

Senate File 2258 - Reprinted

SENATE FILE 2258
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3114)

(As Amended and Passed by the Senate February 29, 2016)

A BILL FOR

1 An Act concerning child welfare, including provisions relating
2 to children under the custody, control, and supervision of
3 the department of human services and provisions relating to
4 children who are sex trafficking victims.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.2, subsection 4, unnumbered
2 paragraph 1, Code 2016, is amended to read as follows:

3 "*Case permanency plan*" means the plan, mandated by Pub. L.
4 No. 96-272 and Pub. L. No. 105-89, as codified in 42 U.S.C.
5 §622(b)(10), 671(a)(16), and 675(1),(5), which is designed to
6 achieve placement in the most appropriate, least restrictive,
7 and most family-like setting available and in close proximity
8 to the parent's home, consistent with the best interests and
9 special needs of the child, and which considers the placement's
10 proximity to the school in which the child is enrolled at
11 the time of placement. The plan shall be developed by the
12 department or agency involved and the child's parent, guardian,
13 or custodian. If the child is fourteen years of age or older,
14 the plan shall be developed in consultation with the child and,
15 at the option of the child, with up to two persons chosen by
16 the child to be members of the child's case planning team if
17 such persons are not a foster parent of, or caseworker for, the
18 child. The department may reject a person selected by a child
19 to be a member of the child's case planning team at any time
20 if the department has good cause to believe that the person
21 would not act in the best interests of the child. One person
22 selected by a child to be a member of the child's case planning
23 team may be designated to be the child's advisor or, if
24 necessary, the child's advocate with respect to the application
25 of the reasonable and prudent parent standard. The plan shall
26 specifically include all of the following:

27 Sec. 2. Section 232.2, subsection 4, paragraph f, Code 2016,
28 is amended to read as follows:

29 *f.* (1) When a child is ~~sixteen~~ fourteen years of age
30 or older, a written transition plan of services, supports,
31 activities, and referrals to programs which, based upon an
32 assessment of the child's needs, would assist the child in
33 preparing for the transition from foster care to adulthood.
34 The transition plan and needs assessment shall be developed
35 with a focus on the services, other support, and actions

1 necessary to facilitate the child's successful entry into
2 adulthood. The transition plan shall be personalized at the
3 direction of the child and shall be developed with the child
4 present, honoring the goals and concerns of the child, and
5 shall address the following areas of need ~~when the child~~
6 ~~becomes an adult~~ for the child's successful transition from
7 foster care to adulthood, including but not limited to all of
8 the following:

- 9 (a) Education.
- 10 (b) Employment services and other workforce support.
- 11 (c) Health and health care coverage.
- 12 (d) Housing and money management.
- 13 (e) Relationships, including local opportunities to have a
14 mentor.
- 15 (f) If the needs assessment indicates the child is
16 reasonably likely to need or be eligible for services or
17 other support from the adult service system upon reaching age
18 eighteen, the transition plan shall provide for the child's
19 application for adult services.

20 (2) The transition plan shall be considered a working
21 document and shall be reviewed and updated ~~for each permanency~~
22 ~~hearing by the court or other formal case permanency plan~~
23 review during a periodic case review, which shall occur at a
24 minimum of once every six months. The transition plan shall
25 also be reviewed and updated during the ninety calendar-day
26 period preceding the child's eighteenth birthday and during the
27 ninety calendar-day period immediately preceding the date the
28 child is expected to exit foster care, if the child remains
29 in foster care after the child's eighteenth birthday. The
30 transition plan may be reviewed and updated more frequently.

31 (3) The transition plan shall be developed and reviewed
32 by the department in collaboration with a child-centered
33 transition team. The transition team shall be comprised of
34 the child's caseworker and persons selected by the child,
35 persons who have knowledge of services available to the child,

1 and any person who may reasonably be expected to be a service
2 provider for the child when the child becomes an adult or to
3 become responsible for the costs of services at that time.
4 If the child is reasonably likely to need or be eligible for
5 adult services, the transition team membership shall include
6 representatives from the adult services system. ~~The adult
7 services system representatives may include but are not limited
8 to the administrator of county general relief under chapter
9 251 or 252 or the regional administrator of the county mental
10 health and disability services region, as defined in section
11 331.388.~~ The membership of the transition team and the meeting
12 dates for the team shall be documented in the transition plan.

13 (4) The final transition plan shall specifically identify
14 how the need for housing will be addressed.

15 (5) If the child is interested in pursuing higher education,
16 the transition plan shall provide for the child's participation
17 in the college student aid commission's program of assistance
18 in applying for federal and state aid under [section 261.2](#).

19 (6) If the needs assessment indicates the child is
20 reasonably likely to need or be eligible for services or
21 other support from the adult service system upon reaching age
22 eighteen, the transition plan shall be reviewed and approved
23 by the transition committee for the area in which the child
24 resides, in accordance with [section 235.7](#), before the child
25 reaches age seventeen and one-half. The transition committee's
26 review and approval shall be indicated in the case permanency
27 plan.

28 (7) Provision for the department or a designee of the
29 department on or before the date the child reaches age
30 eighteen, unless the child has been placed in foster care for
31 less than six months, to provide to the child a certified copy
32 of the child's birth certificate, ~~and to facilitate securing~~
33 ~~a federal social security card, and driver's license or~~
34 government-issued nonoperator's identification card. The fee
35 for the certified copy of the child's birth certificate that is

1 otherwise chargeable under [section 144.13A](#), [144.46](#), or [331.605](#)
2 shall be waived by the state or county registrar.

3 Sec. 3. Section 232.2, subsection 4, Code 2016, is amended
4 by adding the following new paragraph:

5 NEW PARAGRAPH. *n.* Any issues relating to the application
6 of the reasonable and prudent parent standard and the child's
7 participation in age or developmentally appropriate activities
8 while in foster care.

9 Sec. 4. Section 232.2, Code 2016, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 45A. "*Reasonable and prudent parent*
12 *standard*" means the same as defined in section 237.1.

13 Sec. 5. Section 232.58, subsection 3, paragraph d,
14 subparagraph (4), Code 2016, is amended to read as follows:

15 (4) If the child is sixteen years of age or older and
16 the department has documented to the court's satisfaction a
17 compelling reason for determining that an order under the
18 other subparagraphs of this paragraph "d" would not be in the
19 child's best interest, order another planned permanent living
20 arrangement for the child.

21 Sec. 6. Section 232.58, Code 2016, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 3A. If the court enters an order for
24 another planned permanent living arrangement pursuant to
25 subsection 3, paragraph "d", the court shall do all of the
26 following:

27 *a.* Ask the child about the child's desired permanency
28 outcome and make a judicial determination that another planned
29 permanent living arrangement is the best permanency plan for
30 the child.

31 *b.* Require the department to do all of the following:

32 (1) Document the efforts to place a child permanently with a
33 parent, relative, or in a guardianship or adoptive placement.

34 (2) Document that the planned permanent living arrangement
35 is the best permanency plan for the child and compelling

1 reasons why it is not in the child's best interest to be placed
2 permanently with a parent, relative, or in a guardianship or
3 adoptive placement.

4 (3) Document all of the following at the permanency hearing
5 and the six-month periodic review:

6 (a) The steps the department is taking to ensure that the
7 planned permanent living arrangement follows the reasonable and
8 prudent parent standard.

9 (b) Whether the child has regular opportunities to engage in
10 age-appropriate or developmentally appropriate activities.

11 Sec. 7. Section 232.68, subsection 2, paragraph a, Code
12 2016, is amended by adding the following new subparagraph:

13 NEW SUBPARAGRAPH. (11) The recruitment, harboring,
14 transportation, provision, obtaining, patronizing, or
15 soliciting of a child for the purpose of commercial sexual
16 activity as defined in section 710A.1.

17 Sec. 8. Section 232.68, Code 2016, is amended by adding the
18 following new subsections:

19 NEW SUBSECTION. 10. "*Sex trafficking*" means the
20 recruitment, harboring, transportation, provision, obtaining,
21 patronizing, or soliciting of a person for the purpose of
22 commercial sexual activity as defined in section 710A.1.

23 NEW SUBSECTION. 11. "*Sex trafficking victim*" means a victim
24 of sex trafficking.

25 Sec. 9. Section 232.70, subsections 8 and 9, Code 2016, are
26 amended to read as follows:

27 ~~8. If a report would be determined to constitute an~~
28 ~~allegation of child abuse as defined under section 232.68,~~
29 ~~subsection 2, paragraph "a", subparagraph (3) or (5), except~~
30 ~~that the suspected abuse resulted from the acts or omissions~~
31 ~~of a person other than a person responsible for the care of the~~
32 ~~child, the department shall refer the report to the appropriate~~
33 ~~law enforcement agency having jurisdiction to investigate the~~
34 ~~allegation. The department shall refer the report orally~~
35 ~~as soon as practicable and in writing within seventy-two~~

~~1 hours of receiving the report. Within twenty-four hours of
2 receiving a report from a mandatory or permissive reporter,
3 the department shall inform the reporter, orally or by other
4 appropriate means, whether or not the department has commenced
5 an assessment of the allegation in the report.~~

~~6 9. Within twenty-four hours of receiving a report from a
7 mandatory or permissive reporter, the department shall inform
8 the reporter, orally or by other appropriate means, whether
9 or not the department has commenced an assessment of the
10 allegation in the report. If a report would be determined
11 to constitute an allegation of child abuse as defined under
12 section 232.68, subsection 2, paragraph "a", subparagraph (3)
13 or (5), except that the suspected abuse resulted from the acts
14 or omissions of a person other than a person responsible for
15 the care of the child, the department shall refer the report
16 to the appropriate law enforcement agency having jurisdiction
17 to investigate the allegation. The department shall refer the
18 report orally as soon as practicable and in writing within
19 seventy-two hours of receiving the report.~~

20 Sec. 10. Section 232.70, Code 2016, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 10. If the department has reasonable
23 cause to believe that a child under the placement, care, or
24 supervision of the department is, or is at risk of becoming,
25 a sex trafficking victim, the department shall do all of the
26 following:

27 a. Identify the child as a sex trafficking victim or at risk
28 of becoming a sex trafficking victim and include documentation
29 in the child's department records.

30 b. Refer the child for appropriate services.

31 c. Refer the child identified as a sex trafficking victim,
32 within twenty-four hours, to the appropriate law enforcement
33 agency having jurisdiction to investigate the allegation.

34 Sec. 11. Section 232.71B, subsection 1, paragraph a,
35 subparagraph (1), Code 2016, is amended to read as follows:

1 (1) Upon acceptance of a report of child abuse, the
2 department shall commence a child abuse assessment when the
3 report alleges child abuse as defined in section 232.68,
4 subsection 2, paragraph "a", subparagraphs (1) through (3) and
5 subparagraphs (5) through ~~(10)~~ (11), or which alleges child
6 abuse as defined in section 232.68, subsection 2, paragraph "a",
7 subparagraph (4), that also alleges imminent danger, death, or
8 injury to a child.

9 Sec. 12. Section 232.71B, subsection 3, Code 2016, is
10 amended to read as follows:

11 3. *Involvement of law enforcement.*

12 a. The department shall apply protocols, developed with the
13 local child protection assistance team established pursuant to
14 section 915.35, to prioritize the actions taken in response
15 to a child abuse assessment and shall work jointly with child
16 protection assistance teams and law enforcement agencies in
17 performing assessment and investigative processes for child
18 abuse assessments in which a criminal act harming a child is
19 alleged. The county attorney and appropriate law enforcement
20 agencies shall also take any other lawful action which may be
21 necessary or advisable for the protection of the child.

22 b. If a report is determined not to constitute a child
23 abuse allegation or if the child abuse report is accepted
24 but assessed under the family assessment, but a criminal act
25 harming a child is alleged, the department shall immediately
26 refer the matter to the appropriate law enforcement agency.

27 c. If the department has reasonable cause to believe that
28 a child under the placement, care, or supervision of the
29 department is, or is at risk of becoming, a sex trafficking
30 victim, the department shall do all of the following:

31 (1) Identify the child as a sex trafficking victim or
32 at risk of becoming a sex trafficking victim and include
33 documentation in the child's department records.

34 (2) Refer the child for appropriate services.

35 (3) Refer the child identified as a sex trafficking victim,

1 within twenty-four hours, to the appropriate law enforcement
2 agency having jurisdiction to investigate the allegation.

3 d. The department shall report a child under the placement,
4 care, or supervision of the department who is reported as
5 missing or abducted to law enforcement and to the national
6 center for missing and exploited children within twenty-four
7 hours of receipt of the report.

8 Sec. 13. Section 232.102, subsection 1, paragraph a,
9 subparagraph (3), Code 2016, is amended to read as follows:

10 (3) The department of human services. If the child is
11 placed in a juvenile shelter care home or with an individual
12 or agency as defined in section 237.1, the department shall
13 assign decision-making authority to the juvenile shelter care
14 home, individual, or agency for the purpose of applying the
15 reasonable and prudent parent standard during the child's
16 placement.

17 Sec. 14. Section 232.102, Code 2016, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 5A. A child placed in foster care
20 may participate in age or developmentally appropriate
21 extracurricular, enrichment, cultural, and social activities
22 subject to the approval of the child's foster parents or the
23 appropriate licensed foster care facility staff. A court
24 shall make a finding at all review hearings to address the
25 child's participation in such activities and how barriers to
26 participation are being addressed.

27 Sec. 15. Section 232.104, subsection 2, paragraph d,
28 subparagraph (4), Code 2016, is amended to read as follows:

29 (4) If the child is sixteen years of age or older and
30 the department has documented to the court's satisfaction a
31 compelling reason for determining that an order under the
32 other subparagraphs of this paragraph "d" would not be in the
33 child's best interest, order another planned permanent living
34 arrangement for the child.

35 Sec. 16. Section 232.104, Code 2016, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 2A. If the court enters an order for
3 another planned permanent living arrangement pursuant to
4 subsection 2, paragraph "d", the court shall do all of the
5 following:

6 a. Ask the child about the child's desired permanency
7 outcome and make a judicial determination that another planned
8 permanent living arrangement is the best permanency plan for
9 the child.

10 b. Require the department to do all of the following:

11 (1) Document the efforts to place a child permanently with a
12 parent, relative, or in a guardianship or adoptive placement.

13 (2) Document that the planned permanent living arrangement
14 is the best permanency plan for the child and compelling
15 reasons why it is not in the child's best interest to be placed
16 permanently with a parent, relative, or in a guardianship or
17 adoptive placement.

18 (3) Document all of the following at the permanency hearing
19 and the six-month periodic review:

20 (a) The steps the department is taking to ensure that the
21 planned permanent living arrangement follows the reasonable and
22 prudent parent standard.

23 (b) Whether the child has regular opportunities to engage in
24 age-appropriate or developmentally appropriate activities.

25 Sec. 17. Section 232.127, subsection 10, Code 2016, is
26 amended to read as follows:

27 10. If the child is ~~sixteen~~ fourteen years of age or older
28 and an order for an out-of-home placement is entered, the
29 order shall specify the services needed to assist the child in
30 preparing for the transition from foster care to adulthood. If
31 the child has a case permanency plan, the court shall consider
32 the written transition plan of services and needs assessment
33 developed for the child's case permanency plan. If the child
34 does not have a case permanency plan containing the transition
35 plan and needs assessment at the time the order is entered, the

1 written transition plan and needs assessment shall be developed
2 and submitted for the court's consideration no later than six
3 months from the date of the transfer order. The court shall
4 modify the initial transfer order as necessary to specify
5 the services needed to assist the child in preparing for the
6 transition from foster care to adulthood. If the transition
7 plan identifies services or other support needed to assist
8 the child ~~when the child becomes an adult~~ in transitioning
9 from foster care to adulthood and the court deems it to be
10 beneficial to the child, the court may authorize the individual
11 who is the child's guardian ad litem or court appointed special
12 advocate to continue a relationship with and provide advice to
13 the child for a period of time beyond the child's eighteenth
14 birthday.

15 Sec. 18. Section 232.183, subsection 5, paragraph d, Code
16 2016, is amended to read as follows:

17 d. If the child is ~~sixteen~~ fourteen years of age or older,
18 the order shall specify the services needed to assist the child
19 in preparing for the transition from foster care to adulthood.
20 If the child has a case permanency plan, the court shall
21 consider the written transition plan of services and needs
22 assessment developed for the child's case permanency plan. If
23 the child does not have a case permanency plan containing the
24 transition plan and needs assessment at the time the order is
25 entered, the transition plan and needs assessment shall be
26 developed and submitted for the court's consideration no later
27 than six months from the date of the transfer order. The court
28 shall modify the initial transfer order as necessary to specify
29 the services needed to assist the child in preparing for the
30 transition from foster care to adulthood. If the transition
31 plan identifies services or other support needed to assist
32 the child ~~when the child becomes an adult~~ in transitioning
33 from foster care to adulthood and the court deems it to be
34 beneficial to the child, the court may authorize the individual
35 who is the child's guardian ad litem or court appointed special

1 advocate to continue a relationship with and provide advice to
2 the child for a period of time beyond the child's eighteenth
3 birthday.

4 Sec. 19. Section 237.1, Code 2016, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 9. "*Reasonable and prudent parent standard*"
7 means the standard characterized by careful and sensible
8 parenting decisions that maintain the health, safety, and
9 best interests of a child, while at the same time encouraging
10 the emotional and developmental growth of a child, that a
11 caregiver shall use when determining whether to allow a child
12 in foster care under the placement, care, or supervision of
13 the department to participate in extracurricular, enrichment,
14 cultural, or social activities. For the purposes of this
15 subsection, "*caregiver*" means an individual or an agency
16 licensed under this chapter with which a child in foster care
17 has been placed or a juvenile shelter care home approved under
18 chapter 232 in which a child in foster care has been placed.

19 Sec. 20. NEW SECTION. **237.14A Reasonable and prudent parent**
20 **standard — immunity from liability.**

21 The department, or any individual, agency, or juvenile
22 shelter care home that applies the reasonable and prudent
23 parent standard reasonably and in good faith in regard to a
24 child in foster care shall have immunity from civil or criminal
25 liability which might otherwise be incurred or imposed. This
26 section shall not remove or limit any existing liability
27 protection afforded under any other law.