

House File 2390 - Reprinted

HOUSE FILE 2390
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 624)

(COMPANION TO SF 2174 BY
COMMITTEE ON HUMAN RESOURCES)

(As Amended and Passed by the House February 23, 2022)

A BILL FOR

1 An Act relating to child welfare, including provisions relating
2 to foster care and the child advocacy board.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.2, subsection 9, Code 2022, is
2 amended to read as follows:

3 9. "*Court appointed special advocate*" means a person duly
4 certified by the child advocacy board created in section
5 237.16 for participation in the court appointed special
6 advocate program and appointed by the court to ~~represent the~~
7 ~~interests of a child in any judicial proceeding to which the~~
8 ~~child is a party or is called as a witness or relating to any~~
9 ~~dispositional order involving the child resulting from such~~
10 ~~proceeding~~ carry out the duties required by section 237.24.

11 Sec. 2. Section 237.15, Code 2022, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 4A. "*Fictive kin*" means an adult person
14 who is not a relative of a child but who has an emotionally
15 positive significant relationship with the child or the child's
16 family.

17 Sec. 3. Section 237.16, Code 2022, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 4. The department and the department
20 of inspections and appeals shall jointly develop written
21 protocols detailing the responsibilities of each department
22 with regard to children under the purview of the state board.
23 The protocols shall be reviewed by the departments on an annual
24 basis.

25 Sec. 4. Section 237.17, Code 2022, is amended to read as
26 follows:

27 **237.17 Foster care registry.**

28 1. The state board shall establish a registry of the
29 placements of all children receiving foster care. The
30 ~~department~~ agency responsible for the placement shall notify
31 the state board of each placement ~~within five working days of~~
32 ~~the department's notification of the placement in accordance~~
33 with written protocols adopted pursuant to section 237.16,
34 subsection 4. The notification ~~to the state board~~ shall
35 include information identifying the child receiving foster care

1 and placement information for that child.

2 ~~2. Within thirty days of the placement or two days after~~
3 ~~the dispositional hearing the~~ The agency responsible for the
4 placement shall submit the case permanency plan and all case
5 permanency plan revisions to the state board a local board in
6 accordance with written protocols adopted pursuant to section
7 237.16, subsection 4. ~~All subsequent revisions of the case~~
8 ~~permanency plan shall be submitted when the revisions are~~
9 ~~developed.~~

10 Sec. 5. Section 237.18, Code 2022, is amended to read as
11 follows:

12 **237.18 Duties of state board.**

13 The state board shall:

14 1. Review the activities and actions of local boards and the
15 court appointed special advocate program.

16 2. Adopt rules pursuant to [chapter 17A](#) to:

17 a. Establish a recordkeeping system for the files of local
18 ~~review~~ boards including individual case reviews.

19 b. Accumulate data and develop an annual report regarding
20 ~~children in foster care~~ served by the state board. The report
21 shall include:

22 (1) ~~Personal data~~ Data regarding the total number of days of
23 foster care provided and the characteristics of the children
24 receiving foster care.

25 (2) The number of placements of children in foster care.

26 ~~(3) The frequency and results of court reviews.~~

27 c. Evaluate the ~~judicial and administrative~~ data collected
28 ~~on foster care~~ by local boards and court appointed special
29 advocates, and disseminate the data to the governor, ~~the~~
30 ~~supreme court, the chief judge of each judicial district, the~~
31 ~~department, and child-placing agencies,~~ and the state court
32 administrator for dissemination to the supreme court and the
33 chief judge of each judicial district.

34 d. Establish mandatory training programs for members of the
35 ~~state and local review boards including an initial training~~

1 ~~program and periodic in-service training programs~~ board.

2 Training shall focus on, but not be limited to, the following:

3 (1) ~~The history, philosophy and role of the juvenile court~~
4 ~~in the child protection system~~ The duties of the state board.

5 (2) ~~Juvenile court procedures under the juvenile justice~~
6 ~~act~~ The duties of local boards.

7 (3) ~~The foster care administrative review process of the~~
8 ~~department of human services~~ The duties of court appointed
9 special advocates.

10 (4) ~~The role and procedures of the citizen's foster care~~
11 ~~review system~~ Applicable child welfare laws and practices that
12 influence the work of local boards and court appointed special
13 advocates.

14 (5) ~~The Adoption Assistance and Child Welfare Act of 1980,~~
15 ~~Pub. L. No. 96-272.~~

16 (6) ~~The purpose of case permanency plans, and the type of~~
17 ~~information that will be available in those plans.~~

18 (7) ~~The situations where the goals of either reuniting the~~
19 ~~child with the child's family or adoption would be appropriate.~~

20 (8) ~~The legal processes that may lead to foster care~~
21 ~~placement.~~

22 (9) ~~The types and number of children involved in those legal~~
23 ~~processes.~~

24 (10) ~~The types of foster care placement available, with~~
25 ~~emphasis on the types and number of facilities available on a~~
26 ~~regional basis.~~

27 (11) ~~The impact of specific physical or mental conditions of~~
28 ~~a child on the type of placement most appropriate and the kind~~
29 ~~of progress that should be expected in those situations.~~

30 e. Establish a mandatory training program and procedures for
31 the local review board boards consistent with the provisions
32 of [section 237.20](#).

33 f. ~~Establish grounds and procedures for removal of a local~~
34 ~~review board member.~~

35 g. f. Establish procedures and protocols for administering

1 the court appointed special advocate program in accordance with
2 subsection 7 6.

3 3. Assign the cases of children receiving foster care to the
4 appropriate local boards.

5 ~~4. Assist local boards in reviewing cases of children~~
6 ~~receiving foster care, as provided in [section 237.20](#).~~

7 ~~5. 4. Employ appropriate staff in accordance with available~~
8 ~~funding. The board shall coordinate with the department of~~
9 ~~inspections and appeals regarding administrative functions of~~
10 ~~the board.~~

11 ~~6. 5. In conjunction with the legislative services agency~~
12 ~~and in consultation with the department of human services,~~
13 ~~supreme court, and private foster care providers, develop and~~
14 ~~maintain~~ Maintain an evaluation program regarding citizen
15 foster care review programming. The evaluation program shall
16 be designed to evaluate the effectiveness of citizen reviews in
17 improving case permanency planning and meeting case permanency
18 planning goals, identify the amount of time children spend in
19 foster care placements, and identify problem issues in the
20 foster care system. The state board shall submit an annual
21 evaluation report to the governor and the general assembly.

22 ~~7. 6. Administer the court appointed special advocate~~
23 ~~program, including but not limited to performance of all of the~~
24 ~~following:~~

25 a. Establish standards for the program, including but
26 not limited to standards for selection and screening of
27 volunteers, preservice training, ~~ongoing~~ continuing education,
28 and assignment and supervision of volunteers. Identifying
29 information concerning a court appointed special advocate,
30 other than the advocate's name, shall not be considered to be a
31 public record under [chapter 22](#).

32 b. Implement the court appointed special advocate program ~~in~~
33 ~~additional areas of the state~~ as deemed necessary to effectuate
34 its purpose including but not limited to employing court
35 appointed special advocate program staff as available funding

1 provides.

2 *c.* Promote adherence to the national guidelines for state
3 and local court appointed special advocate programs.

4 *d.* Issue an annual report of the court appointed special
5 advocate program for submission to the general assembly, the
6 governor, and the supreme court.

7 ~~*e.* Employ appropriate court appointed special advocate
8 program staff in accordance with available funding. The state
9 board shall coordinate with the department of inspections and
10 appeals the performance of the administrative functions of the
11 state board.~~

12 ~~8.~~ 7. Receive gifts, grants, or donations made for any of
13 the purposes of the state board's programs and disburse and
14 administer the funds received in accordance with the terms of
15 the donor and under the direction of program staff. The funds
16 received shall be used according to any restrictions attached
17 to the funds and any unrestricted funds shall be retained
18 and applied to the applicable program budget for the next
19 succeeding fiscal year.

20 ~~9.~~ 8. Make recommendations to the general assembly, the
21 department, ~~to~~ child-placing agencies, the governor, and the
22 state court administrator for dissemination to the supreme
23 court, and the chief judge of each judicial district, ~~and to~~
24 ~~the judicial branch.~~ The recommendations shall include but
25 are not limited to identification of systemic problems in
26 the foster care and the juvenile justice systems, specific
27 proposals for improvements that assist the systems in being
28 more cost-effective and better able to protect the best
29 interests of children, and necessary changes relating to the
30 data collected and the annual report made under subsection 2,
31 paragraph "b".

32 Sec. 6. Section 237.19, Code 2022, is amended to read as
33 follows:

34 **237.19 Local citizen foster care review boards.**

35 1. The state board shall establish local citizen foster

1 care review boards to review cases of children receiving foster
2 care. The department shall discontinue its foster care review
3 process for those children reviewed by local boards as local
4 boards are established and operating. The state board shall
5 select a minimum of five members and two alternate a maximum of
6 seven members to serve on each local board in consultation with
7 the chief judge of each judicial district. The actual number
8 of local boards needed and established shall be determined
9 by the state board. The members of each local board shall
10 consist of persons of, to the extent possible, reflect the
11 various social, economic, racial, and ethnic groups and various
12 occupations of their district. A person employed by the state
13 board, or the department, the department of inspections and
14 appeals, or the district court, or an employee of an agency
15 with which the department contracts for services for children
16 under foster care, a foster parent providing foster care, or
17 a child-placing agency shall not serve on a local board. The
18 state board shall provide the names of the members of the local
19 boards to the department.

20 2. Vacancies on a local board shall be filled in the
21 same manner as original appointments. ~~The members shall not~~
22 ~~receive per diem but shall receive reimbursement for actual and~~
23 ~~necessary expenses incurred in their duties as members.~~

24 3. A local board member shall be required to pass a
25 background check and complete requirements as established by
26 the state board prior to taking an oath of confidentiality to
27 serve on a local board.

28 4. A local board member shall be required to receive
29 periodic continuing education during each term of service as
30 established by the state board.

31 Sec. 7. Section 237.20, subsection 1, unnumbered paragraph
32 1, Code 2022, is amended to read as follows:

33 Review the case of each child receiving foster care
34 assigned to the a local board by the state board in accordance
35 with written protocols adopted pursuant to section 237.16,

1 subsection 4, to determine whether satisfactory progress
2 is being made toward the goals of the case permanency plan
3 pursuant to section 237.22. The timing and frequency of
4 a review of each case by a local board shall take into
5 consideration the permanency goals, placement setting, and
6 frequency of any court reviews of the case.

7 Sec. 8. Section 237.20, subsection 1, paragraph a,
8 subparagraph (2), Code 2022, is amended to read as follows:

9 (2) The efforts of the agency responsible for the placement
10 of the child to locate and provide services to the child's
11 biological or adoptive parents of the child, legal guardians,
12 or fictive kin providing the majority of a child's daily food,
13 lodging, and support.

14 Sec. 9. Section 237.20, subsection 1, paragraphs b, c, and
15 d, Code 2022, are amended to read as follows:

16 ~~b. The review shall include issues pertaining to the~~
17 ~~case permanency plan and shall not include issues that do~~
18 ~~not pertain to the case permanency plan.~~ A person notified
19 pursuant to subsection 4 shall either attend the review or
20 submit ~~testimony~~ a statement as requested by the local board
21 or in accordance with a written protocol jointly developed by
22 the state board and the department. ~~Oral testimony~~ Statements
23 may, upon the request of ~~the testifier~~ an interested party or
24 upon motion of the local board, be given in a private setting
25 ~~when to do so would facilitate the presentation of evidence.~~
26 Statements may be made in written, oral, or electronic form.
27 Local board ~~questions~~ reviews shall pertain to the permanency
28 plan and shall not include issues that do not pertain to the
29 permanency plan.

30 ~~c. A person who gives~~ an oral testimony statement has the
31 right to representation by counsel at the review.

32 ~~d. An agency or individual providing services to the child~~
33 shall submit ~~testimony~~ statements as requested by the local
34 board. ~~The testimony may be written or oral, or may be a~~
35 ~~tape recorded telephone call.~~ Written testimony or recorded

1 statements from other interested parties may also be considered
2 by the board in its review.

3 Sec. 10. Section 237.20, subsection 2, paragraph a, Code
4 2022, is amended to read as follows:

5 a. Submit to the appropriate court and the department within
6 fifteen days after the review under subsection 1, the findings
7 and recommendations of the review. The local board shall
8 ensure that the most recent report is available for a court
9 hearing. The report ~~to the court~~ shall include information
10 regarding the case permanency plan and the progress in
11 attaining the permanency goals. The report shall not include
12 issues that do not pertain to the case permanency plan. The
13 findings and recommendations shall include the proposed date
14 of the next review by the local board. The local board shall
15 notify the persons specified in subsection 4 of the findings
16 and recommendations.

17 Sec. 11. Section 237.20, subsection 4, paragraph a, Code
18 2022, is amended by adding the following new subparagraph:
19 NEW SUBPARAGRAPH. (9) An intervenor.

20 Sec. 12. Section 237.21, subsection 2, Code 2022, is amended
21 to read as follows:

22 2. Information and records relating to a child receiving
23 foster care and to the child's family shall be provided to
24 a court appointed special advocate, a local board, or the
25 state board by the department, the department's agent, or a
26 ~~child-care child placement agency receiving purchase-of-service~~
27 ~~funds from the department contracted by the department~~ upon
28 request by the court appointed special advocate or either
29 board. A court having jurisdiction of a child receiving
30 foster care shall release the information and records the
31 court deems necessary to determine the needs of the child,
32 ~~if the information and records are not obtainable elsewhere,~~
33 to a local board or ~~the state board~~ court appointed special
34 advocate upon request by either the local board or court
35 appointed special advocate. If confidential information and

1 records are distributed to individual members in advance of a
2 meeting of ~~the state board or~~ a local board, the information
3 and records shall be clearly identified as confidential and the
4 members shall take appropriate steps to prevent unauthorized
5 disclosure. If confidential information and records are
6 distributed to a court appointed special advocate or court
7 appointed special advocate program staff, the information shall
8 be confidential and the court appointed special advocate and
9 court appointed special advocate program staff shall take
10 appropriate steps to prevent unauthorized disclosure.

11 Sec. 13. Section 237.21, subsection 4, Code 2022, is amended
12 to read as follows:

13 4. A court appointed special advocate may disclose
14 case-related observations and recommendations to the agency
15 assigned by the court to supervise the case, to the county
16 attorney, or to the child's legal representative or guardian ad
17 litem, or at a local board meeting. Case-related observations
18 and recommendations about a child and the child's parent or
19 about a child and the child's legal guardian may also be
20 disclosed to the parent or guardian to which the observations
21 and recommendations pertain or to such parent or guardian's
22 legal representative.

23 Sec. 14. Section 237.22, Code 2022, is amended to read as
24 follows:

25 **237.22 Case permanency plan.**

26 The agency responsible for the placement of the child shall
27 create a case permanency plan. ~~The plan shall~~ In addition to
28 requirements stated in section 232.2, subsection 4, the plan
29 shall also include, but not be limited to:

30 ~~1. Plans for carrying out the voluntary placement agreement~~
31 ~~or judicial determination pursuant to which the child entered~~
32 ~~care.~~

33 ~~2.~~ 1. Time frames to meet the stated permanency goal and
34 short-term objectives.

35 ~~3. The type and appropriateness of the placement and~~

1 ~~services to be provided to the child.~~

2 4. 2. The care and services that will be provided to the
3 child, biological parents, the child's fictive kin, and foster
4 parents.

5 ~~5. How the care and services will meet the needs of the~~
6 ~~child while in care and will facilitate the child's return home~~
7 ~~or other permanent placement.~~

8 6. 3. The efforts to place the child with a relative or
9 fictive kin.

10 7. 4. The rationale for an out-of-state placement, and the
11 efforts to prevent such placement, if the child has been placed
12 out of state.

13 Sec. 15. NEW SECTION. 237.24 **Court appointed special**
14 **advocates.**

15 1. A court appointed special advocate shall receive notice
16 of all depositions, hearings, and trial proceedings in a matter
17 to which the court appointed special advocate is appointed.

18 2. The duties of a court appointed special advocate with
19 respect to a child, unless otherwise enlarged or circumscribed
20 by a court or juvenile court with jurisdiction over the
21 child after a finding of good cause, shall include all of the
22 following:

23 a. Conducting in-person interviews with the child every
24 thirty days, if the child's age is appropriate for the
25 interview, and interviewing each parent, guardian, or other
26 person having custody of the child as needed, if authorized by
27 counsel.

28 b. Visiting the home, residence, or both home and residence
29 of the child and any prospective home or residence of the
30 child, including each time placement is changed.

31 c. Interviewing any person providing medical, mental health,
32 social, educational, or other services to the child.

33 d. Obtaining firsthand knowledge, if possible, of the facts,
34 circumstances, and parties involved in the matter in which the
35 court appointed special advocate is appointed.

1 e. Attending any depositions, hearings, and trial
2 proceedings in a matter to which the court appointed special
3 advocate is appointed for the purpose of supporting the child
4 and advocating for the child's protection.

5 f. Assisting the transition committee in the development of
6 a transition plan if the child's case permanency plan calls for
7 the development of a transition plan.

8 g. (1) Submitting a written report to the juvenile court
9 and to each of the parties identified in section 237.21,
10 subsection 4, prior to each court hearing unless otherwise
11 ordered by the court.

12 (2) The report shall include but not be limited to the
13 identified strengths of the child and the child's family,
14 concerns identified by the court appointed special advocate,
15 the court appointed special advocate's recommendations
16 regarding the child's placement, and other recommendations the
17 court appointed special advocate believes are in the child's
18 best interests.

19 h. Submitting periodic reports to the court or juvenile
20 court with jurisdiction over a child and interested parties
21 detailing the child's situation as long as the child remains
22 under the jurisdiction of the court or juvenile court.

23 i. Filing other reports as ordered by a court or juvenile
24 court.