

House Study Bill 624 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS
BILL)

A BILL FOR

1 An Act relating to child welfare, including provisions relating
2 to foster care and the child advocacy board.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.2, subsection 9, Code 2022, is
2 amended to read as follows:

3 9. "*Court appointed special advocate*" means a person duly
4 certified by the child advocacy board created in section
5 237.16 for participation in the court appointed special
6 advocate program and appointed by the court to ~~represent the~~
7 ~~interests of a child in any judicial proceeding to which the~~
8 ~~child is a party or is called as a witness or relating to any~~
9 ~~dispositional order involving the child resulting from such~~
10 ~~proceeding~~ carry out the duties required by section 237.24.

11 Sec. 2. Section 237.15, Code 2022, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 4A. "*Fictive kin*" means a person who is not
14 a relative of a child but who has an emotionally significant
15 positive relationship with the child or the child's family.

16 Sec. 3. Section 237.16, Code 2022, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 4. The department and the department
19 of inspections and appeals shall jointly develop written
20 protocols detailing the responsibilities of each department
21 with regard to children under the purview of the state board.
22 The protocols shall be reviewed by the departments on an annual
23 basis.

24 Sec. 4. Section 237.17, Code 2022, is amended to read as
25 follows:

26 **237.17 Foster care registry.**

27 1. The state board shall establish a registry of the
28 placements of all children receiving foster care. The
29 ~~department~~ agency responsible for the placement shall notify
30 the state board of each placement ~~within five working days of~~
31 ~~the department's notification of the placement~~ in accordance
32 with written protocols adopted pursuant to section 237.16,
33 subsection 4. The notification ~~to the state board~~ shall
34 include information identifying the child receiving foster care
35 and placement information for that child.

1 2. ~~Within thirty days of the placement or two days after~~
2 ~~the dispositional hearing the~~ The agency responsible for the
3 placement shall submit the case permanency plan and all case
4 permanency plan revisions to ~~the state board~~ a local board in
5 accordance with written protocols adopted pursuant to section
6 237.16, subsection 4. ~~All subsequent revisions of the case~~
7 ~~permanency plan shall be submitted when the revisions are~~
8 ~~developed.~~

9 Sec. 5. Section 237.18, Code 2022, is amended to read as
10 follows:

11 **237.18 Duties of state board.**

12 The state board shall:

13 1. Review the activities and actions of local boards and the
14 court appointed special advocate program.

15 2. Adopt rules pursuant to **chapter 17A** to:

16 a. Establish a recordkeeping system for the files of local
17 ~~review~~ boards including individual case reviews.

18 b. Accumulate data and develop an annual report regarding
19 children ~~in foster care~~ served by the state board. The report
20 shall include:

21 (1) ~~Personal data~~ Data regarding the total number of days of
22 foster care provided and the characteristics of the children
23 receiving foster care.

24 (2) The number of placements of children in foster care.

25 ~~(3) The frequency and results of court reviews.~~

26 c. Evaluate the ~~judicial and administrative data collected~~
27 ~~on foster care~~ by local boards and court appointed special
28 advocates, and disseminate the data to the governor, ~~the~~
29 ~~supreme court, the chief judge of each judicial district, the~~
30 ~~department, and child-placing agencies,~~ and the state court
31 administrator for dissemination to the supreme court and the
32 chief judge of each judicial district.

33 d. Establish mandatory training programs for members of the
34 state ~~and local review boards including an initial training~~
35 ~~program and periodic in-service training programs~~ board.

1 Training shall focus on, but not be limited to, the following:

2 ~~(1) The history, philosophy and role of the juvenile court~~
3 ~~in the child protection system~~ The duties of the state board.

4 ~~(2) Juvenile court procedures under the juvenile justice~~
5 ~~act~~ The duties of local boards.

6 ~~(3) The foster care administrative review process of the~~
7 ~~department of human services~~ The duties of court appointed
8 special advocates.

9 ~~(4) The role and procedures of the citizen's foster care~~
10 ~~review system~~ Applicable child welfare laws and practices that
11 influence the work of local boards and court appointed special
12 advocates.

13 ~~(5) The Adoption Assistance and Child Welfare Act of 1980,~~
14 ~~Pub. L. No. 96-272.~~

15 ~~(6) The purpose of case permanency plans, and the type of~~
16 ~~information that will be available in those plans.~~

17 ~~(7) The situations where the goals of either reuniting the~~
18 ~~child with the child's family or adoption would be appropriate.~~

19 ~~(8) The legal processes that may lead to foster care~~
20 ~~placement.~~

21 ~~(9) The types and number of children involved in those legal~~
22 ~~processes.~~

23 ~~(10) The types of foster care placement available, with~~
24 ~~emphasis on the types and number of facilities available on a~~
25 ~~regional basis.~~

26 ~~(11) The impact of specific physical or mental conditions of~~
27 ~~a child on the type of placement most appropriate and the kind~~
28 ~~of progress that should be expected in those situations.~~

29 ~~e.~~ Establish a mandatory training program and procedures for
30 the local ~~review board~~ boards consistent with the provisions
31 of [section 237.20](#).

32 ~~f.~~ Establish grounds and procedures for removal of a local
33 ~~review board member.~~

34 ~~g.~~ f. Establish procedures and protocols for administering
35 the court appointed special advocate program in accordance with

1 subsection 7 6.

2 3. Assign the cases of children receiving foster care to the
3 appropriate local boards.

4 ~~4. Assist local boards in reviewing cases of children
5 receiving foster care, as provided in [section 237.20](#).~~

6 ~~5. 4. Employ appropriate staff in accordance with available
7 funding. The board shall coordinate with the department of
8 inspections and appeals regarding administrative functions of
9 the board.~~

10 ~~6. 5. In conjunction with the legislative services agency
11 and in consultation with the department of human services,
12 supreme court, and private foster care providers, develop and
13 maintain Maintain an evaluation program regarding citizen
14 foster care review programming. The evaluation program shall
15 be designed to evaluate the effectiveness of citizen reviews in
16 improving case permanency planning and meeting case permanency
17 planning goals, identify the amount of time children spend in
18 foster care placements, and identify problem issues in the
19 foster care system. The state board shall submit an annual
20 evaluation report to the governor and the general assembly.~~

21 ~~7. 6. Administer the court appointed special advocate
22 program, including but not limited to performance of all of the
23 following:~~

24 ~~a. Establish standards for the program, including but
25 not limited to standards for selection and screening of
26 volunteers, preservice training, ~~ongoing~~ continuing education,
27 and assignment and supervision of volunteers. Identifying
28 information concerning a court appointed special advocate,
29 other than the advocate's name, shall not be considered to be a
30 public record under [chapter 22](#).~~

31 ~~b. Implement the court appointed special advocate program in
32 additional areas of the state as deemed necessary to effectuate
33 its purpose including but not limited to employing court
34 appointed special advocate program staff as available funding
35 provides.~~

1 c. Promote adherence to the national guidelines for state
2 and local court appointed special advocate programs.

3 d. Issue an annual report of the court appointed special
4 advocate program for submission to the general assembly, the
5 governor, and the supreme court.

6 ~~e. Employ appropriate court appointed special advocate
7 program staff in accordance with available funding. The state
8 board shall coordinate with the department of inspections and
9 appeals the performance of the administrative functions of the
10 state board.~~

11 ~~8.~~ 7. Receive gifts, grants, or donations made for any of
12 the purposes of the state board's programs and disburse and
13 administer the funds received in accordance with the terms of
14 the donor and under the direction of program staff. The funds
15 received shall be used according to any restrictions attached
16 to the funds and any unrestricted funds shall be retained
17 and applied to the applicable program budget for the next
18 succeeding fiscal year.

19 ~~9.~~ 8. Make recommendations to the general assembly, the
20 department, ~~to~~ child-placing agencies, the governor, and the
21 state court administrator for dissemination to the supreme
22 court, and the chief judge of each judicial district, and to
23 ~~the judicial branch.~~ The recommendations shall include but
24 are not limited to identification of systemic problems in
25 the foster care and the juvenile justice systems, specific
26 proposals for improvements that assist the systems in being
27 more cost-effective and better able to protect the best
28 interests of children, and necessary changes relating to the
29 data collected and the annual report made under **subsection 2,**
30 paragraph "b".

31 Sec. 6. Section 237.19, Code 2022, is amended to read as
32 follows:

33 **237.19 Local citizen foster care review boards.**

34 1. The state board shall establish local citizen foster
35 care review boards to review cases of children receiving foster

1 care. The department shall discontinue its foster care review
2 process for those children reviewed by local boards as local
3 boards are established and operating. The state board shall
4 select a minimum of five members and ~~two alternate~~ a maximum of
5 seven members to serve on each local board in consultation with
6 the chief judge of each judicial district. The actual number
7 of local boards needed and established shall be determined
8 by the state board. The members of each local board shall
9 ~~consist of persons of,~~ to the extent possible, reflect the
10 various ~~social, economic,~~ racial, and ethnic groups and various
11 occupations of their district. A person employed by the state
12 board, ~~or the department, the department of inspections and~~
13 ~~appeals,~~ or the district court, or an employee of an agency
14 with which the department contracts for services for children
15 under foster care, a foster parent providing foster care, or
16 a child-placing agency shall not serve on a local board. ~~The~~
17 ~~state board shall provide the names of the members of the local~~
18 ~~boards to the department.~~

19 2. Vacancies on a local board shall be filled in the
20 same manner as original appointments. ~~The members shall not~~
21 ~~receive per diem but shall receive reimbursement for actual and~~
22 ~~necessary expenses incurred in their duties as members.~~

23 3. A local board member shall be required to pass a
24 background check and complete requirements as established by
25 the state board prior to taking an oath of confidentiality to
26 serve on a local board.

27 4. A local board member shall be required to receive
28 periodic continuing education during each term of service as
29 established by the state board.

30 Sec. 7. Section 237.20, subsection 1, unnumbered paragraph
31 1, Code 2022, is amended to read as follows:

32 Review the case of each child receiving foster care
33 assigned to the a local board by the state board in accordance
34 with written protocols adopted pursuant to section 237.16,
35 subsection 4, to determine whether satisfactory progress

1 is being made toward the goals of the case permanency plan
2 pursuant to [section 237.22](#). The timing and frequency of
3 a review of each case by a local board shall take into
4 consideration the permanency goals, placement setting, and
5 frequency of any court reviews of the case.

6 Sec. 8. Section 237.20, subsection 1, paragraph a,
7 subparagraph (2), Code 2022, is amended to read as follows:

8 (2) The efforts of the agency responsible for the placement
9 of the child to locate and provide services to the child's
10 biological or adoptive parents ~~of the child~~, legal guardians,
11 or fictive kin providing the majority of a child's daily food,
12 lodging, and support.

13 Sec. 9. Section 237.20, subsection 1, paragraphs b, c, and
14 d, Code 2022, are amended to read as follows:

15 ~~b. The review shall include issues pertaining to the~~
16 ~~case permanency plan and shall not include issues that do~~
17 ~~not pertain to the case permanency plan. A person notified~~
18 pursuant to [subsection 4](#) shall either attend the review or
19 submit ~~testimony~~ a statement as requested by the local board
20 or in accordance with a written protocol jointly developed by
21 the state board and the department. ~~Oral testimony~~ Statements
22 may, upon the request of ~~the testifier~~ an interested party or
23 upon motion of the local board, be given in a private setting
24 ~~when to do so would facilitate the presentation of evidence.~~
25 Statements may be made in written, oral, or electronic form.
26 Local board ~~questions~~ reviews shall pertain to the permanency
27 plan and shall not include issues that do not pertain to the
28 permanency plan.

29 ~~c. A person who gives~~ an oral testimony statement has the
30 right to representation by counsel at the review.

31 ~~d. An agency or individual providing services to the child~~
32 shall submit testimony as requested by the local board. ~~The~~
33 ~~testimony may be written or oral, or may be a tape recorded~~
34 ~~telephone call.~~ Written testimony or recorded statements from
35 other interested parties may also be considered by the board

1 in its review.

2 Sec. 10. Section 237.20, subsection 2, paragraph a, Code
3 2022, is amended to read as follows:

4 a. Submit to the appropriate court and the department within
5 fifteen days after the review under subsection 1, the findings
6 and recommendations of the review. The local board shall
7 ensure that the most recent report is available for a court
8 hearing. The report ~~to the court~~ shall include information
9 regarding the case permanency plan and the progress in
10 attaining the permanency goals. The report shall not include
11 issues that do not pertain to the case permanency plan. The
12 findings and recommendations shall include the proposed date
13 of the next review by the local board. The local board shall
14 notify the persons specified in subsection 4 of the findings
15 and recommendations.

16 Sec. 11. Section 237.20, subsection 4, paragraph a, Code
17 2022, is amended by adding the following new subparagraph:

18 NEW SUBPARAGRAPH. (9) An intervenor.

19 Sec. 12. Section 237.21, subsection 2, Code 2022, is amended
20 to read as follows:

21 2. Information and records relating to a child receiving
22 foster care and to the child's family shall be provided to
23 a court appointed special advocate, a local board, or the
24 state board by the department, the department's agent, or a
25 ~~child-care child placement agency receiving purchase of service~~
26 ~~funds from the department contracted by the department~~ upon
27 request by the court appointed special advocate or either
28 board. A court having jurisdiction of a child receiving
29 foster care shall release the information and records the
30 court deems necessary to determine the needs of the child,
31 ~~if the information and records are not obtainable elsewhere,~~
32 to a local board or ~~the state board~~ court appointed special
33 advocate upon request by ~~either~~ the local board or court
34 appointed special advocate. If confidential information and
35 records are distributed to individual members in advance of a

1 meeting of ~~the state board or~~ a local board, the information
2 and records shall be clearly identified as confidential and the
3 members shall take appropriate steps to prevent unauthorized
4 disclosure. If confidential information and records are
5 distributed to a court appointed special advocate or court
6 appointed special advocate program staff, the information shall
7 be confidential and the court appointed special advocate and
8 court appointed special advocate program staff shall take
9 appropriate steps to prevent unauthorized disclosure.

10 Sec. 13. Section 237.21, subsection 4, Code 2022, is amended
11 to read as follows:

12 4. A court appointed special advocate may disclose
13 case-related observations and recommendations to the agency
14 assigned by the court to supervise the case, to the county
15 attorney, or to the child's legal representative or guardian ad
16 litem, or at a local board meeting. Case-related observations
17 and recommendations about a child and the child's parent or
18 about a child and the child's legal guardian may also be
19 disclosed to the parent or guardian to which the observations
20 and recommendations pertain or to such parent or guardian's
21 legal representative.

22 Sec. 14. Section 237.22, Code 2022, is amended to read as
23 follows:

24 **237.22 Case permanency plan.**

25 The agency responsible for the placement of the child shall
26 create a case permanency plan. ~~The plan shall~~ In addition to
27 requirements stated in section 232.2, subsection 4, the plan
28 shall also include, but not be limited to:

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

32 ~~2.~~ 1. Time frames to meet the stated permanency goal and
33 short-term objectives.

34 ~~3. The type and appropriateness of the placement and~~
35 ~~services to be provided to the child.~~

1 ~~4.~~ 2. The care and services that will be provided to the
2 child, biological parents, the child's primary caregivers, and
3 foster parents.

4 ~~5. How the care and services will meet the needs of the~~
5 ~~child while in care and will facilitate the child's return home~~
6 ~~or other permanent placement.~~

7 ~~6.~~ 3. The efforts to place the child with a relative or
8 fictive kin.

9 ~~7.~~ 4. The rationale for an out-of-state placement, and the
10 efforts to prevent such placement, if the child has been placed
11 out of state.

12 Sec. 15. NEW SECTION. **237.24 Court appointed special**
13 **advocates.**

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

17 2. The duties of a court appointed special advocate with
18 respect to a child, unless otherwise enlarged or circumscribed
19 by a court or juvenile court with jurisdiction over the
20 child after a finding of good cause, shall include all of the
21 following:

22 a. Conducting in-person interviews with the child every
23 thirty days, if the child's age is appropriate for the
24 interview, and interviewing each parent, guardian, or other
25 person having custody of the child as needed, if authorized by
26 counsel.

27 b. Visiting the home, residence, or both home and residence
28 of the child and any prospective home or residence of the
29 child, including each time placement is changed.

30 c. Interviewing any person providing medical, mental health,
31 social, educational, or other services to the child.

32 d. Obtaining firsthand knowledge, if possible, of the facts,
33 circumstances, and parties involved in the matter in which the
34 court appointed special advocate is appointed.

35 e. Attending any depositions, hearings, and trial

1 proceedings in a matter to which the court appointed special
2 advocate is appointed for the purpose of supporting the child
3 and advocating for the child's protection.

4 *f.* Assisting the transition committee in the development of
5 a transition plan if the child's case permanency plan calls for
6 the development of a transition plan.

7 *g.* (1) Submitting a written report to the juvenile court
8 and to each of the parties identified in section 237.21,
9 subsection 4, prior to each court hearing unless otherwise
10 ordered by the court.

11 (2) The report shall include but not be limited to the
12 identified strengths of the child and the child's family,
13 concerns of the court appointed special advocate, the court
14 appointed special advocate's recommendations regarding
15 the child's placement, and other recommendations the court
16 appointed special advocate believes are in the child's best
17 interests.

18 *h.* Submitting periodic reports to the court or juvenile
19 court with jurisdiction over a child and interested parties
20 detailing the child's situation as long as the child remains
21 under the jurisdiction of the court or juvenile court.

22 *i.* Filing other reports as ordered by a court or juvenile
23 court.

24 EXPLANATION

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

27 This bill relates to child welfare, including provisions
28 relating to foster care and the child advocacy board (CAB).

29 CHILD ADVOCACY BOARD. The bill requires the department
30 of inspections and appeals (DIA) and the department of human
31 services (DHS) to jointly develop written protocols relating to
32 the responsibilities of each department with regard to children
33 under the purview of CAB. The protocols must be reviewed by
34 both departments on an annual basis.

35 The bill requires the agency responsible for the placement

1 of a child in foster care to notify CAB of each placement and
2 submit the child's case permanency plan and any case permanency
3 plan revisions to a local citizen foster care review board
4 (local board) according to protocols developed by DIA and
5 DHS. Under current law, notifications of a child's placement
6 must be given to CAB by DHS within five working days of DHS's
7 notification of the placement, case permanency plans must
8 be submitted to CAB by the agency responsible for a child's
9 placement within 30 days of placement or two days after the
10 child's dispositional hearing, and revisions to case permanency
11 plans must be submitted to CAB by the agency responsible for a
12 child's placement when revisions are developed.

13 The bill requires CAB to review the activities and actions of
14 the court appointed special advocate program.

15 The bill changes the scope of the annual report prepared
16 by CAB. Under current law, the report must include personal
17 data regarding the total number of days of foster care provided
18 and the characteristics of the children receiving foster care;
19 the number of placements of children in foster care; and the
20 frequency and results of court reviews. The bill provides that
21 the annual report shall include information on all children
22 served by CAB and all data regarding the total number of days
23 of foster care provided and the characteristics of the children
24 receiving foster care, and eliminates the requirement to
25 include the frequency and results of court reviews.

26 The bill requires CAB to evaluate the data collected by
27 local boards and court appointed special advocates, and
28 disseminate the data to the governor, DHS, child-placing
29 agencies, and the state court administrator for dissemination
30 to the supreme court and the chief judge of each judicial
31 district. Under current law, data collected is limited to
32 judicial and administrative data on foster care, and CAB must
33 give the evaluation directly to the supreme court and the chief
34 judge of each judicial district instead of the state court
35 administrator.

1 The bill replaces mandatory training requirements for CAB
2 members with mandatory training concerning the duties of CAB;
3 the duties of local boards; the duties of court appointed
4 special advocates; and applicable child welfare laws and
5 practices that influence the work of local boards and court
6 appointed special advocates.

7 The bill combines CAB's duty to establish procedures for
8 local boards with the requirement to establish a mandatory
9 training program for local board members; eliminates the
10 requirement that CAB assist local boards in reviewing cases of
11 children receiving foster care; eliminates the requirement that
12 CAB coordinate with DIA regarding the administrative functions
13 of the board; and eliminates the requirement for CAB to work
14 in conjunction with the legislative services agency and in
15 consultation with DHS, the supreme court, and private foster
16 care providers to develop and maintain an evaluation program
17 regarding citizen foster care review programming.

18 The bill requires CAB to implement the court appointed
19 special advocate program as deemed necessary to effectuate its
20 purpose, rather than to implement the program in additional
21 areas of the state. The bill also combines this requirement
22 with the duty to employ court appointed special advocate
23 program staff as available funding provides.

24 The bill makes terminology changes from "ongoing education"
25 to "continuing education" for the purpose of establishing
26 continuing education requirements for court appointment special
27 advocates (CASAs).

28 The bill provides that the duties of a CASA with respect
29 to a child, unless directed by a court or juvenile court
30 with jurisdiction over the child after a finding of good
31 cause, shall include conducting in-person interviews with
32 the child every 30 days, if the child's age is appropriate
33 for the interview, and interviewing each parent, guardian,
34 or other person having custody of the child as needed, if
35 authorized by counsel; visiting the home, residence, or both

1 the home and residence of the child and any prospective home
2 or residence of the child, including each time placement is
3 changed; interviewing any person providing medical, mental
4 health, social, educational, or other services to the child;
5 obtaining firsthand knowledge, if possible, of the facts,
6 circumstances, and parties involved in the matter in which the
7 CASA is appointed; attending any depositions, hearings, and
8 trial proceedings in a matter in which the CASA is appointed;
9 assisting the transition committee in the development of a
10 transition plan if the child's case permanency plan calls for
11 the development of a transition plan; submitting a written
12 report to the juvenile court and to each of the parties that a
13 CASA may disclose case-related observations and recommendations
14 prior to each hearing unless otherwise ordered by the court;
15 submitting periodic reports to the court or juvenile court with
16 jurisdiction over a child and interested parties detailing
17 the child's situation as long as the child remains under
18 the jurisdiction of the court or juvenile court; and filing
19 other reports as ordered by a court or juvenile court. The
20 bill also requires that a CASA report prepared for a hearing
21 include but not be limited to the identified strengths of the
22 child and the child's family, concerns of the CASA, the CASA's
23 recommendations regarding placement of the child, and other
24 recommendations the CASA believes are in the child's best
25 interests.

26 The bill requires that a CASA receive notice of all
27 depositions, hearings, and trial proceedings relating to a
28 matter to which the CASA is appointed.

29 The bill requires CAB to make recommendations to the state
30 court administrator for dissemination to the supreme court and
31 the chief judge of each judicial district instead of providing
32 the recommendations to the supreme court and chief judge of
33 each judicial district directly.

34 LOCAL CITIZEN FOSTER CARE REVIEW BOARDS. The bill changes
35 the required composition of local boards from five members

1 and two alternate members to a minimum of five members and a
2 maximum of seven members. The bill also allows CAB to appoint
3 local board members without consulting the chief judge of the
4 appropriate judicial district.

5 Under current law, local board members must consist of
6 persons of various social, economic, racial, and ethnic groups
7 and occupations of their district. The bill changes this
8 requirement to provide that members of each local board, to
9 the extent possible, must consist of the various racial and
10 ethnic groups and occupations of their district. The bill also
11 allows a person employed by DIA to serve on a local board and
12 eliminates the requirement for CAB to provide the names of the
13 members of local boards to DHS.

14 The bill removes language relating to the payment of local
15 board members.

16 The bill requires members of a local board to pass background
17 checks and complete requirements as established by CAB prior to
18 taking an oath of confidentiality to serve on a local board,
19 and requires local board members to receive periodic continuing
20 education during each term of service as established by CAB.

21 The bill requires local boards to review the efforts of the
22 foster care agency responsible for the placement of a child to
23 locate and provide services to a child's biological or adoptive
24 parents, legal guardians, or fictive kin providing the majority
25 of a child's daily food, lodging, and support. Under current
26 law, the local board is not required to review an agency's
27 efforts to locate and provide services to a child's legal
28 guardian or fictive kin.

29 The bill allows a person to either attend a local board
30 meeting or submit a statement rather than provide testimony.
31 The bill also allows an interested party to provide a statement
32 in a private setting upon request of the interested party or
33 motion of the local board. Statements may be made in written,
34 oral, or electronic form.

35 The bill specifies that a local board review shall pertain

1 to a permanency plan and shall not include issues that do not
2 pertain to the permanency plan.

3 The bill allows an agency or individual providing foster
4 care services to a child to submit testimony as requested
5 by a local board via written or recorded statements. Under
6 current law, such testimony may be written or oral or may be
7 a tape recorded telephone call. The bill also allows local
8 boards to consider written or recorded statements from other
9 interested parties in its review. Under current law, a local
10 board is only allowed to consider written testimony from other
11 interested parties.

12 The bill requires a local board to submit to DHS, within
13 15 days after a review of a child's case, the findings and
14 recommendations of the review.

15 The bill adds an intervenor in a child's case as a person a
16 local board is required to notify of a local board meeting.

17 CONFIDENTIALITY OF FOSTER CARE RECORDS. The bill requires
18 DHS, an agent of DHS, or a child placement agency contracted
19 by DHS to provide information and records relating to a child
20 receiving foster care and to the child's family to a court
21 appointed special advocate, a local board, or CAB upon request
22 by the court appointed special advocate, CAB, or a local board.
23 Under current law, such information and records can only be
24 provided to a local board or to CAB, and the information can
25 only be provided by DHS or a child placement agency receiving
26 purchase-of-service funds from DHS.

27 The bill allows a court with jurisdiction of a child
28 receiving foster care to release information and records the
29 court deems necessary to determine the needs of the child to a
30 local board or court appointed special advocate upon request of
31 the local board or court appointed special advocate.

32 The bill requires that if confidential information and
33 records are distributed to a court appointed special advocate
34 or court appointed special advocate program staff, the
35 information shall be confidential and the court appointed

1 special advocate and court appointed special advocate program
2 staff shall take appropriate steps to prevent unauthorized
3 disclosure.

4 The bill allows a court appointed special advocate to
5 disclose case-related observations and recommendations at a
6 local board meeting. The bill also allows a court appointed
7 special advocate to disclose case-related observations and
8 recommendations about a child and the child's parent or about a
9 child and the child's legal guardian to the parent or guardian
10 to which the observations and recommendations pertain or to
11 such parent or guardian's legal representative.

12 CASE PERMANENCY PLAN. The bill includes care and services
13 provided to a child's primary caregivers and efforts made to
14 place a child with fictive kin as information to be included in
15 a child's case permanency plan.

16 DEFINITIONS. The bill amends the definition of "court
17 appointed special advocate" for purposes of Code chapter 232
18 (juvenile justice) and in Code chapter 237 (foster care review)
19 to mean a person duly certified by the child advocacy board
20 created in Code section 237.16 for participation in the court
21 appointed special advocate program and appointed by the court
22 to carry out the duties required of a court appointed special
23 advocate.

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

27 CONFORMING CODE CHANGES. The bill makes conforming changes
28 to Code sections 237.18 (duties of CAB), 237.20 (local citizen
29 foster care review board duties), and 237.22 (case permanency
30 plan).