

Senate File 554 - Introduced

SENATE FILE 554
BY COMMITTEE ON HEALTH AND HUMAN
SERVICES

(SUCCESSOR TO SF 329)

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:

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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 emergency medical care and routine medical care for
8 a child that will allow the child to experience childhood and
9 participate in activities in a manner similar to the child's
10 peers. "Routine medical care" includes but is not limited to all
11 of the 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 (3) Notwithstanding subparagraph (1), the department may
20 consent to a child's participation in an individualized education
21 program.

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

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

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

31 NEW PARAGRAPH. d. (1) The department shall notify an
32 individual licensee, and the parents or guardians of a child,
33 if the department delegates the department's right to consent
34 to emergency medical care and routine medical care on behalf of
35 the child under section 232.2, paragraph "c", to the individual

1 licensee.

2 (2) The department shall notify the department of education,
3 an individual licensee, and the parents or guardians of a child
4 if the department delegates the department's right to consent to
5 participation in an individualized education program on behalf of
6 the child under section 232.2, paragraph "c", to the individual
7 licensee.

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 the delegation of custodial rights and
12 duties with respect to a child.

13 If a court transfers legal custody of a child to the
14 department of health and human services (HHS), the bill allows
15 HHS to delegate HHS's rights and duties as custodian of the child
16 to a person licensed to provide child foster care. Delegable
17 rights and duties are the duty to protect, train, and discipline
18 the child; the duty to provide food, clothing, housing, and
19 medical care for the child; and the right to consent to emergency
20 medical care. Delegable rights and duties are subject to any
21 residual rights and duties of the child's parent or guardian.

22 The bill clarifies that a parent's or guardian's residual
23 rights and duties do not preclude HHS from consenting to a
24 child's participation in an individualized education program, or
25 emergency or routine medical care for a child that will allow the
26 child to experience childhood and participate in activities in
27 a manner similar to the child's peers. "Routine medical care"
28 includes but is not limited to preventative care, also known as
29 wellness care, not including the administration of a vaccination;
30 nonemergency medical care; and use of necessary medication.

31 The bill requires HHS to notify an individual licensee and
32 the parents of a child if HHS delegates HHS's right to consent
33 to emergency or routine medical care, or participation in an
34 individualized education program (IEP), on behalf of the child
35 to the individual licensee. The bill requires HHS to notify the

1 department of education if HHS delegates the right to consent to
2 participation in an IEP on behalf of a child to an individual
3 licensee.

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