

**Senate Study Bill 3066 - Introduced**

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

**A BILL FOR**

1 An Act relating to programs and services under the purview  
2 of the department of human services including child  
3 care assistance, child and family services, foster care,  
4 adoption, and the dependent adult abuse information  
5 registry.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

DIVISION I

STATE CHILD CARE ASSISTANCE PROGRAM ELIGIBILITY

Section 1. Section 237A.13, subsection 1, paragraph d, Code 2022, is amended to read as follows:

*d.* The child's parent, guardian, or custodian is absent ~~for a limited period of time~~ due to hospitalization, physical illness, or mental illness, or is present but is unable to care for the child ~~for a limited period~~ as verified by a physician.

DIVISION II

CHILD AND FAMILY SERVICES — FOSTER CARE SERVICE PAYMENTS

Sec. 2. Section 234.1, subsection 2, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

2. "*Child*" means either a person less than eighteen years of age or a person eighteen, nineteen, or twenty years of age who meets all of the following conditions:

*a.* The person was placed by court order issued pursuant to chapter 232 in foster care or in an institution listed in section 218.1 and either of the following situations apply to the person:

(1) After reaching eighteen years of age, the person has remained continuously and voluntarily under the care of an individual, as defined in section 237.1, licensed to provide foster care pursuant to chapter 237 or in a supervised apartment living arrangement, in this state.

(2) The person aged out of foster care after reaching eighteen years of age and subsequently voluntarily applied for placement with an individual, as defined in section 237.1, licensed to provide foster care pursuant to chapter 237 or for placement in a supervised apartment living arrangement, in this state.

*b.* The person has demonstrated a willingness to participate in case planning and to complete the responsibilities prescribed in the person's case permanency plan.

*c.* The department has made an application for the person

1 for adult services upon a determination that it is likely the  
2 person will need or be eligible for services or other support  
3 from the adult services system.

4 Sec. 3. Section 234.35, subsection 3, Code 2022, is amended  
5 to read as follows:

6 3. Payment for foster care services provided to a child  
7 who is eighteen years of age or older shall be limited to the  
8 following:

9 ~~a. For a child who is eighteen years of age, family foster~~  
10 ~~care or independent living arrangements~~ Supervised apartment  
11 living arrangements and individuals, as defined in section  
12 237.1, licensed to provide foster care pursuant to chapter 237,  
13 in this state.

14 ~~b. For a child who is nineteen years of age, independent~~  
15 ~~living arrangements.~~

16 ~~c.~~ For a child who is at imminent risk of becoming  
17 homeless or failing to graduate from high school or to obtain  
18 a general education development diploma, if the services are  
19 in the child's best ~~interests~~ interest, funding is available  
20 for the services, and an appropriate alternative service is  
21 unavailable.

22 Sec. 4. Section 234.35, subsection 4, Code 2022, is amended  
23 by striking the subsection.

24 Sec. 5. Section 237.15, subsection 2, unnumbered paragraph  
25 1, Code 2022, is amended to read as follows:

26 "*Child receiving foster care*" means a child ~~defined in~~  
27 ~~section 234.1~~ who is described by any of the following  
28 circumstances:

29 DIVISION III

30 ADOPTION

31 Sec. 6. Section 600.5, Code 2022, is amended by adding the  
32 following new subsection:

33 NEW SUBSECTION. 9A. If the parents of the person to be  
34 adopted had their parental rights terminated pursuant to  
35 chapter 232, the petition shall included the names of any known

1 siblings placed separately from the person to be adopted and  
2 either the plan for ongoing contact between the siblings if  
3 a court found that continued contact is in the best interest  
4 of each sibling or a statement that the court found continued  
5 contact between the siblings is not in the best interest of  
6 each sibling.

7 Sec. 7. Section 600.6, Code 2022, is amended by adding the  
8 following new subsection:

9 NEW SUBSECTION. 2A. If parental rights were terminated  
10 pursuant to chapter 232, a copy of any court orders concerning  
11 whether ongoing contact between siblings not placed with the  
12 person to be adopted is in the best interest of each sibling.

13 Sec. 8. Section 600.8, subsection 1, paragraph a, Code 2022,  
14 is amended by adding the following new subparagraph:

15 NEW SUBPARAGRAPH. (4) Whether the minor person to be  
16 adopted was the subject of a termination of parental rights  
17 proceeding pursuant to chapter 232, whether there are siblings  
18 not placed with the minor person to be adopted, and whether, if  
19 there are siblings, there is an ongoing relationship between  
20 the siblings and the minor child to be adopted or a court order  
21 finding contact between the siblings is in the best interest of  
22 each sibling.

23 Sec. 9. Section 600.11, subsection 2, paragraph a, Code  
24 2022, is amended by adding the following new subparagraph:

25 NEW SUBPARAGRAPH. (7) Any siblings of the person to be  
26 adopted due to either an ongoing relationship or a court  
27 finding that ongoing contact with the person to be adopted  
28 is in the best interest of each sibling if the person to be  
29 adopted was a minor child when the minor child's parents had  
30 their parental rights terminated pursuant to chapter 232 and  
31 the person to be adopted and the person's siblings were not  
32 placed together.

33 Sec. 10. Section 600.16A, subsection 2, Code 2022, is  
34 amended by adding the following new paragraph:

35 NEW PARAGRAPH. e. Subject to section 235A.15, the juvenile

1 court or court shall order the opening of the permanent  
2 adoption record of the juvenile court or court, the permanent  
3 termination of parental rights record under chapter 232, or  
4 both, pertaining to an adopted person who is an adult, upon  
5 request of the adopted person if the parents of the adopted  
6 person had their parental rights terminated pursuant to chapter  
7 232.

8 DIVISION IV

9 DEPENDENT ADULT ABUSE INFORMATION REGISTRY — DISCLOSURE OF  
10 INFORMATION

11 Sec. 11. Section 235B.3, Code 2022, is amended by adding the  
12 following new subsection:

13 NEW SUBSECTION. 8A. If, in the course of assessment,  
14 evaluation, or investigation of a report of dependent adult  
15 abuse, the department determines that disclosure is necessary  
16 for the protection of a dependent adult's resources, the  
17 department may disclose the initiation and status of the  
18 dependent adult abuse evaluation to the dependent adult's bank,  
19 savings association, credit union, broker-dealer as defined in  
20 section 502.102, subsection 4, investment advisor as defined  
21 in section 502.102, subsection 15, financial advisor, or other  
22 financial institution, or the administrator as defined in  
23 section 502.102, subsection 1.

24 Sec. 12. Section 235B.6, subsection 2, paragraph e, Code  
25 2022, is amended by adding the following new subparagraphs:

26 NEW SUBPARAGRAPH. (20) To a bank, savings association,  
27 credit union, broker-dealer as defined in section 502.102,  
28 subsection 4, investment advisor as defined in section  
29 502.102, subsection 15, financial advisor, or other financial  
30 institution as deemed necessary by the department to protect  
31 the dependent adult's resources.

32 NEW SUBPARAGRAPH. (21) To the social security  
33 administration.

34 NEW SUBPARAGRAPH. (22) To the administrator as defined in  
35 section 502.102, subsection 1.

1 Sec. 13. Section 235B.6, subsection 3, Code 2022, is amended  
2 to read as follows:

3 3. Access to unfounded dependent adult abuse information is  
4 authorized only to those persons identified in subsection 2,  
5 paragraph "a", paragraph "b", subparagraphs (2), (5), and (6),  
6 and paragraph "e", subparagraphs (2), (5), and (10), (20), (21),  
7 and (22).

8

EXPLANATION

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

11 This bill relates to programs and services under the purview  
12 of the department of human services including child care  
13 assistance, child and family services, foster care, adoption,  
14 and the dependent adult abuse information registry.

15 STATE CHILD CARE ASSISTANCE ELIGIBILITY. Division I relates  
16 to the state child care assistance (CCA) program. The CCA  
17 assists families in the payment of child care if the families  
18 meet certain eligibility guidelines. One circumstance is  
19 when a child's parent, guardian, or custodian is absent for  
20 a limited period of time due to hospitalization, physical  
21 illness, or mental illness, or is present but is unable to  
22 care for the child for a limited period of time as verified  
23 by a physician. The bill eliminates the limited time period  
24 restriction for this circumstance.

25 CHILD AND FAMILY SERVICES FOSTER CARE SERVICE PAYMENTS.  
26 Division II relates to youth aging out of foster care. The  
27 bill changes the definition of "child" for the purposes of  
28 Code chapter 234 (child and family services) to mean either  
29 a person less than 18 years of age or a person 18, 19, or 20  
30 years of age who was placed by court order issued pursuant  
31 to Code chapter 232 (juvenile justice) in foster care or in  
32 an institution under the control, management, direction, and  
33 operation of the department of human services (DHS) and has  
34 either, after reaching 18 years of age, remained continuously  
35 and voluntarily placed with an individual licensed to provide

1 foster care pursuant to Code chapter 237 or in a supervised  
2 apartment living arrangement in Iowa, or left foster care  
3 after reaching 18 years of age but returned voluntarily for  
4 placement with an individual licensed to provide foster care  
5 or in a supervised apartment living arrangement in Iowa; the  
6 person has demonstrated a willingness to participate in case  
7 planning and to complete the responsibilities prescribed in the  
8 person's case permanency plan; and DHS has made an application  
9 for the person for adult services upon a determination that it  
10 is likely the person will need or be eligible for services or  
11 other support from the adult services system.

12 The bill limits payment for foster care services provided to  
13 a child who is 18 years of age or older to supervised apartment  
14 living arrangements and individuals licensed to provide foster  
15 care in Iowa. Under current law, the state is only allowed to  
16 pay for family foster care or independent living arrangements  
17 for foster care services for a child who is 18 years of age;  
18 independent living arrangements for a child who is 19 years of  
19 age; and any foster care service provider for a child who is  
20 at imminent risk of becoming homeless or failing to graduate  
21 from high school or to obtain a general education development  
22 diploma, if the services are in the child's best interest,  
23 funding is available for the services, and an appropriate  
24 alternative service is unavailable.

25 The bill eliminates the requirement that DHS report annually  
26 to the governor and general assembly by January 1 certain  
27 information relating to the numbers of children for whom the  
28 state paid independent living services during the immediately  
29 preceding fiscal year.

30 ADOPTION. Division III relates to adoption. The bill  
31 requires, if the parents of a person to be adopted had their  
32 parental rights terminated, a petition for adoption to include  
33 the names of any known siblings placed separately from the  
34 person to be adopted and either the plan for ongoing contact  
35 between the siblings if a court found that continued contact

1 is in the best interest of each sibling or a statement that the  
2 court has found continued contact between the siblings is not  
3 in the best interest of each sibling.

4 The bill requires, if the parents of a person to be adopted  
5 had their parental rights terminated, a petition for adoption  
6 to include a copy of any court orders concerning whether  
7 ongoing contact between the person to be adopted and any  
8 siblings not placed with the person is in the best interest of  
9 each sibling.

10 The bill requires a preplacement investigation report  
11 to provide information as to whether, if the parents of  
12 a prospective adoptive child had their parental rights  
13 terminated, there are siblings who have not been placed with  
14 a minor child to be adopted and whether there is an ongoing  
15 relationship between the siblings or a court order finding  
16 contact between the siblings is in the best interest of each  
17 sibling.

18 The bill requires an adoption petitioner to provide notice  
19 of an adoption hearing to any siblings of the person to be  
20 adopted due to either an ongoing relationship or a court  
21 finding that ongoing contact is in the best interest of each  
22 sibling, if the person to be adopted was a minor child when the  
23 minor child's parents had their parental rights terminated and  
24 the person to be adopted and the person's siblings were not  
25 placed together.

26 The bill requires a juvenile court or court to order the  
27 opening of the juvenile court or court's permanent adoption  
28 record, permanent termination of parental rights record, or  
29 both, relating to an adopted person who is an adult, upon  
30 request of the adopted person if the parents of the adopted  
31 person had their parental rights terminated.

32 DEPENDENT ADULT ABUSE PROTECTIVE SERVICES. Division IV  
33 relates to dependent adult abuse protective services. Under  
34 current law, if DHS receives an allegation of dependent  
35 adult abuse, DHS will investigate the allegation and create



1 a dependent adult abuse report. The bill allows DHS, during  
2 the course of an assessment, evaluation, or investigation of a  
3 report of dependent adult abuse, to disclose the initiation and  
4 status of the dependent adult abuse evaluation to the dependent  
5 adult's bank, savings association, credit union, security  
6 administrator, broker-dealer, investment advisor, financial  
7 advisor, or other financial institution, or the commissioner  
8 of insurance or the commissioner's deputy if DHS reasonably  
9 determines that such disclosure is necessary for the protection  
10 of a dependent adult's resources.

11 The bill authorizes a bank, savings association, credit  
12 union, security administrator, broker-dealer, investment  
13 advisor, financial advisor, other financial institution, the  
14 commissioner of insurance, or the commissioner's deputy, and  
15 the social security administration to have access to founded  
16 dependent adult abuse information of a dependent adult if  
17 deemed necessary by DHS to protect the dependent adult's  
18 resources.

19 The bill authorizes the social security administration and  
20 the commissioner of insurance and the commissioner's deputy  
21 access to founded dependent adult abuse information.

22 The bill makes a nonsubstantive change to Code section  
23 237.15 (foster care review).