

House File 873 - Introduced

HOUSE FILE 873
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 86)

A BILL FOR

1 An Act relating to aid, processes, services, and reimbursement
2 for services associated with children in, adopted from, or in
3 need of foster care.

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

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1 Section 1. Section 232.96A, subsection 6, Code 2025, is
2 amended to read as follows:

3 6. The child is in need of treatment to cure or alleviate
4 a serious chemical dependency or mental illness or disorder,
5 or emotional damage as evidenced by severe anxiety, depression,
6 withdrawal, or behavioral health disorder that compromises the
7 child's safety or causes untoward aggressive behavior toward the
8 child's self or others in the household or the child's community,
9 and the child's parent, guardian, or custodian is unwilling or
10 unable to provide such treatment or the parent's, guardian's,
11 or custodian's efforts to secure needed treatment have been
12 exhausted and unsuccessful.

13 Sec. 2. Section 232.96A, subsection 13, Code 2025, is amended
14 by striking the subsection.

15 Sec. 3. Section 234.38, Code 2025, is amended to read as
16 follows:

17 **234.38 Foster care reimbursement rates.**

18 The department shall make reimbursement payments directly to
19 foster parents for services provided to children pursuant to
20 section 234.6, subsection 1, paragraph "e", subparagraph (2),
21 or section 234.35. ~~In any fiscal year, the reimbursement rate~~
22 ~~shall be based upon sixty-five percent of the United States~~
23 ~~department of agriculture estimate of the cost to raise a child~~
24 ~~in the calendar year immediately preceding the fiscal year. The~~
25 ~~department may pay an additional stipend for a child with special~~
26 ~~needs. The department shall review reimbursement payment rates~~
27 paid to foster parents under this section no less than once
28 every three years. The department shall adopt rules pursuant to
29 chapter 17A to administer this section.

30 Sec. 4. Section 600.8, subsection 3, Code 2025, is amended to
31 read as follows:

32 3. a. The department, an agency, or a certified adoption
33 investigator shall conduct all investigations and reports
34 required under subsection 2.

35 b. The department shall pay the costs of the preplacement

1 investigation under subsection 2 and the postplacement
2 investigation under subsection 4, up to a maximum of two thousand
3 dollars for the preplacement investigation and up to a maximum of
4 two thousand dollars for the postplacement investigation.

5 c. The department shall not pay the costs of the preplacement
6 investigation or the postplacement investigation as required
7 under paragraph "b" until a prospective adoption petitioner has
8 been approved under subsection 1, paragraph "a", subparagraph
9 (3), by the person making the investigation.

10 Sec. 5. Section 600A.6B, subsections 1 and 2, Code 2025, are
11 amended to read as follows:

12 1. A person filing a petition for termination of parental
13 rights under this chapter shall be responsible for the payment
14 of reasonable attorney fees for services provided by counsel
15 appointed pursuant to section 600A.6A, in juvenile court or in an
16 appellate proceeding initiated by the person filing the petition,
17 unless ~~the~~ any of the following apply:

18 a. The person filing the petition is a private child-placing
19 agency licensed under chapter 238 ~~or the~~.

20 b. The person filing the petition is a licensed attorney.

21 c. The court determines that the person filing the petition,
22 is indigent.

23 2. If the person filing the petition is ~~a private~~
24 ~~child-placing agency licensed under chapter 238 or if the person~~
25 ~~filing the petition is indigent~~ described in subsection 1,
26 paragraph "a", "b", or "c", the prospective parent on whose
27 behalf the petition is filed shall be responsible for the
28 payment of reasonable attorney fees for services provided in
29 juvenile court or an appellate proceeding for counsel appointed
30 pursuant to section 600A.6A unless the court determines that
31 the prospective parent on whose behalf the petition is filed is
32 indigent.

33 EXPLANATION

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

1 This bill relates to aid, processes, services, and
2 reimbursement for services associated with children in, adopted
3 from, or in need of foster care.

4 The bill allows a court to adjudicate a child in need of
5 assistance (CINA) when the child requires treatment to cure or
6 alleviate a serious chemical dependency or mental or behavioral
7 health disorder that compromises the child's safety or causes
8 untoward aggressive behavior toward others in the household
9 or the child's community, and the child's parent, guardian,
10 or custodian (parent) is unwilling or unable to provide such
11 treatment, or the parent's efforts to secure needed treatment
12 have been exhausted and unsuccessful. Under current law, to
13 be adjudicated a CINA, a child must need treatment to cure or
14 alleviate a serious mental illness or disorder, or emotional
15 damage as evidenced by severe anxiety, depression, withdrawal, or
16 untoward aggressive behavior toward the child's self or others
17 and the child's parent is unwilling to provide such treatment.

18 The bill eliminates the requirement that certain
19 reimbursements to foster parents must be based on 65 percent of
20 the United States department of agriculture estimate of the cost
21 to raise a child in the calendar year immediately preceding the
22 fiscal year, and eliminates the additional stipend for special
23 needs children. Instead, the bill requires the department of
24 health and human services (HHS) to adopt rules relating to the
25 foster parent reimbursement rates (rates) and to review the rates
26 no less than once every three years.

27 The bill requires HHS to reimburse an adoption petitioner for
28 the costs of the preplacement and postplacement investigations
29 related to the adoption up to a maximum amount of \$2,000
30 per investigation. The bill prohibits HHS from making such
31 reimbursements until the person performing the preplacement
32 background check approves the adoption petitioner's initial
33 required background checks.

34 Under current law, with some exceptions, a person who
35 petitions for the termination of parental rights will be

1 responsible for the reasonable attorney fees of an attorney
2 appointed by the court to represent a parent in the termination
3 of parental rights proceeding. The bill adds a licensed attorney
4 as a person who is excepted from the responsibility of paying a
5 parent's reasonable attorney fees in a termination of parental
6 rights proceeding.

7 The bill makes a conforming change by striking Code section
8 232.96A(13).

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