1) If the court places custody  
6 of the child with the department pursuant to subsection 2,  
7 paragraph "a", subparagraph (3), the court may identify a  
8 category listed in subsection 2, paragraph "a", subparagraph  
9 (3), for placement of the child, but the department shall have  
10 the authority to select the specific person or facility within  
11 that category for placement, subject to court review at the  
12 request of an interested party.

13 (2) The court shall give deference to the department's  
14 decision for placement of a child. A party opposed to the  
15 department's placement of a child shall have the burden  
16 to prove the department failed to act in the child's best  
17 interests by unreasonably or irresponsibly failing to discharge  
18 its duties in selecting a suitable placement for the child.

19 b. The court shall not order placement of a child in  
20 a category identified in subsection 2, paragraph "a",  
21 subparagraph (3), subparagraph division (b), (c), (d), or  
22 (e), without a specific finding that placement with an adult  
23 relative is not in the child's best interests and providing  
24 reasons for the finding.

25 c. If the court orders the removal of a child pursuant  
26 to subsection 2, paragraph "a", subparagraph (2) or (3), the  
27 order shall also include a statement informing the child's  
28 parent that the consequences of a permanent removal may include  
29 termination of the parent's rights with respect to the child.

30 Sec. 41. Section 232.96, subsection 6, Code 2022, is amended  
31 to read as follows:

32 6. A report, study, record, or other writing or an  
33 audiotape or videotape recording made by the department of  
34 human services, a juvenile court officer, a peace officer, a  
35 child protection center, or a hospital relating to a child in a

1 proceeding under this subchapter is admissible notwithstanding  
2 any objection to hearsay statements contained in it provided  
3 it is relevant and material and provided its probative value  
4 substantially outweighs the danger of unfair prejudice to the  
5 child's parent, guardian, or custodian. The circumstances of  
6 the making of the report, study, record or other writing or an  
7 audiotape or videotape recording, including the maker's lack of  
8 personal knowledge, may be proved to affect its weight.

9 Sec. 42. Section 232.96, subsection 10, Code 2022, is  
10 amended to read as follows:

11 10. If the court enters an order adjudicating the child  
12 to be a child in need of assistance, the court, if it has not  
13 previously done so, may issue an order authorizing temporary  
14 removal of the child from the child's home as set forth in  
15 section 232.95, subsection 2, paragraph "a", subparagraph (2)  
16 or (3), pending a final order of disposition. The order shall  
17 include ~~both~~ all of the following:

18 a. A determination that continuation of the child in the  
19 child's home would be contrary to the welfare of the child,  
20 ~~and that reasonable efforts, as defined in section 232.102,~~  
21 have been made to prevent or eliminate the need for removal of  
22 the child from the child's home and the court has found that  
23 substantial evidence exists to demonstrate that the need for  
24 removal due to an imminent risk to the child's life or health  
25 is greater than the potential harm including but not limited to  
26 any physical, emotional, social, or mental trauma the removal  
27 may cause the child. The court's determination regarding  
28 continuation of the child in the child's home, and regarding  
29 reasonable efforts, including those made to prevent removal  
30 and those made to finalize any permanency plan in effect, as  
31 well as any determination by the court that reasonable efforts  
32 are not required, must be made on a case-by-case basis. The  
33 grounds for each determination must be explicitly documented  
34 and stated in the court order. However, preserving the safety  
35 of the child is the paramount consideration. If imminent



1 danger to the child's life or health exists at the time of the  
2 court's consideration, the determinations otherwise required  
3 under this paragraph shall not be a prerequisite for an order  
4 for temporary removal of the child.

5 *b.* A statement informing the child's parent that the  
6 consequences of a permanent removal may include termination of  
7 the parent's rights with respect to the child.

8 *c.* If the court orders a removal of a child pursuant to this  
9 subsection and placement of a child pursuant to section 232.95,  
10 subsection 2, paragraph "a", subparagraph (3), subparagraph  
11 division (b), (c), (d), or (e), a specific finding that  
12 placement with an adult relative is not in the child's best  
13 interests and the reasons for the finding.

14 Sec. 43. Section 232.96, Code 2022, is amended by adding the  
15 following new subsection:

16 NEW SUBSECTION. 11. *a.* If the court places custody of the  
17 child with the department pursuant to subsection 10, the court  
18 may identify a category listed in section 232.95, subsection 2,  
19 paragraph "a", for placement of the child, but the department  
20 shall have the authority to select the specific person or  
21 facility within that category for placement, subject to court  
22 review at the request of an interested party.

23 *b.* The court shall give deference to the department's  
24 decision for placement of a child. A party opposed to the  
25 department's placement of a child shall have the burden  
26 to prove the department failed to act in the child's best  
27 interests by unreasonably or irresponsibly failing to discharge  
28 its duties in selecting a suitable placement for the child.

29 Sec. 44. Section 232.97, subsection 3, Code 2022, is amended  
30 to read as follows:

31 3. The social report shall not be disclosed except as  
32 provided in [this section](#) and except as otherwise provided in  
33 this chapter. At least five days prior to the hearing at which  
34 the disposition is determined, the ~~court~~ department shall ~~send~~  
35 file a copy of the social report ~~to~~ with the court and the court

1 shall restrict access of the social report to counsel for the  
2 child, counsel for the child's parent, guardian, or custodian,  
3 the department, the court appointed special advocate, a local  
4 board as defined in section 237.15, the county attorney,  
5 the state's counsel, and the guardian ad litem. The court  
6 may in its discretion order counsel not to disclose parts  
7 of the report to the child, or to the parent, guardian, or  
8 custodian ~~if disclosure would seriously harm the treatment~~  
9 ~~or rehabilitation of the child or would violate a promise of~~  
10 ~~confidentiality given to a source of information.~~ If the  
11 report indicates the child or parent has behaved in a manner  
12 that threatened the safety of another person, has committed a  
13 violent act causing bodily injury to another person, or has  
14 committed sexual abuse, or the child has been a victim ~~or~~  
15 ~~perpetrator~~ of sexual abuse, unless otherwise ordered by the  
16 court, the child's parent, guardian, or foster parent or other  
17 person with custody of or providing substantial care to the  
18 child shall be provided with that information.

19 Sec. 45. Section 232.102, subsection 1, paragraph a, Code  
20 2022, is amended by striking the paragraph and inserting in  
21 lieu thereof the following:

22 a. After a dispositional hearing, the court may enter an  
23 order transferring the legal custody of the child to a parent  
24 of the child. If the court finds that custody with either  
25 of the child's parents is not in the child's best interests,  
26 the child's custody shall be transferred to the department for  
27 placement of the child in any of the following categories in  
28 the following order of priority:

29 (1) An adult relative of the child including but not limited  
30 to adult siblings and parents of siblings.

31 (2) A fictive kin.

32 (3) Any other suitable placement identified by the child's  
33 relatives.

34 (4) An individual licensed to provide foster care pursuant  
35 to chapter 237. If the child is placed with a licensed foster

1 care provider, the department shall assign decision-making  
2 authority to the foster care provider for the purpose of  
3 applying the reasonable and prudent parent standard during the  
4 child's placement.

5 (5) A group care facility, shelter care facility, or other  
6 residential treatment facility.

7 b. (1) If the court places custody of the child with the  
8 department pursuant to paragraph "a", the court may identify a  
9 category listed in paragraph "a" for placement of the child, but  
10 the department shall have the authority to select the specific  
11 person or facility within that category for placement, subject  
12 to court review at the request of an interested party.

13 (2) The court shall give deference to the department's  
14 decision for placement of a child. A party opposed to the  
15 department's placement of a child shall have the burden  
16 to prove the department failed to act in the child's best  
17 interests by unreasonably or irresponsibly failing to discharge  
18 its duties in selecting a suitable placement for the child.

19 c. A court shall not order placement of a child in a  
20 category identified in paragraph "a", subparagraph (2), (3),  
21 (4), or (5) without a specific finding that placement with  
22 an adult relative is not in the child's best interests and  
23 providing reasons for the court's finding.

24 d. If the child is fourteen years of age or older, the  
25 order shall specify the services needed to assist the child in  
26 preparing for the transition from foster care to adulthood. If  
27 the child has a case permanency plan, the court shall consider  
28 the written transition plan of services and needs assessment  
29 developed for the child's case permanency plan. If the child  
30 does not have a case permanency plan containing the transition  
31 plan and needs assessment at the time the order is entered, the  
32 written transition plan and needs assessment shall be developed  
33 and submitted for the court's consideration no later than six  
34 months from the date of the transfer order. The court shall  
35 modify the initial transfer order as necessary to specify

1 the services needed to assist the child in preparing for the  
2 transition from foster care to adulthood. If the transition  
3 plan identifies services or other support needed to assist  
4 the child when the child becomes an adult and the court deems  
5 it to be beneficial to the child, the court may authorize  
6 the individual who is the child's guardian ad litem or court  
7 appointed special advocate to continue a relationship with and  
8 provide advice to the child for a period of time beyond the  
9 child's eighteenth birthday.

10 Sec. 46. Section 232.102, subsection 2, Code 2022, is  
11 amended to read as follows:

12 2. The court shall not order group foster care placement of  
13 the child which is a charge upon the state ~~if that placement~~  
14 ~~is not in accordance with the service area plan for group~~  
15 ~~foster care established pursuant to [section 232.143](#) for the~~  
16 ~~departmental service area in which the court is located~~ unless  
17 the group foster care meets the requirements established by the  
18 department by rule.

19 Sec. 47. Section 232.102, subsections 5, 11, and 12, Code  
20 2022, are amended by striking the subsections.

21 Sec. 48. Section 232.102, subsection 10, Code 2022, is  
22 amended by striking the subsection and inserting in lieu  
23 thereof the following:

24 10. Unless prohibited by court order or the department or  
25 juvenile court services finds that allowing the visitation  
26 would not be in the child's best interests, the department or  
27 juvenile court services may authorize reasonable visitation  
28 between the child and the child's adult relative or a fictive  
29 kin.

30 Sec. 49. NEW SECTION. **232.102A Reasonable efforts.**

31 1. For the purposes of this subchapter:

32 a. "*Reasonable efforts*" means the efforts made to preserve  
33 and unify a family prior to the out-of-home placement of a  
34 child in foster care or to eliminate the need for removal of  
35 the child or make it possible for the child to safely return

1 to the family's home. Reasonable efforts include but are not  
2 limited to giving consideration, if appropriate, to interstate  
3 placement of a child in the permanency planning decisions  
4 involving the child and giving consideration to in-state and  
5 out-of-state placement options at a permanency hearing and  
6 when using concurrent planning. If returning the child to the  
7 family's home is not appropriate or not possible, reasonable  
8 efforts shall include the efforts made in a timely manner to  
9 finalize a permanency plan for the child. A child's health  
10 and safety shall be the paramount concern in making reasonable  
11 efforts. Reasonable efforts may include but are not limited  
12 to family-centered services, if the child's safety in the home  
13 can be maintained during the time the services are provided.  
14 In determining whether reasonable efforts have been made, the  
15 court shall consider all of the following:

16 (1) The type, duration, and intensity of services or support  
17 offered or provided to the child and the child's family. If  
18 family-centered services were not provided, the court record  
19 shall enumerate the reasons the services were not provided,  
20 including but not limited to whether the services were not  
21 available, not accepted by the child's family, judged to be  
22 unable to protect the child and the child's family during  
23 the time the services would have been provided, judged to be  
24 unlikely to be successful in resolving the problems which would  
25 lead to removal of the child, or other services were found to  
26 be more appropriate.

27 (2) The relative risk to the child of remaining in the  
28 child's home versus removal of the child.

29 *b. "Family-centered services"* means services and other  
30 support intended to safely maintain a child with the child's  
31 family or with an adult relative, to safely and in a timely  
32 manner return a child to the home of the child's parent or  
33 relative, or to promote achievement of concurrent planning  
34 goals by identifying and helping the child secure placement for  
35 adoption, with a guardian, or with other alternative permanent

1 family connections. Family-centered services include services  
2 adapted to the individual needs of a family in regard to the  
3 specific services and other support provided to the child's  
4 family and the intensity and duration of service delivery and  
5 services intended to preserve a child's connections to the  
6 child's neighborhood, community, and family and to improve the  
7 overall capacity of the child's family to provide for the needs  
8 of the children in the family.

9 2. Family interactions shall continue regardless of a  
10 parent's failure to comply with the requirements of a court  
11 order or the department, provided there is no finding by  
12 a court or the department that such interaction would be  
13 detrimental to the child.

14 3. The performance of reasonable efforts to place a child  
15 for adoption or with a guardian may be made concurrently with  
16 making reasonable efforts as defined in this section.

17 4. If the court determines by clear and convincing evidence  
18 that aggravated circumstances exist supported by written  
19 findings of fact based upon evidence in the record, the court  
20 may waive the requirement for making reasonable efforts. The  
21 existence of aggravated circumstances is indicated by any of  
22 the following:

23 a. The parent has abandoned the child.

24 b. The court finds the circumstances described in section  
25 232.116, subsection 1, paragraph "i", are applicable to the  
26 child.

27 c. The parent's parental rights have been terminated under  
28 section 232.116 or involuntarily terminated by an order of a  
29 court of competent jurisdiction in another state with respect  
30 to another child who is a member of the same family, and there  
31 is clear and convincing evidence to show that the offer or  
32 receipt of services would not be likely within a reasonable  
33 period of time to correct the conditions which led to the  
34 child's removal.

35 d. The parent has been convicted of the murder of another

1 child.

2 e. The parent has been convicted of the voluntary  
3 manslaughter of another child.

4 f. The parent has been convicted of aiding or abetting,  
5 attempting, conspiring in, or soliciting the commission of the  
6 murder or voluntary manslaughter of another child.

7 g. The parent has been convicted of a felony assault which  
8 resulted in serious bodily injury to the child or another  
9 child.

10 5. Prior services the state provided to the family shall not  
11 be considered in making a determination as to whether a waiver  
12 of reasonable efforts is appropriate.

13 Sec. 50. Section 232.103, subsection 2, paragraph b, Code  
14 2022, is amended to read as follows:

15 b. The child's parent, guardian or custodian, except that  
16 such motion may be filed by that person not more often than  
17 once every ~~six months~~ sixty days except with leave of court for  
18 good cause shown.

19 Sec. 51. Section 232.103A, Code 2022, is amended by adding  
20 the following new subsection:

21 NEW SUBSECTION. 8. A court-appointed attorney shall be paid  
22 by the state public defender's office for work done relating  
23 to a bridge order.

24 Sec. 52. Section 232.104, subsection 2, paragraph d,  
25 subparagraphs (1) and (2), Code 2022, are amended by striking  
26 the subparagraphs and inserting in lieu thereof the following:

27 (1) Transfer sole custody of the child from one parent to  
28 another parent.

29 (2) Transfer guardianship and custody of the child to an  
30 adult relative, a fictive kin, or another suitable person.

31 Sec. 53. Section 232.104, Code 2022, is amended by adding  
32 the following new subsection:

33 NEW SUBSECTION. 4A. A court shall apply the priority  
34 of placement requirements of section 232.102, subsection  
35 1, paragraphs "a" and "c", when entering a permanency order

1 pursuant to subsection 2, paragraph "d".

2 Sec. 54. Section 232.108, subsections 1, 2, and 3, Code  
3 2022, are amended to read as follows:

4 1. If the court orders the transfer of custody of a  
5 child and siblings to the department or other agency for  
6 placement under ~~this subchapter~~, under ~~subchapter II~~, relating  
7 to ~~juvenile delinquency proceedings~~, or under any other  
8 ~~provision of this chapter~~, the department or other agency  
9 shall make a reasonable effort ~~effort~~ efforts to place the child and  
10 siblings together in the same placement whenever possible if  
11 such placement is in the best interests of each child. The  
12 requirement of ~~this subsection~~ remains applicable to custody  
13 transfer orders made at separate times and provided the  
14 requirement will not jeopardize the stability of placements  
15 and is in the best interests of each child. The requirement  
16 of this subsection also applies in addition to efforts made by  
17 ~~the department or agency~~ to place the child with a an adult  
18 relative.

19 2. If the requirements of ~~subsection 1~~ apply but the  
20 siblings are not placed in the same placement together, the  
21 ~~department or other agency~~ child's attorney or guardian ad  
22 litem shall provide the siblings with the reasons why and the  
23 efforts being made to facilitate such placement, or why making  
24 efforts for such placement is not appropriate. An explanation  
25 is not required if the ages or mental states of the siblings  
26 make such an explanation inappropriate. Unless visitation or  
27 ongoing interaction with siblings is suspended or terminated  
28 by the court, the department or agency shall make reasonable  
29 effort to provide for ~~frequent~~ visitation or other ongoing  
30 interaction between the child and the child's siblings from  
31 the time of the child's out-of-home placement until the child  
32 returns home or is in a permanent placement.

33 3. A person who wishes to assert a sibling relationship  
34 with a child who is subject to an order under ~~this chapter~~ for  
35 an out-of-home placement and to request ~~frequent~~ visitation



1 or other ongoing interaction with the child may file a motion  
2 or petition with the court with jurisdiction over the child.  
3 Unless the court determines it would not be in the child's best  
4 ~~interest~~ interests, upon finding that the person is a sibling  
5 of the child, the provisions of this section providing for  
6 frequent visitation or other ongoing interaction between the  
7 siblings shall apply. Nothing in this section is intended to  
8 provide or expand a right to counsel under this chapter beyond  
9 the right provided and persons specified in sections 232.89 and  
10 232.113.

11 DIVISION VII

12 TERMINATION OF PARENT-CHILD RELATIONSHIP PROCEEDINGS

13 Sec. 55. Section 232.111, subsection 2, paragraph a,  
14 subparagraphs (2), (4), (5), and (6), Code 2022, are amended  
15 to read as follows:

16 (2) A court has determined aggravated circumstances exist  
17 and has waived the requirement for making reasonable efforts  
18 ~~under, as defined in~~ section 232.102 232.102A because the court  
19 has found the circumstances described in section 232.116,  
20 subsection 1, paragraph "i", are applicable to the child.

21 (4) The parent has been convicted of the murder or the  
22 voluntary manslaughter of another child ~~of the parent~~.

23 (5) The parent has been convicted of aiding or abetting,  
24 attempting, conspiring in, or soliciting the commission of  
25 the murder or voluntary manslaughter of another child ~~of the~~  
26 ~~parent~~.

27 (6) The parent has been convicted of a felony assault which  
28 resulted in serious bodily injury of the child or of another  
29 child ~~of the parent~~.

30 Sec. 56. Section 232.112, subsection 3, Code 2022, is  
31 amended to read as follows:

32 3. Notice under this section shall be served personally,  
33 sent by restricted certified mail, or sent by electronic mail  
34 or other electronic means with the consent of the party to be  
35 served, whichever is determined by the court to be the most

1 effective means of notification. If the court determines  
2 that personal service is impracticable, the court may order  
3 service by publication. Such notice shall be made according  
4 to the rules of civil procedure relating to an original notice  
5 where not inconsistent with the provisions of **this section**.  
6 Notice by personal delivery and notice sent by electronic  
7 mail or other electronic means with the consent of the party  
8 to be served shall be served not less than seven days prior  
9 to the hearing on termination of parental rights. Notice by  
10 restricted certified mail shall be sent not less than fourteen  
11 days prior to the hearing on termination of parental rights.  
12 A notice by restricted certified mail which is refused by the  
13 necessary party given notice shall be sufficient notice to the  
14 party under **this section**.

15 Sec. 57. Section 232.116, subsection 1, paragraph d,  
16 subparagraph (1), Code 2022, is amended to read as follows:

17 (1) The court has previously adjudicated the child to be  
18 a child in need of assistance after finding the child to have  
19 been physically or sexually abused or neglected as the result  
20 of the acts or omissions of one or both parents, or the court  
21 has previously adjudicated a child who is a member of the  
22 same family to be a child in need of assistance after such a  
23 finding. This paragraph shall not be construed to require that  
24 a finding of sexual abuse or neglect requires a finding of a  
25 nonaccidental physical injury.

26 Sec. 58. Section 232.116, subsection 1, paragraph i,  
27 subparagraph (1), Code 2022, is amended to read as follows:

28 (1) The child meets the definition of child in need of  
29 assistance based on a finding of physical or sexual abuse or  
30 neglect as a result of the acts or omissions of one or both  
31 parents. This paragraph shall not be construed to require that  
32 a finding of sexual abuse or neglect requires a finding of a  
33 nonaccidental physical injury.

34 Sec. 59. Section 232.116, subsection 1, paragraph 1,  
35 subparagraphs (1) and (2), Code 2022, are amended by striking

1 the subparagraphs and inserting in lieu thereof the following:

2 (1) The child has been adjudicated a child in need of  
3 assistance pursuant to section 232.96 and custody has been  
4 transferred from the child's parents for placement pursuant to  
5 section 232.102.

6 (2) The parent has a severe substance-related disorder as  
7 described by either of the following:

8 (a) The severe substance-related disorder meets the  
9 definition for that term as defined in the most current edition  
10 of the diagnostic and statistical manual prepared by the  
11 American psychiatric association, and the parent presents a  
12 danger to self or others as evidenced by prior acts.

13 (b) The disorder is evidenced by continued and repeated use  
14 through the case, the parent's refusal to obtain a substance  
15 abuse evaluation or treatment after given the opportunity to  
16 do so, and the parent presents a danger to self or others as  
17 evidenced by prior acts.

18 Sec. 60. Section 232.117, subsection 3, Code 2022, is  
19 amended by striking the subsection and inserting in lieu  
20 thereof the following:

21 3. If the court concludes that facts sufficient to sustain  
22 the petition have been established by clear and convincing  
23 evidence, the court may order parental rights terminated. If  
24 the court terminates the parental rights of a child's parent,  
25 the court shall transfer the guardianship and custody of the  
26 child to a parent of the child whose parental rights have not  
27 been terminated. If the court finds guardianship and custody  
28 with the child's parents is not in the child's best interests,  
29 guardianship and custody shall be transferred for placement of  
30 the child in any of the following categories in the following  
31 order of priority:

32 a. The department if the department had custody of the child  
33 at the time of the filing of the petition for termination of  
34 parental rights, or if custody with the department is necessary  
35 to facilitate the permanency or adoption goal, unless the

1 department waives its priority.

2 *b.* An adult relative of the child, including but not limited  
3 to adult siblings or parents of siblings.

4 *c.* A fictive kin.

5 *d.* A child-placing agency or other suitable private agency,  
6 facility, or institution which is licensed or otherwise  
7 authorized by law to receive and to provide care for the child.

8 Sec. 61. Section 232.117, subsection 4, Code 2022, is  
9 amended by striking the subsection and inserting in lieu  
10 thereof the following:

11 4. If the court orders a termination of parental rights  
12 and siblings are not placed together but have an existing  
13 relationship, the court shall order ongoing contact between  
14 the siblings in accordance with section 232.108 if the court  
15 finds that either visitation or ongoing interaction is in the  
16 best interests of each sibling. This subsection shall not be  
17 construed to require visitation between a child and a parent  
18 whose parental rights have been terminated as to that child,  
19 even if a sibling remains with the parent.

20 Sec. 62. Section 232.118, subsection 1, Code 2022, is  
21 amended by adding the following new paragraphs:

22 NEW PARAGRAPH. *a.* The moving party or a party opposed to  
23 the actions of the guardian has the burden to establish that  
24 the court-appointed guardian failed to act in the child's best  
25 interests by unreasonably or irresponsibly failing to discharge  
26 the guardian's duties in finding a suitable adoptive home for  
27 the child.

28 NEW PARAGRAPH. *b.* The court shall give deference to the  
29 decision of the guardian and shall not conduct a de novo review  
30 of the guardian's decision regarding placement of the child.

31 DIVISION VIII

32 FAMILY IN NEED OF ASSISTANCE PROCEEDINGS

33 Sec. 63. Section 232.126, subsection 2, Code 2022, is  
34 amended to read as follows:

35 2. The court may appoint a court appointed special

1 advocate ~~to act as guardian ad litem~~. The court appointed  
2 special advocate shall receive notice of and may attend all  
3 depositions, hearings, and trial proceedings to support the  
4 child and advocate for the protection of the child. The court  
5 appointed special advocate shall not be allowed to separately  
6 introduce evidence or to directly examine or cross-examine  
7 witnesses. The court appointed special advocate shall submit  
8 reports to the court and the parties to the proceedings  
9 containing the information required in reports submitted by  
10 a court appointed special advocate under section ~~232.89,~~  
11 ~~subsection 5~~ 237.24, subsection 2, paragraphs "g" and "h". In  
12 addition, the court appointed special advocate shall file other  
13 reports to the court as required by the court.

14 Sec. 64. Section 232.127, subsection 8, Code 2022, is  
15 amended to read as follows:

16 8. The court shall not order group foster care placement of  
17 the child which is a charge upon the state ~~if that placement~~  
18 ~~is not in accordance with the service area plan for group~~  
19 ~~foster care established pursuant to~~ section 232.143 ~~for the~~  
20 ~~departmental service area in which the court is located~~ unless  
21 the group foster care meets requirements as established by the  
22 department by rule.

23 Sec. 65. NEW SECTION. 237.24 **Court appointed special**  
24 **advocates.**

25 1. A court appointed special advocate shall receive notice  
26 of all depositions, hearings, and trial proceedings in a matter  
27 to which the court appointed special advocate is appointed.

28 2. The duties of a court appointed special advocate with  
29 respect to a child, unless otherwise enlarged or circumscribed  
30 by a court or juvenile court with jurisdiction over the  
31 child after a finding of good cause, shall include all of the  
32 following:

33 a. Conducting in-person interviews with the child every  
34 thirty days, if the child's age is appropriate for the  
35 interview, and interviewing each parent, guardian, or other

1 person having custody of the child as needed, if authorized by  
2 counsel.

3 *b.* Visiting the home, residence, or both home and residence  
4 of the child and any prospective home or residence of the  
5 child, including each time placement is changed.

6 *c.* Interviewing any person providing medical, mental health,  
7 social, educational, or other services to the child.

8 *d.* Obtaining firsthand knowledge, if possible, of the facts,  
9 circumstances, and parties involved in the matter in which the  
10 court appointed special advocate is appointed.

11 *e.* Attending any depositions, hearings, and trial  
12 proceedings in a matter to which the court appointed special  
13 advocate is appointed for the purpose of supporting the child  
14 and advocating for the child's protection.

15 *f.* Assisting the transition committee in the development of  
16 a transition plan if the child's case permanency plan calls for  
17 the development of a transition plan.

18 *g.* (1) Submitting a written report to the juvenile court  
19 and to each of the parties identified in section 237.21,  
20 subsection 4, prior to each court hearing unless otherwise  
21 ordered by the court.

22 (2) The report shall include but not be limited to the  
23 identified strengths of the child and the child's family,  
24 concerns identified by the court appointed special advocate,  
25 the court appointed special advocate's recommendations  
26 regarding the child's placement, and other recommendations the  
27 court appointed special advocate believes are in the child's  
28 best interests.

29 *h.* Submitting periodic reports to the court or juvenile  
30 court with jurisdiction over a child and interested parties  
31 detailing the child's situation as long as the child remains  
32 under the jurisdiction of the court or juvenile court.

33 *i.* Filing other reports as ordered by a court or juvenile  
34 court.

35

DIVISION IX

1 JUVENILE COURT EXPENSES AND COSTS — SHELTER AND DETENTION  
2 HOMES

3 Sec. 66. Section 232.141, subsection 8, Code 2022, is  
4 amended to read as follows:

5 8. **This subsection** applies only to placements in a juvenile  
6 shelter care home which is publicly owned, operated as a county  
7 or multicounty shelter care home, organized under a **chapter 28E**  
8 agreement, or operated by a private juvenile shelter care home.  
9 If the actual and allowable costs of a child's shelter care  
10 placement exceed the amount the department is authorized to  
11 ~~pay in accordance with law and administrative rule~~, the unpaid  
12 costs may be recovered from the child's custodial parent's  
13 county of residence. However, the maximum amount of the  
14 unpaid costs which may be recovered under **this subsection** is  
15 limited to the difference between the amount the department is  
16 authorized to pay and the statewide average of the actual and  
17 ~~allowable rates in effect in May of the preceding fiscal year~~  
18 ~~for reimbursement of juvenile shelter care homes as reasonably~~  
19 determined by the department annually. ~~In no case shall the~~  
20 A home may only be reimbursed for more than the lesser of the  
21 home's actual and allowable costs or the statewide average of  
22 the actual and allowable rates as determined by the department  
23 in effect on the date the costs were paid. The unpaid costs  
24 are payable pursuant to filing of verified claims against the  
25 child's custodial parent's county of residence. A detailed  
26 statement of the facts upon which a claim is based shall  
27 accompany the claim. Any dispute between counties arising from  
28 filings of claims pursuant to **this subsection** shall be settled  
29 in the manner provided to determine residency in section  
30 331.394.

31 Sec. 67. Section 232.142, subsections 3, 4, 5, and 6, Code  
32 2022, are amended to read as follows:

33 3. A county or multicounty juvenile detention home approved  
34 pursuant to **this section** shall receive financial aid from the  
35 state in a manner approved by the director, the director of the

1 department of human rights, or a designee of the director of  
2 the department of human rights. Aid paid by the state shall  
3 be at least ten percent and not more than fifty percent of the  
4 total cost of the establishment, improvements, operation, and  
5 maintenance of the home. This subsection is repealed July 1,  
6 2023.

7 4. The director, the director of the department of human  
8 rights, or a designee of the director of the department of  
9 human rights shall adopt minimal rules and standards for the  
10 establishment, maintenance, and operation of such homes as  
11 shall be necessary to effect the purposes of [this chapter](#). The  
12 rules shall apply the requirements of [section 237.8](#), concerning  
13 employment and evaluation of persons with direct responsibility  
14 for a child or with access to a child when the child is  
15 alone and persons residing in a child foster care facility,  
16 to persons employed by, residing in, or volunteering for a  
17 home approved under [this section](#). The director shall, upon  
18 request, give guidance and consultation in the establishment  
19 and administration of the homes and programs for the homes.  
20 This subsection is repealed July 1, 2023.

21 5. The director, the director of the department of human  
22 rights, or a designee of the director of the department of  
23 human rights shall approve annually all such homes established  
24 and maintained under the provisions of [this chapter](#). A home  
25 shall not be approved unless it complies with minimal rules and  
26 standards adopted by the director and has been inspected by the  
27 department of inspections and appeals. The statewide number  
28 of beds in the homes approved by the director shall not exceed  
29 two hundred seventy-two beds beginning July 1, 2017. This  
30 subsection is repealed July 1, 2023.

31 6. A juvenile detention home fund is created in the  
32 state treasury under the authority of the department or the  
33 department of human rights as the department and the department  
34 of human rights agree. The fund shall consist of moneys  
35 deposited in the fund pursuant to [section 602.8108](#). The moneys



1 in the fund shall be used for the costs of the establishment,  
2 improvement, operation, and maintenance of county or  
3 multicounty juvenile detention homes in accordance with annual  
4 appropriations made by the general assembly from the fund for  
5 these purposes. This subsection is repealed July 1, 2023.

6 Sec. 68. Section 232.142, Code 2022, is amended by adding  
7 the following new subsections:

8 NEW SUBSECTION. 7. A county or multicounty juvenile  
9 detention home approved pursuant to this section shall receive  
10 financial aid from the state in a manner approved by the  
11 director of the department of human rights or a designee of the  
12 director of the department of human rights. Aid paid by the  
13 state shall be at least ten percent and not more than fifty  
14 percent of the total cost of the establishment, improvements,  
15 operation, and maintenance of the home.

16 NEW SUBSECTION. 8. The director of the department of  
17 human rights or a designee of the director of the department  
18 of human rights shall adopt minimal rules and standards for  
19 the establishment, maintenance, and operation of such homes as  
20 shall be necessary to effect the purposes of this chapter. The  
21 rules shall apply the requirements of section 237.8, concerning  
22 employment and evaluation of persons with direct responsibility  
23 for a child or with access to a child when the child is  
24 alone and persons residing in a child foster care facility,  
25 to persons employed by, residing in, or volunteering for a  
26 home approved under this section. The director shall, upon  
27 request, give guidance and consultation in the establishment  
28 and administration of the homes and programs for the homes.

29 NEW SUBSECTION. 9. The director of the department of human  
30 rights or a designee of the director of the department of human  
31 rights shall approve annually all such homes established and  
32 maintained under the provisions of this chapter. A home shall  
33 not be approved unless it complies with minimal rules and  
34 standards adopted by the director and has been inspected by the  
35 department of inspections and appeals. The statewide number

1 of beds in the homes approved by the director shall not exceed  
2 two hundred seventy-two beds.

3 NEW SUBSECTION. 10. The juvenile detention home fund in the  
4 state treasury shall be under the authority of the department  
5 of human rights. The fund shall consist of moneys deposited in  
6 the fund pursuant to section 602.8108. The moneys in the fund  
7 shall be used for the costs of the establishment, improvement,  
8 operation, and maintenance of county or multicounty juvenile  
9 detention homes in accordance with annual appropriations made  
10 by the general assembly from the fund for these purposes.

11 DIVISION X

12 JUVENILE JUSTICE REFORM — DECATEGORIZATION OF CHILD WELFARE  
13 AND JUVENILE JUSTICE FUNDING INITIATIVE — EARLY INTERVENTION  
14 PROGRAMS

15 Sec. 69. Section 232.188, subsection 5, paragraph b,  
16 unnumbered paragraph 1, Code 2022, is amended to read as  
17 follows:

18 Notwithstanding [section 8.33](#), moneys designated for a  
19 project's decategorization services funding pool that remain  
20 unencumbered or unobligated at the close of the fiscal year  
21 shall not revert but shall remain available for expenditure as  
22 directed by the project's governance board for child welfare  
23 and juvenile justice systems enhancements and other purposes  
24 of the project for the next ~~two~~ three succeeding fiscal years.  
25 Such moneys shall be known as "*carryover funding*". Moneys may  
26 be made available to a funding pool from one or more of the  
27 following sources:

28 Sec. 70. NEW SECTION. 232.192 **Early intervention and**  
29 **follow-up programs.**

30 Contingent on a specific appropriation for these purposes,  
31 juvenile court services shall do the following:

32 1. Develop or expand programs providing specific life  
33 skills and interpersonal skills training for adjudicated  
34 delinquent youth who pose a low or moderate risk to the  
35 community.

1 2. Develop or expand a school-based program addressing  
2 truancy and school behavioral problems for youth ages twelve  
3 through seventeen.

4 3. Develop or expand an intensive tracking and supervision  
5 program for adjudicated delinquent youth at risk for placement  
6 who have been released from resident facilities, which shall  
7 include telephonic or electronic tracking and monitoring and  
8 intervention by juvenile authorities.

9 4. Develop or expand supervised community treatment  
10 for adjudicated delinquent youth who experience significant  
11 problems and who constitute a moderate community risk.

12 DIVISION XI

13 CONFORMING CODE CHANGES

14 Sec. 71. Section 232.52, subsection 3, paragraph c, Code  
15 2022, is amended to read as follows:

16 c. Notwithstanding [subsection 2](#), the court shall not order  
17 group foster care placement of the child which is a charge  
18 upon the state ~~if that placement is not in accordance with the~~  
19 ~~service area plan for group foster care established pursuant to~~  
20 ~~[section 232.143](#) for the departmental service area in which the~~  
21 ~~court is located~~ unless the group foster care placement meets  
22 requirements as established by the department by rule.

23 Sec. 72. Section 232.70, subsection 4, Code 2022, is amended  
24 by striking the subsection.

25 Sec. 73. Section 232.71B, subsection 16, Code 2022, is  
26 amended to read as follows:

27 16. *Conclusion of family assessment.* At the conclusion  
28 of a family assessment, the department shall transfer the  
29 case, if appropriate, to a contracted provider to review the  
30 service plan for the child and family. The contracted provider  
31 shall make a referral to the department abuse hotline if a  
32 family's noncompliance with a service plan places a child at  
33 risk. If any of the criteria for child abuse as defined in  
34 section 232.68, subsection 2, paragraph "a", are met, the  
35 department shall commence a child abuse assessment. If any of

1 the criteria for a child in need of assistance, ~~as defined in~~  
2 pursuant to section 232.2, subsection 6 232.96A, are met, the  
3 department shall determine whether to request a child in need  
4 of assistance petition.

5 Sec. 74. Section 232.83, subsection 2, unnumbered paragraph  
6 1, Code 2022, is amended to read as follows:

7 Anyone authorized to conduct a preliminary investigation  
8 in response to a complaint may apply for, or the court on its  
9 own motion may enter an ex parte order authorizing a physician  
10 or hospital to conduct an outpatient physical examination or  
11 authorizing a physician, a psychologist certified under section  
12 154B.7, or a community mental health center accredited pursuant  
13 to chapter 230A to conduct an outpatient mental examination of  
14 a child if necessary to identify the nature, extent, and causes  
15 of any injuries, emotional damage, or other such needs of a  
16 child as specified in section 232.2, subsection 6, paragraph  
17 ~~"e", "e", or "f"~~ 232.96A, subsection 3, 5, or 6, provided that  
18 all of the following apply:

19 Sec. 75. Section 232.89, subsection 5, Code 2022, is amended  
20 by striking the subsection.

21 Sec. 76. Section 232.98, subsection 1, paragraph b,  
22 subparagraph (1), Code 2022, is amended to read as follows:

23 (1) Probable cause exists to believe that the child is  
24 a child in need of assistance pursuant to ~~section 232.2,~~  
25 subsection 6, paragraph "e" or "f" 232.96A, subsection 5 or 6.

26 Sec. 77. Section 232.102, subsection 9, unnumbered  
27 paragraph 1, Code 2022, is amended to read as follows:

28 An agency, facility, institution, or person to whom custody  
29 of the child has been transferred pursuant to this section  
30 shall file a written report with the court at least every six  
31 months concerning the status and progress of the child. The  
32 court shall hold a periodic dispositional review hearing for  
33 each child in placement pursuant to this section in order  
34 to determine whether the child should be returned home,  
35 an extension of the placement should be made, a permanency

1 hearing should be held, or a termination of the parent-child  
2 relationship proceeding should be instituted. The placement  
3 shall be terminated and the child returned to the child's home  
4 if the court finds by a preponderance of the evidence that the  
5 child will not suffer harm in the manner specified in section  
6 ~~232.2, subsection 6~~ 232.96A. If the placement is extended,  
7 the court shall determine whether additional services are  
8 necessary to facilitate the return of the child to the child's  
9 home, and if the court determines such services are needed, the  
10 court shall order the provision of such services. When the  
11 child is not returned to the child's home and if the child has  
12 been previously placed in a licensed foster care facility, the  
13 department or agency responsible for the placement of the child  
14 shall consider placing the child in the same licensed foster  
15 care facility.

16 Sec. 78. Section 232.117, subsection 5, Code 2022, is  
17 amended to read as follows:

18 5. If after a hearing the court does not order the  
19 termination of parental rights but finds that there is clear  
20 and convincing evidence that the child is a child in need  
21 of assistance, ~~under~~ pursuant to section ~~232.2, subsection~~  
22 ~~6~~ 232.96A, due to the acts or omissions of one or both of  
23 the child's parents the court may adjudicate the child to  
24 be a child in need of assistance and may enter an order in  
25 accordance with the provisions of [section 232.100](#), [232.101](#),  
26 [232.102](#), or [232.104](#).

27 Sec. 79. Section 234.6, subsection 1, paragraph e,  
28 subparagraph (3), Code 2022, is amended to read as follows:

29 (3) Family-centered services, as defined in section  
30 ~~232.102, subsection 10, paragraph "b"~~ 232.102A, subsection 1,  
31 paragraph "b".

32 Sec. 80. Section 234.35, subsection 1, paragraph e, Code  
33 2022, is amended to read as follows:

34 e. When a court has entered an order transferring the legal  
35 custody of the child to a foster care placement pursuant to

1 section 232.46, [section 232.52](#), [subsection 2](#), paragraph “d”,  
2 or [section 232.102](#), [subsection 1](#). However, payment shall not  
3 be made for a group foster care placement ~~shall be limited to~~  
4 ~~those placements which conform to a service area group foster~~  
5 ~~care plan established pursuant to [section 232.143](#)~~ unless the  
6 group foster care meets requirements as established by the  
7 department by rule.

8 Sec. 81. Section 234.35, subsection 1, paragraph i, Code  
9 2022, is amended by striking the paragraph.

10 Sec. 82. Section 234.35, subsection 3, paragraph a, Code  
11 2022, is amended to read as follows:

12 a. For a child who is eighteen years of age or older, family  
13 foster care or ~~independent living arrangements~~ supervised  
14 apartment living.

15 Sec. 83. Section 234.35, subsection 3, paragraph b, Code  
16 2022, is amended by striking the paragraph.

17 Sec. 84. Section 234.35, subsection 4, Code 2022, is amended  
18 by striking the subsection.

19 Sec. 85. Section 237.21, subsection 5, Code 2022, is amended  
20 to read as follows:

21 5. Members of the state board and local boards, court  
22 appointed special advocates, and the employees of the  
23 department and the department of inspections and appeals are  
24 subject to standards of confidentiality pursuant to sections  
25 217.30, [228.6](#), [subsection 1](#), [sections 235A.15](#), [600.16](#),  
26 and [600.16A](#). Members of the state and local boards, court  
27 appointed special advocates, and employees of the department  
28 and the department of inspections and appeals who disclose  
29 information or records of the board or department, other than  
30 as provided in [subsections 2, 3, and 4](#), ~~sections 232.89~~ and  
31 section 232.126, and [section 237.20](#), [subsection 2](#), are guilty  
32 of a simple misdemeanor.

33 Sec. 86. Section 709A.5, Code 2022, is amended to read as  
34 follows:

35 **709A.5 Interpretative clause.**

1 For the purposes of *this chapter* the word “*dependency*”  
2 shall mean all the conditions as enumerated in section ~~232.27~~,  
3 ~~subsection 6~~ 232.96A.

4 DIVISION XII

5 REPEALS

6 Sec. 87. REPEAL. Sections 232.107, 232.143, 232.175,  
7 232.176, 232.177, 232.178, 232.179, 232.180, 232.181, 232.182,  
8 232.183, 232.195, and 232.196, Code 2022, are repealed.

9 Sec. 88. FUTURE REPEAL. Sections 232.189 and 232.191, Code  
10 2022, are repealed effective July 1, 2023.

11 DIVISION XIII

12 EFFECTIVE DATES

13 Sec. 89. EFFECTIVE DATE. The following take effect July 1,  
14 2023:

15 1. The section of this Act enacting section 232.142,  
16 subsections 7, 8, 9, and 10.

17 2. The section of this Act enacting section 232.192.

18 EXPLANATION

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

21 This bill relates to juvenile justice.

22 DIVISION I — JUVENILE JUSTICE — CONSTRUCTION AND

23 DEFINITIONS. The bill revises the rules of construction for  
24 interpreting Code chapter 232 (juvenile justice) to specify  
25 that when a child is removed from the control of the child’s  
26 parents, a court must secure the least restrictive care for  
27 the child’s placement with a preference for placement with the  
28 child’s family or fictive kin.

29 The bill includes revised definitions and new definitions  
30 for purposes of Code chapter 232. The bill redefines “child  
31 in need of assistance” as a child who has been found to meet  
32 the grounds for adjudication in a child in need of assistance  
33 proceeding. The bill transfers portions of the Code concerning  
34 when a child qualifies as a child in need of assistance to new  
35 Code section 232.96A.

1 The bill redefines "court appointed special advocate"  
2 as a person duly certified by the child advocacy board for  
3 participation in the court appointed special advocate program  
4 and appointed by the court to carry out the duties enumerated  
5 in new Code section 237.24 (court appointed special advocates).

6 The bill defines "fictive kin" as an adult person who is  
7 not a relative of a child but who has an emotionally positive  
8 significant relationship with the child or the child's family.

9 The bill defines "foster care" as the provision of parental  
10 nurturing, including but not limited to the furnishing of food,  
11 lodging, training, education, supervision, treatment, or other  
12 care, to a child on a full-time basis by a person, including an  
13 adult relative or fictive kin of the child, and where the child  
14 is under the placement, care, or supervision of the department  
15 of human services (DHS), juvenile court services, or a tribe  
16 with whom DHS has entered into an agreement pursuant to a court  
17 order or voluntary placement, but not including a guardian of  
18 the child.

19 The bill redefines "guardian" as a person who is not the  
20 parent of a child, but who has been appointed by a court  
21 having jurisdiction over the child, to have a permanent  
22 self-sustaining relationship with the child and to make  
23 important decisions which have a permanent effect on the life  
24 and development of that child and to promote the general  
25 welfare of that child. A guardian may be a court. Guardian

26 does not mean conservator, although a person who is appointed  
27 to be a guardian may also be appointed to be a conservator.

28 The bill redefines "guardian ad litem" (GAL) as a person  
29 appointed by the court to represent the interests of a child in  
30 any judicial proceeding to which the child is a party.

31 The bill requires a court to make a finding of good cause  
32 before enlarging or circumscribing the duties of a GAL in a  
33 juvenile justice matter.

34 The bill requires a GAL to submit a written report to the  
35 juvenile court and to each of the parties detailing how the



1 GAL complied with the required duties of a GAL. If the GAL  
2 is also appointed to represent the child as an attorney, the  
3 written report must contain an assessment of this dual role and  
4 whether there is a need for the court to appoint a separate  
5 GAL. Written reports must be submitted for each court hearing  
6 unless otherwise ordered by the court.

7 The bill requires a GAL to provide a sibling of a child  
8 who was not placed with the child with the reasons why the  
9 child and the sibling have not been placed together and an  
10 explanation of the efforts being made to facilitate placement  
11 together or why efforts to place the child and sibling together  
12 are not appropriate. This requirement shall not apply if the  
13 sibling's age or mental state makes it inappropriate to give  
14 such explanations.

15 The bill creates minimum requirements that a GAL must adhere  
16 to when formulating a position which serves the best interests  
17 of the child.

18 The bill removes "neglect" from the definition of "child  
19 abuse and neglect", and creates a new definition of "neglect"  
20 as the failure on the part of a person responsible for the care  
21 of a child to provide for the adequate food, shelter, clothing,  
22 medical or mental health treatment, supervision, or other care  
23 necessary for the child's health and welfare when financially  
24 able to do so, or when offered financial or other reasonable  
25 means to do so.

26 The bill defines "putative father" as a person who has  
27 been identified by the mother of a child as the child's  
28 potential biological father or a person who claims to be the  
29 biological father of a child and who was not married to the  
30 child's mother at the time of the child's birth when all of  
31 the following apply: biological testing has not excluded the  
32 person as the child's biological father; no legal father has  
33 been established, biological testing excludes the previously  
34 identified father, or previous paternity has otherwise been  
35 disestablished; information sufficient to identify and find

1 the person has been provided to the county attorney by the  
2 mother, the person, or a party to any proceedings under Code  
3 chapter 232; and the person has not been found by a court to be  
4 uncooperative with genetic testing.

5 The bill redefines "relative" as an individual related  
6 to the child within the fourth degree of consanguinity or  
7 affinity, by marriage, or through adoption. For the purposes  
8 of child in need of assistance matters and terminations of  
9 parental rights, "relative" includes the parent of a sibling of  
10 the child if the sibling's parent's parental rights were not  
11 previously terminated in relation to the child.

12 The bill redefines "sibling" as an individual who is related  
13 to another individual by blood, adoption, or affinity through  
14 a common legal or biological parent, regardless of whether a  
15 common legal or biological parent's parental rights have been  
16 terminated.

17 The bill includes matters involving minor guardianships as  
18 a matter that is restricted solely to the jurisdiction of the  
19 juvenile court.

20 DIVISION II — JUVENILE DELINQUENCY PROCEEDINGS — TAKING  
21 A CHILD INTO CUSTODY. The bill removes the option for a peace  
22 officer who believes a child has run away from home to place a  
23 child in a runaway assessment center.

24 DIVISION III — JUVENILE DELINQUENCY PROCEEDINGS — JUDICIAL  
25 PROCEEDINGS. The bill allows a service of summons or notice  
26 in juvenile delinquency proceedings and termination of  
27 parent-child relationship proceedings to be made by publication  
28 if a court believes service would otherwise be impracticable.

29 The bill allows a court to waive the requirement for  
30 reasonable efforts to prevent the permanent removal of a child  
31 from the child's home when the parent has been convicted of  
32 the murder of another child; the parent has been convicted of  
33 the voluntary manslaughter of another child; the parent has  
34 been convicted of aiding or abetting, attempting, conspiring  
35 in, or soliciting the commission of the murder or voluntary

1 manslaughter of another child; or the parent has been convicted  
2 of a felony assault which resulted in serious bodily injury of  
3 the child or of another child.

4 DIVISION IV — CHILD IN NEED OF ASSISTANCE — CHILD ABUSE  
5 REPORTING, ASSESSMENT, AND REHABILITATION. The bill revises  
6 the state's legislative findings establishing the purpose  
7 and policy of child in need of assistance proceedings to  
8 provide that the state recognizes that removing a child from  
9 the child's family will cause the child harm and that the  
10 harm caused by a child's removal must be weighed against the  
11 potential harm in allowing a child to remain with the child's  
12 family.

13 The bill requires an allegation of child abuse based on  
14 the failure to provide certain care to the child or for the  
15 unlawful use, possession, manufacturing, cultivating, or  
16 distribution of certain dangerous substances to be reported to  
17 DHS within five years of a report in order to qualify as child  
18 abuse.

19 The bill requires all reports of possible child abuse to  
20 be made orally by both mandatory reporters and permissive  
21 reporters to DHS.

22 The bill requires multidisciplinary teams to assist in the  
23 provision of services subsequent to the assessment, diagnosis,  
24 and disposition of a child abuse assessment upon request by  
25 DHS.

26 DIVISION V — CHILD IN NEED OF ASSISTANCE PROCEEDINGS —  
27 TEMPORARY CUSTODY OF A CHILD. The bill requires a court,  
28 prior to ordering a temporary removal of a child pursuant to  
29 an ex parte order, to make a finding that substantial evidence  
30 exists to demonstrate that the need for removal outweighs the  
31 potential harm removal of a child from a child's family would  
32 cause the child, including but not limited to any physical,  
33 emotional, social, and mental trauma the removal may cause the  
34 child. The bill requires a court, in any order for temporary  
35 removal of a child, to make a finding that the necessity of

1 the removal of the child from the child's home, due to an  
2 imminent risk to the child's life or health, is greater than  
3 the potential harm including but not limited to physical,  
4 emotional, social, and mental trauma the removal of the child  
5 may cause the child.

6 The bill requires that, if the juvenile court determines  
7 that a child's custody should be temporarily removed from the  
8 child's home pursuant to an ex parte order, the court shall  
9 consider placing the child in the temporary custody to another  
10 parent of the child. If the juvenile court determines custody  
11 with any of the child's parents is not in the child's best  
12 interests, custody shall be transferred to DHS for placement of  
13 the child in any of the following categories in the following  
14 order of priority: an adult relative of the child, including  
15 but not limited to adult siblings and parents of siblings; a  
16 fictive kin; any other suitable placement identified by the  
17 child's relatives; an individual licensed to provide foster  
18 care; or a group care facility, shelter care facility, or other  
19 residential treatment facility. If a child is placed with a  
20 licensed foster care provider, DHS must assign decision-making  
21 authority to the foster care provider for the purpose of  
22 applying the reasonable and prudent parent standard during the  
23 child's placement.

24 The bill provides that if a court places custody of a child  
25 with DHS for temporary placement of a child, the court may  
26 identify a category for placement of the child, but DHS shall  
27 select the specific person or facility placement subject to  
28 court review upon the request of an interested party. The  
29 court shall give deference to DHS's decision, and a party  
30 opposed to the decision shall have the burden to prove DHS  
31 failed to act in the child's best interests by unreasonably or  
32 irresponsibly failing to find suitable placement for the child.

33 The bill requires a court to make a specific finding that  
34 placement with an adult relative is not in the child's best  
35 interests and provide reasons for the finding before a court

1 may order placement of a child in a category consisting of  
2 nonrelatives.

3 The bill requires a peace officer or juvenile court officer  
4 who takes a child into custody, a physician treating a child,  
5 or a peace officer, physician, or medical security personnel  
6 authorized by a juvenile court officer to take a child into  
7 custody to make every reasonable effort to place the child with  
8 an adult relative of the child or a fictive kin.

9 The bill requires a peace officer who has determined a child  
10 does not have adult supervision because the child's parent,  
11 guardian, or other person responsible for the care of the  
12 child has been arrested and detained or has been unexpectedly  
13 incapacitated, and that no adult who is legally responsible for  
14 the care of the child can be located within a reasonable period  
15 of time, to attempt to place the child with an adult relative  
16 of the child or a fictive kin of the child.

17 The bill defines "safety plan" as a short-term, time-limited  
18 agreement entered into between DHS and a child's parent  
19 designed to address signs of imminent or impending danger to  
20 a child as identified by DHS. The bill allows DHS to enter  
21 into a safety plan with a child's parent upon a determination  
22 by DHS that potential harm to a child may be mitigated by the  
23 development of a safety plan. The bill provides that the  
24 implementation of a safety plan shall not be construed as a  
25 removal from parental custody absent a court order placing  
26 the child with a person or facility other than the parent who  
27 entered into the safety plan. The bill directs DHS to adopt  
28 rules to implement the new Code section relating to safety  
29 plans.

30 The bill allows a court to enter an ex parte order removing  
31 an alleged domestic abuser from a child's home if a court, DHS,  
32 a juvenile court officer, or a county attorney alleges that the  
33 alleged domestic abuser has committed domestic abuse against or  
34 in the presence of a child upon a showing that probable cause  
35 exists to believe that the domestic abuse has occurred and that

1 substantial evidence exists to believe that the presence of the  
2 alleged domestic abuser in the child's residence presents a  
3 danger to the child's life or physical, emotional, or mental  
4 health.

5 The bill allows a court or alleged domestic abuser to file a  
6 motion for a hearing to determine whether the order to vacate  
7 the residence should be upheld, modified, or vacated.

8 The bill requires a hearing to be held within 30 days of  
9 removal of an alleged sexual offender, physical abuser, or  
10 domestic abuser from a child's residence.

11 The bill requires that, unless custody of a child is  
12 transferred from one of the child's parents to another parent  
13 of the child, within 30 days after the entry of an order  
14 removing the child from the custody of the child's parent or  
15 parents, DHS, juvenile court services, or a private agency must  
16 exercise due diligence in identifying and providing notice  
17 to the child's grandparents, aunts, uncles, adult siblings,  
18 parents of the child's siblings, and adult relatives suggested  
19 by the child's parents, subject to exceptions due to the  
20 presence of family or domestic violence.

21 The bill authorizes DHS, juvenile court services, or a  
22 private agency to share information as necessary to explore  
23 a child's potential placement with any of the child's  
24 grandparents, aunts, uncles, adult siblings, parents of the  
25 child's siblings, and adult relatives suggested by the child's  
26 parents, subject to exceptions due to the presence of family or  
27 domestic violence.

28 The bill requires DHS to provide notice of a child's  
29 transfer of custody to grandparents, aunts, uncles, adult  
30 siblings, parents of the child's siblings, and adult relatives  
31 suggested by the child's parents who were later discovered by  
32 or identified to DHS within 30 days of that individual becoming  
33 known to DHS.

34 DIVISION VI — CHILD IN NEED OF ASSISTANCE PROCEEDINGS —  
35 JUDICIAL PROCEEDINGS. The bill allows putative fathers the

1 right to counsel in connection with child in need of assistance  
2 hearings and proceedings.

3 The bill requires a court to appoint separate legal counsel  
4 for a child if that child is represented by counsel and there  
5 is a conflict of interest between the counsel and the child's  
6 putative father.

7 The bill allows a court to appoint a separate person for a  
8 child's counsel and the child's GAL if the same person cannot  
9 properly represent the child's best interests in accordance  
10 with the framework established in the definition of a GAL.

11 The bill requires that if a child's GAL is also acting as  
12 legal counsel for the child, each report submitted to a court  
13 by the GAL shall contain a statement indicating whether a  
14 separate GAL is required based on the GAL's interviews and  
15 investigations conducted until the time the GAL submits a  
16 report to the court.

17 The bill prohibits a court from appointing a court-appointed  
18 special counsel as a GAL.

19 The bill requires a child's parent to be made a party to a  
20 child in need of assistance proceeding.

21 The bill allows an agency, facility, institution, relative  
22 with a substantial relationship to the child, fictive kin, or  
23 individual providing custodial care to the child to petition  
24 a court to be made a party to a child in need of assistance  
25 proceeding.

26 The bill creates the presumption that it is in the best  
27 interests of a child 10 years of age or older to attend all  
28 child in need of assistance hearings.

29 The bill prohibits any continuances in a child in need of  
30 assistance or termination of parental rights proceeding except  
31 upon a showing of good cause.

32 The bill provides that upon a hearing regarding temporary  
33 removal of a child from a child's home after the filing of a  
34 child in need of assistance petition, a court may return the  
35 child to a person with legal custody of the child pending a

1 final order of disposition; authorize a physician or hospital  
2 to provide medical or surgical procedures if such procedures  
3 are necessary to safeguard the child's life or health; remove  
4 the child from home and place the child with a parent of the  
5 child pending a final order of disposition; or remove the child  
6 from home and place custody of the child with DHS for placement  
7 of the child, pending a final order of disposition, in any of  
8 the following categories in the following order of priority:  
9 an adult relative of the child, including but not limited to  
10 adult siblings and parents of siblings; a fictive kin; any  
11 other suitable placement identified by the child's relatives;  
12 an individual licensed to provide foster care; or a group care  
13 facility, shelter care facility, or other residential treatment  
14 facility. If the child is placed with a licensed foster care  
15 provider, the bill requires DHS to assign decision-making  
16 authority to the foster care provider for the purpose of  
17 applying the reasonable and prudent parent standard during the  
18 child's placement.

19 The bill requires a court that orders the temporary removal  
20 of a child pursuant to the filing of a child in need of  
21 assistance petition to make a determination that continuation  
22 of the child in the child's home would be contrary to the  
23 welfare of the child, that reasonable efforts have been made  
24 to prevent or eliminate the need for removal of the child from  
25 the child's home, and that substantial evidence exists to  
26 demonstrate that the need for removal due to an imminent risk  
27 to the child's life or health is greater than the potential  
28 harm including but not limited to any physical, emotional,  
29 social, or mental trauma the removal may cause the child.

30 The bill requires a court to make a determination regarding  
31 continuation of the child in the child's home, and regarding  
32 reasonable efforts, including those made to prevent removal  
33 and those made to finalize any permanency plan in effect, as  
34 well as any determination by the court that reasonable efforts  
35 are not required, on a case-by-case basis. The grounds for



1 each determination must be explicitly documented and stated in  
2 the court order while giving the preservation of the safety  
3 of the child paramount consideration. If imminent danger to  
4 the child's life or health exists at the time of the court's  
5 consideration, the determinations otherwise required must not  
6 be a prerequisite for an order for temporary removal of the  
7 child.

8 The bill provides that if a court places temporary custody  
9 of a child with DHS after the filing of a child in need of  
10 assistance petition, the court may identify a category for  
11 placement of the child, but DHS shall have the authority to  
12 select the specific person or facility within that category  
13 for placement, subject to court review upon the request of an  
14 interested party. The court shall give deference to DHS's  
15 placement decision, and the party opposed to DHS's decision  
16 shall have the burden to prove DHS failed to act in the child's  
17 best interests by unreasonably or irresponsibly failing to  
18 select suitable placement for the child.

19 The bill prohibits a court from ordering temporary placement  
20 of a child in a category consisting of nonrelatives without  
21 a specific finding that placement with an adult relative is  
22 not in the child's best interest and providing reasons for the  
23 finding.

24 The bill requires a court order removing a child from  
25 the child's parent after the filing of a child in need of  
26 assistance petition to include a statement informing the  
27 child's parent that the consequences of a permanent removal may  
28 include termination of the parent's rights with respect to the  
29 child.

30 The bill allows a report, study, record, or other writing or  
31 an audiotape or videotape recording made by a child protection  
32 center to be admitted into evidence in a child in need of  
33 assistance proceeding.

34 The bill allows a court that determines a child is a child  
35 in need of assistance to order the temporary removal of a

1 child from the child's home. If the court does order such a  
2 removal, the court may place the child with a parent of the  
3 child pending a final order of disposition or remove the child  
4 from home and place custody of the child with DHS for placement  
5 of the child, pending a final order of disposition, with any of  
6 the following in order of priority: an adult relative of the  
7 child, including but not limited to adult siblings and parents  
8 of siblings; a fictive kin; any other suitable placement  
9 identified by the child's relatives; an individual licensed to  
10 provide foster care; or a group care facility, shelter care  
11 facility, or other residential treatment. If the child is  
12 placed with a licensed foster care provider, the bill requires  
13 DHS to assign decision-making authority to the foster care  
14 provider for the purpose of applying the reasonable and prudent  
15 parent standard during the child's placement.

16 The bill requires orders for temporary removal of a child  
17 after determining a child to be a child in need of assistance  
18 to include a determination that substantial evidence exists to  
19 demonstrate that the need for removal due to an imminent risk  
20 to the child's life or health is greater than the potential  
21 harm including but not limited to any physical, emotional,  
22 social, or mental trauma the removal may cause the child, and,  
23 if the court orders a removal of a child for placement with a  
24 nonrelative, a specific finding that placement with an adult  
25 relative is not in the child's best interest and reasons for  
26 the finding.

27 The bill provides that if the court places custody of a child  
28 with DHS after ordering the temporary removal of the child, the  
29 court may identify a category of individuals or facilities as  
30 previously specified for placement of the child, but DHS shall  
31 have the authority to select the specific person or facility  
32 within that category for placement, subject to court review  
33 upon the request of an interested party. The court shall give  
34 deference to DHS's placement decision, and the party opposed to  
35 DHS's decision shall have the burden to prove DHS failed to act

1 in the child's best interests by unreasonably or irresponsibly  
2 failing to select suitable placement for the child.

3 The bill requires DHS to file a copy of a social  
4 investigation report created pursuant to a child in need of  
5 assistance proceeding with the court, and the court shall  
6 restrict access to the social investigation report to the  
7 counsel for the child, counsel for the child's parent,  
8 guardian, or custodian, DHS, the state's counsel, the court  
9 appointed special advocate, a local foster care review board,  
10 the county attorney, and the GAL.

11 The bill authorizes a court, in the court's discretion, to  
12 order counsel not to disclose parts of a social investigation  
13 report to the child, or to the parent, guardian, or custodian  
14 of the child.

15 The bill provides that a child's parent, guardian, or foster  
16 parent or other person with custody of or providing substantial  
17 care to a child in need of assistance shall be provided with  
18 information from a social investigative report indicating the  
19 child or parent has behaved in a manner that threatened the  
20 safety of another person, has committed a violent act causing  
21 bodily injury to another person, has committed sexual abuse,  
22 or has been a victim of sexual abuse, unless otherwise ordered  
23 by the court.

24 The bill allows a court, after a dispositional hearing, to  
25 enter an order transferring the legal custody of the child to  
26 a parent of the child. If the court determines that custody  
27 with the child's parents is not in the child's best interests,  
28 custody shall be transferred to DHS for placement of the child  
29 in the same manner as a temporary removal of a child.

30 The bill prohibits a court from ordering group foster care  
31 placement of a child which is a charge upon the state unless  
32 that placement is in compliance with procedures established by  
33 DHS by rule.

34 The bill eliminates a requirement that a court review and  
35 address a child's participation in developmentally appropriate

1 extracurricular activities.

2 The bill moves Code language concerning the definition of  
3 "reasonable efforts" and "family-centered services" to new Code  
4 section 232.102A for purposes of child in need of assistance  
5 proceedings.

6 The bill allows DHS or juvenile court services to authorize  
7 reasonable visitation between a child and the child's adult  
8 relative or fictive kin unless prohibited by court order or DHS  
9 or juvenile court services finds that allowing the visitation  
10 would not be in the child's best interest.

11 The bill requires that interactions between a child and the  
12 child's family continue regardless of a parent's failure to  
13 comply with requirements of the court or DHS, provided there  
14 is no finding by a court or DHS that such interaction would be  
15 detrimental to the child.

16 The bill allows a child's parent, guardian, or custodian to  
17 file a motion to terminate, modify, or vacate and substitute  
18 a dispositional order at least once every 60 days except with  
19 leave of the court for good cause shown.

20 The bill requires a court-appointed attorney to be paid by  
21 the state public defender's office for work done relating to a  
22 bridge order.

23 The bill allows a court at a child's permanency hearing to  
24 order a transfer of guardianship and custody of the child to an  
25 adult relative, fictive kin, or other suitable person.

26 The bill requires a court, when entering a permanency order  
27 for a child, to transfer the legal custody of the child to  
28 a parent of the child. If the court finds that custody of  
29 the child with the child's parents is not in the child's best  
30 interests, custody must be transferred to DHS for placement of  
31 the child in the same manner as temporary placement of a child.

32 The bill requires that, if a court that orders the transfer  
33 of custody of a child and siblings for placement, reasonable  
34 efforts shall be made to place the child and siblings together  
35 whenever possible and if placement together is in the best

1 interests of each child. This requirement remains applicable  
2 to custody transfer orders made at separate times, provided the  
3 requirement will not jeopardize the stability of placements and  
4 is in the best interest of each child. This requirement also  
5 applies in addition to efforts made to place the child with an  
6 adult relative.

7 The bill requires a child's attorney or GAL, if custody of  
8 siblings is transferred but they are not placed in the same  
9 placement together, to provide the siblings with the reasons  
10 why and the efforts being made to facilitate such placement,  
11 or why making efforts for such placement is not appropriate.  
12 An explanation is not required if the siblings' ages or mental  
13 states make such an explanation inappropriate.

14 The bill requires that, unless visitation or ongoing  
15 interaction with siblings is suspended or terminated by the  
16 court, DHS or a private agency shall make reasonable efforts to  
17 place the siblings together and provide for visitation or other  
18 ongoing interaction between the child and the child's siblings.

19 The bill allows a person who wishes to assert a sibling  
20 relationship with a child who is subject to an order issued for  
21 an out-of-home placement to request visitation or other ongoing  
22 interaction with the child by filing a motion or petition with  
23 the court with jurisdiction over the child.

24 DIVISION VII — TERMINATION OF PARENT-CHILD RELATIONSHIP  
25 PROCEEDINGS. The bill requires a county attorney to file a  
26 petition for termination of a parent-child relationship and  
27 parental rights to a child or, if a petition has been filed,  
28 join in the petition if the child's parent has been convicted  
29 of murder or the voluntary manslaughter of another child;  
30 aiding or abetting, attempting, conspiring in, or soliciting  
31 the commission of the murder or voluntary manslaughter of  
32 another child; or a felony assault which resulted in serious  
33 bodily injury of the child or of another child.

34 The bill allows a court to authorize service by publication  
35 in termination of parent-child relationship proceedings if the

1 court determines that personal service is impracticable.

2 The bill provides that a court shall not require a finding  
3 of a nonaccidental physical injury when considering whether to  
4 terminate parental rights on the grounds a child subject to the  
5 proceeding, or a child who is a member of the same family of  
6 the child subject to the proceeding, was physically or sexually  
7 abused or neglected as the result of the acts or omissions of  
8 one or both parents.

9 The bill allows a court to terminate parental rights if a  
10 child has been adjudicated a child in need of assistance, the  
11 parent presents a danger to self or others as evidenced by  
12 prior acts, the parent has a severe substance-related disorder  
13 either as that term is defined in the most current edition of  
14 the diagnostic and statistical manual prepared by the American  
15 psychiatric association or as evidenced by prior acts, or the  
16 disorder is evidenced by continued and repeated use through  
17 the case when the parent refuses to obtain a substance abuse  
18 evaluation or treatment after given the opportunity to do so  
19 and there is clear and convincing evidence that the parent's  
20 prognosis indicates that the child will not be able to be  
21 returned to the custody of the parent within a reasonable  
22 period of time considering the child's age and need for a  
23 permanent home.

24 The bill allows a court to terminate parental rights if the  
25 court concludes that facts sufficient to sustain the petition  
26 have been established by clear and convincing evidence. If the  
27 court terminates the parental rights of the child's parent,  
28 the bill requires the court to transfer the guardianship and  
29 custody of the child to a parent of the child whose parental  
30 rights have not been terminated. If the court find that  
31 guardianship and custody with the child's parents is not in  
32 the child's best interests, the bill requires guardianship and  
33 custody to be transferred for placement of the child, with  
34 any of the following in order of priority: DHS if DHS had  
35 custody of the child at the time of the filing of the petition

1 for termination of parental rights, or if custody with DHS  
2 is necessary to facilitate the permanency or adoption goal,  
3 unless DHS waives its priority; an adult relative of the child,  
4 including but not limited to adult siblings or parents of  
5 siblings; a fictive kin; or a child-placing agency or other  
6 suitable private agency, facility, or institution which is  
7 licensed or otherwise authorized by law to receive and to  
8 provide care for the child.

9       The bill requires a court, when the court orders a  
10 termination of parental rights and siblings are not placed  
11 together but have an existing relationship, to order ongoing  
12 contact between the siblings if the court finds that visitation  
13 or ongoing interaction is in the best interest of each sibling.  
14 However, this requirement shall not be construed to require  
15 visitation between a child and a parent whose parental rights  
16 have been terminated for that child, even if a sibling remains  
17 with the parent.

18       The bill provides that a moving party or a party opposed to  
19 the actions taken by a court-appointed guardian has the burden  
20 to establish that the court-appointed guardian failed to act  
21 in the child's best interest by unreasonably or irresponsibly  
22 failing to discharge the guardian's duties in finding a  
23 suitable adoptive home for the child.

24       The bill requires a court to give deference to the decision  
25 of a court-appointed guardian in a termination of parental  
26 rights proceeding and prohibits the court from conducting a de  
27 novo review of the guardian's decision regarding placement.

28       DIVISION VIII — FAMILY IN NEED OF ASSISTANCE PROCEEDINGS.  
29 The bill prohibits a court from appointing a court appointed  
30 special advocate as a GAL.

31       The bill prohibits a court from ordering placement of a child  
32 in group foster care if such a placement would be a charge upon  
33 the state unless the group foster care meets requirements as  
34 established by DHS by rule.

35       The bill establishes the duties, limitations, and rights of

1 court appointed special advocates.

2 DIVISION IX — JUVENILE COURT EXPENSES AND COSTS — SHELTER  
3 AND DETENTION HOMES. The bill provides that if the actual and  
4 allowable costs of a child's shelter care placement exceed the  
5 amount the department of human services is authorized to pay,  
6 the unpaid costs may be recovered from the child's custodial  
7 parent's county of residence unless the group foster care meets  
8 requirements as established by DHS by rule.

9 The bill provides that the maximum amount of the unpaid  
10 costs which may be recovered from a child's custodial parent's  
11 county of residence for the child's shelter costs is limited  
12 to the difference between the amount DHS is authorized to pay  
13 and the statewide average of the actual and allowable rates as  
14 reasonably determined by DHS annually. The bill also limits  
15 the amount a home may be reimbursed to the lesser of the home's  
16 actual and allowable costs or the statewide average of the  
17 actual and allowable rates as determined by DHS and in effect  
18 on the date the costs were paid.

19 The bill requires a county or multicounty juvenile detention  
20 home to receive financial aid from the state in a manner  
21 approved by the director of DHS or the director of the  
22 department of human rights (DHR) or the director's designee.  
23 Beginning July 1, 2023, only the director of DHR or the DHR  
24 director's designee may approve the manner in which a county  
25 or multicounty juvenile detention home shall receive financial  
26 aid from the state.

27 The bill requires the director of DHS or the director of DHR  
28 or the director's designee to adopt minimal rules and standards  
29 for the establishment, maintenance, and operation of juvenile  
30 detention homes. Beginning July 1, 2023, only the director of  
31 DHR or the director's designee may adopt rules and standards  
32 for the establishment, maintenance, and operation of juvenile  
33 detention homes.

34 The bill allows the director of DHS or the director of DHR  
35 or the director's designee to annually approve all juvenile



1 detention homes. Beginning July 1, 2023, only the director of  
2 DHR or the director's designee will be required to approve the  
3 juvenile detention homes.

4 The bill gives authority over the juvenile detention home  
5 fund of the state treasury to DHS or DHR as DHS and DHR agree.  
6 Beginning July 1, 2023, only DHR shall have authority over the  
7 fund.

8 DIVISION X — DECATEGORIZATION OF CHILD WELFARE AND JUVENILE  
9 JUSTICE FUNDING INITIATIVE — EARLY INTERVENTION PROGRAMS.

10 The bill provides that moneys designated for a project's  
11 decategorization services funding pool that remain unencumbered  
12 or unobligated at the close of the fiscal year shall not revert  
13 but shall remain available for expenditure as directed by the  
14 project's governance board for child welfare and juvenile  
15 justice systems enhancements and other purposes of the project  
16 for the next three succeeding fiscal years.

17 The bill shifts responsibility from DHS to juvenile court  
18 services to develop or expand programs providing specific  
19 life skills and interpersonal skills training for adjudicated  
20 delinquent youth who pose a low or moderate risk to the  
21 community; develop or expand a school-based program addressing  
22 truancy and school behavioral problems for youth ages 12  
23 through 17; develop or expand an intensive tracking and  
24 supervision program for adjudicated delinquent youth at risk  
25 for placement who have been released from resident facilities,  
26 to include telephonic or electronic tracking and monitoring and  
27 intervention by juvenile authorities; and develop or expand  
28 supervised community treatment for adjudicated delinquent  
29 youth who experience significant problems and who constitute a  
30 moderate community risk.

31 DIVISION XI — CONFORMING CODE CHANGES. The bill makes  
32 conforming Code changes to Code sections 232.19(1)(c) (taking  
33 a child into custody); 232.52(3)(c) (group foster care  
34 placement for delinquent acts); 232.68(2)(a)(7)(a) (child abuse  
35 definition); 232.71B(16) (DHS duties — report of abuse);

1 232.83(2) (child sexual abuse); 232.98(1)(b)(1) (child in need  
2 of assistance, physical and mental examinations); 232.102(9)  
3 (child in need of assistance, transfer of legal custody of  
4 child and placement); 232.111(2)(a)(2) (termination of parental  
5 rights petition); 232.117(5) (terminations — findings —  
6 disposition); 232.126(2) (appointment of counsel and GAL);  
7 232.127(8) (hearing — adjudication — disposition); 232.189  
8 (reasonable efforts administrative requirements); 232.191  
9 (early intervention and follow-up programs); 234.6(1)(e)(3)  
10 (powers and duties of the administrator of the department of  
11 human services); 234.35(1) (when state to pay foster care  
12 costs), and 709A.5 (contributing to juvenile delinquency).

13 The bill allows DHS to pay for the family foster care or  
14 supervised apartment living of a child who is 18 years of age  
15 or older.

16 The bill eliminates the requirement that DHS report  
17 annually on the number of children for whom the state paid for  
18 independent living services during the immediately preceding  
19 fiscal year.

20 DIVISION XII — REPEALS. The bill repeals Code sections  
21 232.107 (parent visitation upon child's removal from child's  
22 home); 232.143 (service area group foster care budget targets);  
23 232.175 (placement oversight for child with a development  
24 disability placed in foster care); 232.176 (juvenile court  
25 jurisdiction over voluntary placement proceedings); 232.177  
26 (juvenile justice venue — voluntary placements); 232.178  
27 (juvenile justice voluntary placement petition); 232.179  
28 (appointment of counsel and guardian ad litem in voluntary  
29 placement proceedings); 232.180 (duties of county attorney  
30 in voluntary placement proceedings); 232.181 (social history  
31 report — voluntary placements); 232.182 (initial determination  
32 in voluntary placement proceedings); 232.183 (dispositional  
33 hearing — voluntary placements); 232.195 (runaway treatment  
34 plan); and 232.196 (runaway assessment center).

35 The bill sets a future repeal date of July 1, 2023, for

1 Code sections 232.189 (reasonable efforts administrative  
2 requirements) and 232.191 (early intervention and follow-up  
3 programs).

4 DIVISION XIII — EFFECTIVE DATES. The section of the bill  
5 providing DHR sole authority over the decategorization of child  
6 welfare and juvenile justice funding initiative and the section  
7 relating to early intervention and follow-up programs take  
8 effect July 1, 2023.