

# House File 753 - Reprinted

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HF 595)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act requiring certain safety-related information concerning a  
2 child to be provided to a parent, guardian, or foster parent  
3 or other custodian of a child.

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

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1 1 Section 1. Section 232.2, subsection 4, Code 2005, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. k. If it is part of the child's records or  
1 4 it is otherwise known that the child has behaved in a manner  
1 5 that threatened the safety of another person, has committed a  
1 6 violent act causing bodily injury to another person, or has  
1 7 been a victim or perpetrator of sexual abuse, that information  
1 8 shall be addressed in the plan and shall be provided to the  
1 9 child's parent, guardian, or foster parent or other person  
1 10 with custody of the child. The information shall be provided  
1 11 whether the child's placement is voluntary or made pursuant to  
1 12 a court determination. The information shall be provided at  
1 13 the time it is learned by the department or agency developing  
1 14 the plan and, if possible, at the time of the child's  
1 15 placement. The information shall only be withheld if ordered  
1 16 by the court or it is determined by the department or agency  
1 17 developing the plan that providing the information would be  
1 18 detrimental to the child or to the family with whom the child  
1 19 is living. In determining whether providing the information  
1 20 would be detrimental, the court, department, or agency shall  
1 21 consider any history of abuse within the child's family or  
1 22 toward the child.

1 23 Sec. 2. Section 232.48, subsection 4, Code 2005, is  
1 24 amended to read as follows:

1 25 4. A predisposition report shall not be disclosed except  
1 26 as provided in this section and in division VIII of this  
1 27 chapter. The court shall permit the child's attorney to  
1 28 inspect the predisposition report prior to consideration by  
1 29 the court. The court may order counsel not to disclose parts  
1 30 of the report to the child, or to the child's parent,  
1 31 guardian, guardian ad litem, or custodian if the court finds  
1 32 that disclosure would seriously harm the treatment or  
1 33 rehabilitation of the child. If the report indicates the  
1 34 child has behaved in a manner that threatened the safety of  
1 35 another person, has committed a violent act causing bodily  
2 1 injury to another person, or has been a victim or perpetrator  
2 2 of sexual abuse, unless otherwise ordered by the court, the  
2 3 child's parent, guardian, or foster parent or other person  
2 4 with custody of the child shall be provided with that  
2 5 information.

2 6 Sec. 3. Section 232.49, subsection 1, Code 2005, is  
2 7 amended to read as follows:

2 8 1. Following the entry of an order of adjudication under  
2 9 section 232.47 the court may, after a hearing which may be  
2 10 simultaneous with the adjudicatory hearing, order a physical  
2 11 or mental examination of the child if it finds that an  
2 12 examination is necessary to determine the child's physical or  
2 13 mental condition. The court may consider chemical dependency  
2 14 as either a physical or mental condition and may consider a  
2 15 chemical dependency evaluation as either a physical or mental  
2 16 examination. If the examination indicates the child has

2 17 behaved in a manner that threatened the safety of another  
2 18 person, has committed a violent act causing bodily injury to  
2 19 another person, or has been a victim or perpetrator of sexual  
2 20 abuse, unless otherwise ordered by the court, the child's  
2 21 parent, guardian, or foster parent or other person with  
2 22 custody of the child shall be provided with that information.

2 23 Sec. 4. Section 232.97, subsection 3, Code 2005, is  
2 24 amended to read as follows:

2 25 3. The social report shall not be disclosed except as  
2 26 provided in this section and except as otherwise provided in  
2 27 this chapter. Prior to the hearing at which the disposition  
2 28 is determined, the court shall permit counsel for the child,  
2 29 counsel for the child's parent, guardian, or custodian, and  
2 30 the guardian ad litem to inspect any social report to be  
2 31 considered by the court. The court may in its discretion  
2 32 order counsel not to disclose parts of the report to the  
2 33 child, or to the parent, guardian, or custodian if disclosure  
2 34 would seriously harm the treatment or rehabilitation of the  
2 35 child or would violate a promise of confidentiality given to a

3 1 source of information. If the report indicates the child has  
3 2 behaved in a manner that threatened the safety of another  
3 3 person, has committed a violent act causing bodily injury to  
3 4 another person, or has been a victim or perpetrator of sexual  
3 5 abuse, unless otherwise ordered by the court, the child's  
3 6 parent, guardian, or foster parent or other person with  
3 7 custody of the child shall be provided with that information.

3 8 Sec. 5. Section 232.181, Code 2005, is amended to read as  
3 9 follows:

3 10 232.181 SOCIAL HISTORY REPORT.

3 11 Upon the filing of a petition, the department shall submit  
3 12 a social history report regarding the child and the child's  
3 13 family. The report shall include a description of the child's  
3 14 disability and resultant functional limitations, the case  
3 15 permanency plan, a description of the proposed foster care  
3 16 placement, and a description of family participation in  
3 17 developing the child's case permanency plan and the commitment  
3 18 of the parent, guardian, or custodian in fulfilling the  
3 19 responsibilities defined in the plan. If the report indicates  
3 20 the child has behaved in a manner that threatened the safety  
3 21 of another person, has committed a violent act causing bodily  
3 22 injury to another person, or has been a victim or perpetrator  
3 23 of sexual abuse, unless otherwise ordered by the court, the  
3 24 child's parent, guardian, or foster parent or other person  
3 25 with custody of the child shall be provided with that  
3 26 information.

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