

House File 638 - Introduced

HOUSE FILE 638
BY COMMITTEE ON HEALTH AND HUMAN
SERVICES

(SUCCESSOR TO HSB 146)

A BILL FOR

- 1 An Act relating to child placements, and making an appropriation.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 232.102, subsection 1, paragraph c, Code
2 2025, is amended to read as follows:

3 c. (1) A court shall not order placement of a child in a
4 category identified in paragraph "a", subparagraph (2), (3), (4),
5 or (5) without a specific finding that placement with an adult
6 relative is not in the child's best interests and providing
7 reasons for the court's finding.

8 (2) Notwithstanding any provision under this subsection to
9 the contrary, if the court finds, during the dispositional
10 hearing, that the child has been placed with an individual
11 licensed under chapter 237 to provide foster care for at least
12 nine months immediately preceding the dispositional hearing,
13 the court shall not order placement of a child in a category
14 identified in paragraph "a", subparagraph (1), (2), or (3),
15 without a specific finding that such placement is in the child's
16 best interests and providing reasons for the court's findings.

17 Sec. 2. DEPARTMENT OF HEALTH AND HUMAN SERVICES — CHILD
18 PROTECTIVE SERVICES.

19 1. There is appropriated from the general fund of the state
20 to the department of health and human services for the fiscal
21 year beginning July 1, 2025, and ending June 30, 2026, the
22 following amount, or so much thereof as is necessary, to be used
23 for the purposes designated:

24 To employ five individuals with the department to perform
25 child protective services duties:

26 \$ 275,000

27 2. a. The department of health and human services shall
28 assign each individual employed through the appropriation under
29 subsection 1 to a separate child protective services area.

30 b. Each employee shall be responsible for performing the
31 identification and notice duties required under section 232.84
32 for the service area to which the employee was assigned.

33 c. Each employee shall utilize, to the extent practicable,
34 national models and practice standards to improve outcomes under
35 the requirements of section 232.84.

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EXPLANATION

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

This bill relates to child placements.

Under current law, after a dispositional hearing for a child in need of assistance proceeding, if a court determines that placing a child's custody with either of the child's parents is not in the child's best interests, the court must transfer the child's custody to the department of health and human services (HHS) for placement with certain persons as prioritized in Code section 232.102(1)(a) (transfer of legal custody of child and placement). If a child was placed with a licensed foster parent for at least nine months immediately preceding the dispositional hearing, the bill prohibits the court from placing the child with a different individual unless the court makes a specific finding that placement with the different individual is in the child's best interests, and the court provides reasons for the finding.

Currently, HHS divides the state into five separate child protective services (CPS) service areas, and Code section 232.84 (transfer of custody — notice to adult relatives) requires HHS, juvenile court services, or a private agency to exercise due diligence to identify and provide notice to certain adult relatives of a child if the child's custody is transferred from the child's parents. The bill appropriates \$275,000 to HHS for FY 2025-2026 for the purpose of adding five HHS employees to perform CPS duties. HHS must assign each employee employed through the appropriation to a separate CPS service area. Each employee shall be responsible for performing the identification and notice duties required under Code section 232.84 for the service area to which the employee was assigned, and each employee shall utilize, to the extent practicable, national models and practice standards to improve outcomes under the requirements of Code section 232.84.