

House File 374 - Introduced

HOUSE FILE 374

BY A. MEYER

A BILL FOR

- 1 An Act relating to the delegation of custodial rights and duties
- 2 with respect to a child.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 232.2, subsection 12, paragraph c, Code
2 2025, is amended to read as follows:

3 c. (1) All rights and duties of a custodian shall be subject
4 to any residual rights and duties remaining in a parent or
5 guardian.

6 (2) Notwithstanding subparagraph (1), the department may
7 consent to routine medical care for a child that will allow the
8 child to engage in normal childhood experiences and participate
9 in activities in a manner similar to the child's peers.

10 "Routine medical care" includes but is not limited to all of the
11 following:

12 (a) Preventative care, also known as wellness care, not
13 including the administration of a vaccination.

14 (b) Nonemergency medical care including but not limited to a
15 physical examination, a diagnostic laboratory test, or a medical
16 visit for a minor illness.

17 (c) Use of necessary medication, including but not limited to
18 antibiotics.

19 Sec. 2. Section 232.2, subsection 12, Code 2025, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. d. If a court order entered under this
22 chapter transfers legal custody of a child to the department, the
23 department shall have the authority to delegate the department's
24 rights and duties as custodian of the child to a licensee under
25 chapter 237.

26 Sec. 3. Section 237.10, subsection 1, Code 2025, is amended
27 by adding the following new paragraph:

28 NEW PARAGRAPH. d. The department shall notify an individual
29 licensee if the department delegates the department's right to
30 consent to routine medical care on behalf of a child under
31 section 232.2, paragraph "c", to the individual licensee.

32 EXPLANATION

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

35 This bill relates to the delegation of custodial rights and

1 duties with respect to a child.

2 If a court transfers legal custody of a child to the
3 department of health and human services (HHS), the bill allows
4 HHS to delegate HHS's rights and duties as custodian of the child
5 to a person licensed to provide child foster care. Delegable
6 rights and duties are the duty to protect, train, and discipline
7 the child; the duty to provide food, clothing, housing, and
8 medical care for the child; and the right to consent to emergency
9 medical care. Delegable rights and duties are subject to any
10 residual rights and duties of the child's parent or guardian.
11 The bill clarifies that a parent's or guardian's residual rights
12 and duties do not preclude HHS from consenting to routine medical
13 care for a child that will allow the child to engage in normal
14 childhood experiences and participate in activities in a manner
15 similar to the child's peers. "Routine medical care" includes
16 but is not limited to preventative care not including the
17 administration of a vaccination, nonemergency medical care, and
18 the use of necessary medication. The bill requires HHS to notify
19 an individual licensee if HHS delegates HHS's right to consent
20 to routine medical care on behalf of a child to the individual
21 licensee.