

House File 2507 - Reprinted

HOUSE FILE 2507
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 653)

(As Amended and Passed by the House March 10, 2022)

A BILL FOR

1 An Act relating to juvenile justice including juvenile
2 delinquency, child in need of assistance and family in
3 need of assistance proceedings, juvenile justice reform,
4 and juvenile court expenses and costs, and including
5 effective date, applicability, and retroactive applicability
6 provisions.

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

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DIVISION I

JUVENILE JUSTICE — CONSTRUCTION AND DEFINITIONS

Section 1. Section 232.1, Code 2022, is amended to read as follows:

232.1 Rules of construction.

This chapter shall be liberally construed to the end that each child under the jurisdiction of the court shall receive, preferably in the child's own home, the care, guidance and control that will best serve the child's welfare and the best interest of the state. When a child is removed from the control of the child's parents, the court shall secure the least restrictive care for the child's placement with a preference for placement with the child's family or a fictive kin. ~~the child care as nearly as possible equivalent to that which should have been given by the parents~~

Sec. 2. Section 232.2, subsection 6, Code 2022, is amended by striking the subsection and inserting in lieu thereof the following:

6. "*Child in need of assistance*" means a child who has been found to meet the grounds for adjudication pursuant to section 232.96A.

Sec. 3. Section 232.2, subsection 9, Code 2022, is amended to read as follows:

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

Sec. 4. Section 232.2, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 20A. "*Fictive kin*" means an adult person who is not a relative of a child but who has an emotionally

1 positive significant relationship with the child or the child's
2 family.

3 NEW SUBSECTION. 20B. "*Foster care*" means the provision of
4 parental nurturing, including but not limited to the furnishing
5 of food, lodging, training, education, supervision, treatment,
6 or other care, to a child on a full-time basis by a person,
7 including an adult relative or fictive kin of the child, and
8 where the child is under the placement, care, or supervision
9 of the department, juvenile court services, or tribes with
10 whom the department has entered into an agreement pursuant
11 to a court order or voluntary placement, but not including a
12 guardian of the child.

13 Sec. 5. Section 232.2, subsection 21, paragraph a, Code
14 2022, is amended to read as follows:

15 a. "*Guardian*" means a person who is not the parent of
16 a child, but who has been appointed by a court ~~or juvenile~~
17 ~~court~~ having jurisdiction over the child, to have a permanent
18 self-sustaining relationship with the child and to make
19 important decisions which have a permanent effect on the life
20 and development of that child and to promote the general
21 welfare of that child. A guardian may be a court ~~or a juvenile~~
22 ~~court~~. Guardian does not mean conservator, as defined in
23 section 633.3, although a person who is appointed to be a
24 guardian may also be appointed to be a conservator.

25 Sec. 6. Section 232.2, subsection 22, paragraph a, Code
26 2022, is amended to read as follows:

27 a. "*Guardian ad litem*" means a person appointed by the
28 court to represent the interests of a child in any judicial
29 proceeding to which the child is a party, ~~and includes a court~~
30 ~~appointed special advocate, except that a court appointed~~
31 ~~special advocate shall not file motions or petitions pursuant~~
32 ~~to [section 232.54, subsection 1, paragraphs "a" and "d", section](#)~~
33 ~~[232.103, subsection 2, paragraph "c", and \[section 232.111\]\(#\).](#)~~

34 Sec. 7. Section 232.2, subsection 22, paragraph b,
35 unnumbered paragraph 1, Code 2022, is amended to read as

1 follows:

2 Unless otherwise enlarged or circumscribed after a finding
3 of good cause by a court or juvenile court having jurisdiction
4 over the child or by operation of law, the duties of a guardian
5 ad litem with respect to a child shall include the following:

6 Sec. 8. Section 232.2, subsection 22, paragraph b, Code
7 2022, is amended by adding the following new subparagraphs:

8 NEW SUBPARAGRAPH. (8) Submitting a written report to
9 the juvenile court and to each of the parties detailing
10 compliance with this subsection. If the guardian ad litem
11 is also appointed to represent the child as an attorney, the
12 written report shall contain an assessment of this dual role
13 and whether there is a need for the court to appoint a separate
14 guardian ad litem. A written report shall be submitted for
15 each court hearing unless otherwise ordered by the court.

16 NEW SUBPARAGRAPH. (9) Providing a sibling of a child
17 not placed with the child with the reasons why the child and
18 the sibling have not been placed together and an explanation
19 of the efforts being made to facilitate placement together
20 or why efforts to place the child and sibling together
21 are not appropriate. This subparagraph shall not apply if
22 the sibling's age or mental state makes such explanations
23 inappropriate.

24 Sec. 9. Section 232.2, subsection 22, Code 2022, is amended
25 by adding the following new paragraph:

26 NEW PARAGRAPH. e. In determining the best interests of
27 the child, rather than relying solely on a guardian ad litem's
28 life experiences or instinct, a guardian ad litem shall, with
29 the primary goal of achieving permanency for the child by
30 preserving the child's family or reunifying the child with the
31 child's family, do all of the following:

32 (1) Determine the child's circumstances through a full,
33 independent, and efficient investigation, including the
34 information gathered from the child's medical, mental health,
35 and education professionals, social workers, other relevant

1 experts, and other sources obtained in accordance with this
2 subsection.

3 (2) Assess the child and the totality of the child's
4 circumstances at the time of each placement determination,
5 including any potential trauma to the child that may be caused
6 by any recommended action.

7 (3) Examine all options available to the child in light of
8 the permanency plans.

9 (4) Incorporate a child's expressed wishes in
10 recommendations and reports.

11 Sec. 10. Section 232.2, Code 2022, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 35A. "*Neglect*" means the failure on the
14 part of a person responsible for the care of a child to provide
15 for adequate food, shelter, clothing, medical or mental health
16 treatment, supervision, or other care necessary for the child's
17 health and welfare when financially able to do so or when
18 offered financial or other reasonable means to do so.

19 Sec. 11. Section 232.2, subsection 42, Code 2022, is amended
20 to read as follows:

21 ~~42. "*Physical abuse or neglect*" or "*abuse or neglect*"~~
22 "*Physical abuse*" means any nonaccidental physical injury
23 suffered by a child as the result of the acts or omissions of
24 the child's parent, guardian, or custodian or other person
25 legally responsible for the child.

26 Sec. 12. Section 232.2, Code 2022, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 045A. "*Putative father*" means a person who
29 has been identified by the mother of a child as the child's
30 potential biological father or a person who claims to be the
31 biological father of a child and who was not married to the
32 child's mother at the time of the child's birth, when all of
33 the following circumstances apply:

34 a. Biological testing has not excluded the person as the
35 child's biological father.

1 *b.* No legal father has been established, biological
2 testing excludes the previously identified father, or previous
3 paternity has otherwise been disestablished.

4 *c.* Information sufficient to identify and find the person
5 has been provided to the county attorney by the mother, the
6 person, or a party to proceedings under this chapter.

7 *d.* The person has not been found by a court to be
8 uncooperative with genetic testing.

9 Sec. 13. Section 232.2, subsection 46A, Code 2022, is
10 amended by striking the subsection and inserting in lieu
11 thereof the following:

12 46A. "*Relative*" means an individual related to a child
13 within the fourth degree of consanguinity or affinity, by
14 marriage, or through adoption. For purposes of subchapters III
15 and IV, "*relative*" includes the parent of a sibling of the child
16 if the sibling's parent's parental rights were not previously
17 terminated in relation to the child.

18 Sec. 14. Section 232.2, subsection 52, Code 2022, is amended
19 to read as follows:

20 52. "*Sibling*" means an individual who is related to
21 another individual by blood, adoption, or affinity through a
22 common legal or biological parent, regardless of whether a
23 common legal or biological parent's parental rights have been
24 terminated.

25 Sec. 15. Section 232.3, subsection 1, Code 2022, is amended
26 to read as follows:

27 1. During the pendency of an action under [this chapter](#), a
28 party to the action is estopped from litigating concurrently
29 the custody, guardianship, or placement of a child who
30 is the subject of the action, in a court other than the
31 juvenile court. A district judge, district associate judge,
32 magistrate, or judicial hospitalization referee, upon notice
33 of the pendency of an action under [this chapter](#), shall not
34 issue an order, finding, or decision relating to the custody,
35 guardianship, or placement of the child who is the subject of

1 the action, under any law, including but not limited to chapter
2 232D, 598, 598B, or 633.

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DIVISION II

4 JUVENILE DELINQUENCY PROCEEDINGS — TAKING A CHILD INTO CUSTODY

5 Sec. 16. Section 232.19, subsection 1, paragraph c, Code
6 2022, is amended to read as follows:

7 c. By a peace officer, when the peace officer has
8 reasonable grounds to believe the child has run away from the
9 child's parents, guardian, or custodian, for the purposes
10 of determining whether the child shall be reunited with the
11 child's parents, guardian, or custodian, or placed in shelter
12 care, ~~or, if the child is a chronic runaway and the county has~~
13 ~~an approved county runaway treatment plan, placed in a runaway~~
14 ~~assessment center under~~ section 232.196.

15

DIVISION III

16 JUVENILE DELINQUENCY PROCEEDINGS — JUDICIAL PROCEEDINGS

17 Sec. 17. Section 232.37, subsection 4, Code 2022, is amended
18 to read as follows:

19 4. Service of summons or notice shall be made personally
20 by the sheriff by delivering a copy of the summons or notice
21 to the person being served. If the court determines that
22 personal service of a summons or notice is impracticable, the
23 court may order service by certified mail addressed to the last
24 known address, by publication, or by electronic mail or other
25 electronic means with the consent of the party to be served.
26 Service of summons or notice shall be made not less than five
27 days before the time fixed for hearing. Service of summons,
28 notice, subpoenas or other process, after an initial valid
29 summons or notice, shall be made in accordance with the rules
30 of the court governing such service in civil actions.

31 Sec. 18. Section 232.57, subsection 2, paragraphs d, e, f,
32 and g, Code 2022, are amended to read as follows:

33 d. The parent has been convicted of the murder of another
34 child ~~of the parent~~.

35 e. The parent has been convicted of the voluntary

1 manslaughter of another child ~~of the parent~~.

2 *f.* The parent has been convicted of aiding or abetting,
3 attempting, conspiring in, or soliciting the commission of
4 the murder or voluntary manslaughter of another child ~~of the~~
5 ~~parent~~.

6 *g.* The parent has been convicted of a felony assault which
7 resulted in serious bodily injury of the child or of another
8 child ~~of the parent~~.

9

DIVISION IV

10 CHILD IN NEED OF ASSISTANCE PROCEEDINGS — CHILD ABUSE
11 REPORTING, ASSESSMENT, AND REHABILITATION

12 Sec. 19. Section 232.67, Code 2022, is amended to read as
13 follows:

14 **232.67 Legislative findings — purpose and policy.**

15 Children in this state are in urgent need of protection
16 from abuse. It is the purpose and policy of ~~this part 2 of~~
17 subchapter III to provide the greatest possible protection
18 to victims or potential victims of abuse through encouraging
19 the increased reporting of suspected cases of abuse, ensuring
20 the thorough and prompt assessment of these reports, and
21 providing rehabilitative services, where appropriate and
22 whenever possible to abused children and their families which
23 will stabilize the home environment so that the family can
24 remain intact without further danger to the child. The state
25 recognizes removing a child from the child's family will cause
26 the child harm and that the harm caused by a child's removal
27 must be weighed against the potential harm in allowing a child
28 to remain with the child's family.

29 Sec. 20. Section 232.68, subsection 2, paragraph a,
30 subparagraph (4), subparagraph division (a), Code 2022, is
31 amended to read as follows:

32 (a) The failure on the part of a person responsible for
33 the care of a child to provide for the adequate food, shelter,
34 clothing, medical or mental health treatment, supervision, or
35 other care necessary for the child's health and welfare when

1 financially able to do so or when offered financial or other
2 reasonable means to do so and the failure occurred within five
3 years of a report.

4 Sec. 21. Section 232.68, subsection 2, paragraph a,
5 subparagraph (7), Code 2022, is amended to read as follows:

6 (7) The person responsible for the care of a child,
7 in the presence of a child, as defined in section ~~232.2,~~
8 ~~subsection 6, paragraph "p"~~ 232.96A, subsection 16, paragraph
9 "e", unlawfully uses, possesses, manufactures, cultivates,
10 or distributes a dangerous substance, as defined in section
11 ~~232.2, subsection 6, paragraph "p"~~ 232.96A, subsection 16,
12 paragraph "f", or knowingly allows such use, possession,
13 manufacture, cultivation, or distribution by another person in
14 the presence of a child; possesses a product with the intent
15 to use the product as a precursor or an intermediary to a
16 dangerous substance in the presence of a child; or unlawfully
17 uses, possesses, manufactures, cultivates, or distributes a
18 dangerous substance specified in section 232.2, subsection 6,
19 paragraph "p", subparagraph (2), subparagraph division (a),
20 (b), or (c) 232.96A, subsection 16, paragraph "f", subparagraph
21 (1), (2), or (3), in a child's home, on the premises, or in a
22 motor vehicle located on the premises and the incident occurred
23 within five years of a report to the department.

24 Sec. 22. Section 232.70, subsection 1, Code 2022, is amended
25 by striking the subsection and inserting in lieu thereof the
26 following:

27 1. Each report made by a mandatory reporter, as defined
28 in section 232.69, subsection 1, or a permissive reporter, as
29 defined in section 232.69, subsection 2, shall be oral.

30 Sec. 23. Section 232.71B, subsection 11, Code 2022, is
31 amended to read as follows:

32 11. *Multidisciplinary team.* In each county or multicounty
33 area in which more than fifty child abuse reports are made
34 per year, the department shall establish a multidisciplinary
35 team, as defined in section 235A.13, subsection 8. Upon the

1 department's request, a multidisciplinary team shall assist
2 the department in the assessment, diagnosis, and disposition
3 of a child abuse assessment and the subsequent provision of
4 services.

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DIVISION V

6 CHILD IN NEED OF ASSISTANCE PROCEEDINGS — TEMPORARY CUSTODY
7 OF A CHILD

8 Sec. 24. Section 232.78, subsection 1, paragraph b, Code
9 2022, is amended to read as follows:

10 b. ~~It appears~~ The court has found that substantial evidence
11 exists to demonstrate that the need for removal outweighs the
12 potential harm removal of the child would cause the child,
13 including but not limited to any physical, emotional, social,
14 and mental trauma the removal may cause the child.

15 c. The court finds that the child's immediate removal
16 is necessary to avoid imminent danger to the child's life
17 or health. The circumstances or conditions indicating the
18 presence of such imminent danger shall include but are not
19 limited to any of the following:

20 (1) The refusal or failure of the person responsible for
21 the care of the child to comply with the request of a peace
22 officer, juvenile court officer, or child protection worker
23 for such person to obtain and provide to the requester the
24 results of a physical or mental examination of the child. The
25 request for a physical examination of the child may specify the
26 performance of a medically relevant test.

27 (2) The refusal or failure of the person responsible for
28 the care of the child or a person present in the person's home
29 to comply with a request of a peace officer, juvenile court
30 officer, or child protection worker for such a person to submit
31 to and provide to the requester the results of a medically
32 relevant test of the person.

33 Sec. 25. Section 232.78, subsection 7, Code 2022, is amended
34 to read as follows:

35 7. Any order entered under [this section](#) authorizing

1 temporary removal of a child must include ~~both~~ all of the
2 following:

3 *a.* A determination made by the court that continuation
4 of the child in the child's home would be contrary to the
5 welfare of the child. Such a determination must be made on a
6 case-by-case basis. The grounds for the court's determination
7 must be explicitly documented and stated in the order.
8 However, preserving the safety of the child must be the court's
9 paramount consideration. If imminent danger to the child's
10 life or health exists at the time of the court's consideration,
11 the determination shall not be a prerequisite to the removal
12 of the child.

13 *b.* A determination made by the court that the necessity
14 of the removal of the child from the child's home, due to an
15 imminent risk to the child's life or health, is greater than
16 the potential harm including but not limited to physical,
17 emotional, social, and mental trauma the removal may cause the
18 child.

19 ~~*b.*~~ *c.* A statement informing the child's parent that the
20 consequences of a permanent removal may include termination of
21 the parent's rights with respect to the child.

22 Sec. 26. Section 232.78, Code 2022, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 8. *a.* If the juvenile court determines
25 that the child should be temporarily removed from the child's
26 home under this section, the court shall consider placing the
27 child in the custody of another parent of the child. If the
28 juvenile court determines placing custody of the child with any
29 of the child's parents is not in the child's best interests,
30 the child's custody shall be transferred to the department for
31 placement of the child in any of the following categories in
32 the following order of priority:

33 (1) An adult relative of the child including but not limited
34 to adult siblings and parents of siblings.

35 (2) A fictive kin.

1 (3) Any other suitable placement identified by the child's
2 relatives.

3 (4) An individual licensed to provide foster care pursuant
4 to chapter 237. If the child is placed with a licensed foster
5 care provider, the department shall assign decision-making
6 authority to the foster care provider for the purpose of
7 applying the reasonable and prudent parent standard during the
8 child's placement.

9 (5) A group care facility, shelter care facility, or other
10 residential treatment facility.

11 *b.* (1) If the court places custody of the child with the
12 department pursuant to paragraph "a", the court may identify a
13 category listed in paragraph "a" for placement of the child, but
14 the department shall have the authority to select the specific
15 person or facility within that category for placement, subject
16 to court review at the request of an interested party.

17 (2) The court shall give deference to the department's
18 decision for placement of a child. A party opposed to the
19 department's placement of a child shall have the burden
20 to prove the department failed to act in the child's best
21 interests by unreasonably or irresponsibly failing to discharge
22 its duties in selecting a suitable placement for the child.

23 *c.* A juvenile court shall not order placement of a child
24 in a category listed in paragraph "a", subparagraph (2), (3),
25 (4), or (5), without a specific finding that placement with a
26 relative is not in the child's best interests and shall provide
27 reasons for the court's finding.

28 Sec. 27. Section 232.79, subsection 2, Code 2022, is amended
29 by adding the following new paragraph:

30 NEW PARAGRAPH. *0c.* Make every reasonable effort to place
31 the child with an adult relative or a fictive kin of the child.

32 Sec. 28. Section 232.79A, Code 2022, is amended to read as
33 follows:

34 **232.79A Children without adult supervision.**

35 If a peace officer determines that a child does not have

1 adult supervision because the child's parent, guardian, or
2 other person responsible for the care of the child has been
3 arrested and detained or has been unexpectedly incapacitated,
4 and that no adult who is legally responsible for the care
5 of the child can be located within a reasonable period of
6 time, the peace officer shall attempt to place the child with
7 an adult relative of the child, ~~an adult person who cares~~
8 ~~for the child, or another adult person who is known to the~~
9 child or a fictive kin. The person with whom the child is
10 placed is authorized to give consent for emergency medical
11 treatment of the child and shall not be held liable for any
12 action arising from giving the consent. Upon the request
13 of the peace officer, the department shall assist in making
14 the placement. The placement shall not exceed a period of
15 twenty-four hours and shall be terminated when a person who
16 is legally responsible for the care of the child is located
17 and takes custody of the child. If a person who is legally
18 responsible for the care of the child cannot be located within
19 the twenty-four hour period or a placement in accordance with
20 this section is unavailable, the provisions of [section 232.79](#)
21 shall apply. If the person with whom the child is placed
22 charges a fee for the care of the child, the fee shall be paid
23 from funds provided in the appropriation to the department for
24 protective child care.

25 Sec. 29. NEW SECTION. **232.79B Safety plans.**

26 1. For the purposes of this section, "safety plan" means
27 a short-term, time-limited agreement entered into between the
28 department and a child's parent designed to address signs of
29 imminent or impending danger to a child identified by the
30 department.

31 2. Upon the department's determination that potential harm
32 to a child may be mitigated by the development of a safety
33 plan, the department may enter into a safety plan with the
34 child's parent.

35 3. A safety plan shall not be construed as a removal from

1 parental custody absent a court order placing the child with a
2 person or facility other than the parent who entered into the
3 safety plan.

4 4. The department shall adopt rules to implement this
5 section.

6 Sec. 30. Section 232.82, Code 2022, is amended to read as
7 follows:

8 **232.82 Removal of sexual offenders, and physical abusers, and**
9 **domestic abusers from the residence pursuant to court order.**

10 1. Notwithstanding [section 561.15](#), if it is alleged by
11 a person authorized to file a petition under section 232.87,
12 subsection 2, or by the court on its own motion, that a parent,
13 guardian, custodian, or an adult member of the household in
14 which a child resides has committed a sexual offense with or
15 against the child, pursuant to [chapter 709](#) or [section 726.2](#), or
16 a physical abuse as defined by in [section 232.2](#), subsection 42,
17 or domestic abuse assault as defined in section 708.2A, against
18 the child or another household member at a location or in a
19 manner a reasonably prudent person would know the child could
20 see, hear, or otherwise experience, the juvenile court may
21 enter an ex parte order requiring the alleged sexual offender,
22 ~~or~~ physical abuser, or domestic abuser to vacate the child's
23 residence upon a showing that probable cause exists to believe
24 that the sexual offense, ~~or~~ physical abuse, or domestic abuse
25 has occurred and that substantial evidence exists to believe
26 that the presence of the alleged sexual offender, ~~or~~ physical
27 abuser, or domestic abuser in the child's residence presents a
28 danger to the child's life or physical, emotional, or mental
29 health.

30 2. If an order is entered under [subsection 1](#) and a petition
31 has not yet been filed under [this chapter](#), the petition shall
32 be filed under [section 232.87](#) by the county attorney, the
33 department of human services, or a juvenile court officer
34 within three days of the entering of the order.

35 3. The juvenile court may order on its own motion, or

1 shall order upon the request of the alleged sexual offender,
2 ~~or physical abuser, or domestic abuser~~ a hearing to determine
3 whether the order to vacate the residence should be upheld,
4 modified, or vacated. The hearing shall be held within thirty
5 days of removal of the alleged sexual offender, physical
6 abuser, or domestic abuser from the residence. The juvenile
7 court may in any later child in need of assistance proceeding
8 uphold, modify, or vacate the order to vacate the residence.

9 Sec. 31. Section 232.84, subsection 2, Code 2022, is amended
10 to read as follows:

11 2. ~~Within~~ Unless the custody of a child is transferred
12 from one of the child's parents to another parent of the
13 child, within thirty days after the entry of an order under
14 this chapter ~~transferring custody of a child to an agency for~~
15 ~~placement~~ removing a child from the custody of a parent or
16 parents of the child, the agency department shall exercise due
17 diligence in identifying and providing notice to the child's
18 grandparents, aunts, uncles, adult siblings, parents of the
19 child's siblings, and adult relatives suggested by the child's
20 parents, subject to exceptions due to the presence of family or
21 domestic violence.

22 Sec. 32. Section 232.84, Code 2022, is amended by adding the
23 following new subsections:

24 NEW SUBSECTION. 4. The agency may share information as
25 necessary to explore a child's potential placement with any
26 adult relative who may receive notice pursuant to subsection 2.

27 NEW SUBSECTION. 5. If an adult relative entitled to notice
28 pursuant to subsection 2 is later discovered by or identified
29 to the department, the department shall provide notice to that
30 relative within thirty days of that relative becoming known to
31 the department.

32 Sec. 33. NEW SECTION. **232.96A Child in need of assistance**
33 **adjudication.**

34 The court may adjudicate a child in need of assistance
35 if such child is unmarried and meets any of the following

1 requirements:

2 1. The child's parent, guardian, or other custodian has
3 abandoned or deserted the child.

4 2. The child's parent, guardian, other custodian, or
5 other member of the household in which the child resides has
6 physically abused or neglected the child, or is imminently
7 likely to physically abuse or neglect the child.

8 3. The child has suffered or is imminently likely to suffer
9 harmful effects as a result of any of the following:

10 a. Mental injury caused by the acts of the child's parent,
11 guardian, or custodian.

12 b. The failure of the child's parent, guardian, custodian,
13 or other member of the household in which the child resides to
14 exercise a reasonable degree of care in supervising the child.

15 c. The child's parent, guardian, custodian, or person
16 responsible for the care of a child as defined in section
17 232.68, has knowingly disseminated or exhibited obscene
18 material, as defined in section 728.1, to the child.

19 4. The child has been, or is imminently likely to be,
20 sexually abused by the child's parent, guardian, custodian, or
21 other member of the household in which the child resides.

22 5. The child is in need of medical treatment to cure,
23 alleviate, or prevent serious physical injury or illness and
24 whose parent, guardian, or custodian is unwilling or unable to
25 provide such treatment.

26 6. The child is in need of treatment to cure or alleviate
27 serious mental illness or disorder, or emotional damage
28 as evidenced by severe anxiety, depression, withdrawal, or
29 untoward aggressive behavior toward the child's self or others
30 and the child's parent, guardian, or custodian is unwilling to
31 provide such treatment.

32 7. The child's parent, guardian, or custodian fails to
33 exercise a minimal degree of care in supplying the child with
34 adequate food, clothing, or shelter and refuses other means
35 made available to provide such essentials.

1 8. The child has committed a delinquent act as a result
2 of pressure, guidance, or approval from a parent, guardian,
3 custodian, or other member of the household in which the child
4 resides.

5 9. The child has been the subject of or a party to sexual
6 activities for hire or who poses for live display or for
7 photographic or other means of pictorial reproduction or
8 display which is designed to appeal to the prurient interest,
9 is patently offensive, and taken as a whole, lacks serious
10 literary, scientific, political, or artistic value.

11 10. The child is without a parent, guardian, or other
12 custodian.

13 11. The child's parent, guardian, or other custodian for
14 good cause desires to be relieved of the child's care and
15 custody.

16 12. The child for good cause desires to have the child's
17 parents relieved of the child's care and custody.

18 13. The child is in need of treatment to cure or alleviate
19 chemical dependency and whose parent, guardian, or custodian is
20 unwilling or unable to provide such treatment.

21 14. The child's parent, guardian, or custodian suffers
22 from a mental incapacity, a mental condition, imprisonment, or
23 drug or alcohol abuse that results in the child not receiving
24 adequate care or being imminently likely not to receive
25 adequate care.

26 15. The child's body has an illegal drug present as a
27 direct and foreseeable consequence of the acts or omissions of
28 the child's parent, guardian, or custodian. The presence of
29 the drug shall be determined in accordance with a medically
30 relevant test as defined in section 232.73.

31 16. The child's parent, guardian, custodian, or other adult
32 member of the household in which a child resides does any of
33 the following:

34 a. Unlawfully uses, possesses, manufactures, cultivates, or
35 distributes a dangerous substance in the presence of the child.

1 *b.* Knowingly allows the use, possession, manufacture,
2 cultivation, or distribution of a dangerous substance by
3 another person in the presence of the child.

4 *c.* Possesses a product with the intent to use the product as
5 a precursor or an intermediary to a dangerous substance in the
6 presence of the child.

7 *d.* Unlawfully uses, possesses, manufactures, cultivates,
8 or distributes a dangerous substance listed in paragraph "*f*",
9 subparagraph (1), (2), or (3), in the child's home, on the
10 premises, or in a motor vehicle located on the premises.

11 *e.* For the purposes of this subsection, "*in the presence of*
12 *a child*" means in the physical presence of a child or occurring
13 under other circumstances in which a reasonably prudent person
14 would know that the use, possession, manufacture, cultivation,
15 or distribution of a dangerous substance may be seen, smelled,
16 ingested, or heard by a child.

17 *f.* For the purposes of this subsection, "*dangerous*
18 *substance*" means any of the following:

19 (1) Amphetamine, its salts, isomers, or salts of its
20 isomers.

21 (2) Methamphetamine, its salts, isomers, or salts of its
22 isomers.

23 (3) A chemical or combination of chemicals that poses a
24 reasonable risk of causing an explosion, fire, or other danger
25 to the life or health of persons who are in the vicinity while
26 the chemical or combination of chemicals is used or is intended
27 to be used in any of the following:

28 (a) The process of manufacturing an illegal or controlled
29 substance.

30 (b) As a precursor in the manufacturing of an illegal or
31 controlled substance.

32 (c) As an intermediary in the manufacturing of an illegal
33 or controlled substance.

34 (4) Cocaine, its salts, isomers, salts of its isomers, or
35 derivatives.

1 (5) Heroin, its salts, isomers, salts of its isomers, or
2 derivatives.

3 (6) Opium and opiate, and any salt, compound, derivative, or
4 preparation of opium or opiate.

5 17. The child is a newborn infant whose parent has
6 voluntarily released custody of the child in accordance with
7 chapter 233.

8 DIVISION VI

9 CHILD IN NEED OF ASSISTANCE PROCEEDINGS — JUDICIAL PROCEEDINGS

10 Sec. 34. Section 232.89, subsection 1, Code 2022, is amended
11 to read as follows:

12 1. Upon the filing of a petition the parent, guardian,
13 putative father, or custodian identified in the petition
14 shall have the right to counsel in connection with all
15 subsequent hearings and proceedings. If that person desires
16 but is financially unable to employ counsel, the court shall
17 appoint counsel. A putative father is not a necessary party
18 to a proceeding until the putative father's paternity is
19 established.

20 Sec. 35. Section 232.89, subsection 2, paragraph a, Code
21 2022, is amended to read as follows:

22 a. If the child is represented by counsel and the court
23 determines there is a conflict of interest between the child
24 and the child's parent, guardian, putative father, or custodian
25 and that the retained counsel could not properly represent the
26 child as a result of the conflict, the court shall appoint
27 other counsel to represent the child, who shall be compensated
28 pursuant to the provisions of [subsection 3](#).

29 Sec. 36. Section 232.89, subsection 4, Code 2022, is amended
30 to read as follows:

31 4. The same person may serve both as the child's counsel
32 and as guardian ad litem. However, the court may appoint a
33 separate guardian ad litem, if the same person cannot properly
34 represent the legal interests of the child as legal counsel
35 and also represent the best ~~interest~~ interests of the child as

1 guardian ad litem in accordance with section 232.2, subsection
2 22, paragraph "e", or a separate guardian ad litem is required
3 to fulfill the requirements of subsection 2. If a child's
4 guardian ad litem is also acting as an attorney for the child,
5 each report submitted to a court by the guardian ad litem shall
6 contain a statement indicating whether a separate guardian ad
7 litem is required based on the guardian ad litem's interviews
8 and investigations conducted until the time a report is
9 submitted to the court.

10 Sec. 37. Section 232.91, subsections 1, 2, 3, and 4, Code
11 2022, are amended to read as follows:

12 1. Any hearings or proceedings under this subchapter
13 subsequent to the filing of a petition shall not take place
14 without the presence of the child's parent, guardian,
15 custodian, or guardian ad litem in accordance with and subject
16 to section 232.38. A parent without custody ~~may petition~~
17 ~~the court to~~ shall be made a party to proceedings under this
18 subchapter.

19 2. An agency, facility, institution, ~~or person~~ adult
20 relative with a substantial relationship to the child, fictive
21 kin, including a foster parent or an individual providing
22 preadoptive care, or individual providing custodial care to the
23 child may petition the court to be made a party to proceedings
24 under this subchapter.

25 3. Any person who is entitled under section 232.88 to
26 receive notice of a hearing concerning a child shall be given
27 the opportunity to be heard in any other review or hearing
28 involving the child. A foster parent, adult relative, or other
29 individual with whom a child has been placed for preadoptive
30 care shall have the right to be heard in any proceeding
31 involving the child. If a child is of an age appropriate to
32 attend the hearing but the child does not attend, the court
33 shall determine if the child was informed of the child's right
34 to attend the hearing. A presumption exists that it is in the
35 best interests of a child ~~fourteen~~ ten years of age or older to

1 attend all hearings.

2 4. If a child is of an age appropriate to attend a hearing
3 but the child does not attend, the court shall determine if the
4 child was informed of the child's right to attend the hearing.
5 A presumption exists that it is in the best interests of a
6 child ~~fourteen~~ ten years of age or older to attend all hearings
7 and all staff or family meetings involving placement options
8 or services provided to the child. The department shall allow
9 the child to attend all such hearings and meetings unless the
10 attorney for the child finds the child's attendance is not in
11 the best interests of the child. If the child is excluded from
12 attending a hearing or meeting, the department shall maintain a
13 written record detailing the reasons for excluding the child.
14 Notwithstanding [sections 232.147 through 232.151](#), a copy of the
15 written record shall be made available to the child upon the
16 request of the child after reaching the age of majority.

17 Sec. 38. NEW SECTION. 232.94B Continuances.

18 A court may grant a continuance in a child in need of
19 assistance proceeding or a termination of a parent-child
20 relationship proceeding only for good cause shown.

21 Sec. 39. Section 232.95, subsection 2, Code 2022, is amended
22 by striking the subsection and inserting in lieu thereof the
23 following:

24 2. a. Upon such hearing, the court may do any of the
25 following:

26 (1) Return the child to a person with legal custody of the
27 child pending a final order of disposition.

28 (2) Remove the child from home and place the child with a
29 parent of the child pending a final order of disposition.

30 (3) Remove the child from home and place custody of the
31 child with the department for placement of the child, pending a
32 final order of disposition, in any of the following categories
33 in the following order of priority:

34 (a) An adult relative of the child including but not limited
35 to adult siblings and parents of siblings.

1 (b) A fictive kin.

2 (c) Any other suitable placement identified by the child's
3 relatives.

4 (d) An individual licensed to provide foster care pursuant
5 to chapter 237. If the child is placed with a licensed foster
6 care provider, the department shall assign decision-making
7 authority to the foster care provider for the purpose of
8 applying the reasonable and prudent parent standard during the
9 child's placement.

10 (e) A group care facility, shelter care facility, or other
11 residential treatment facility.

12 (4) Authorize a physician or hospital to provide medical
13 or surgical procedures if such procedures are necessary to
14 safeguard the child's life or health.

15 Sec. 40. Section 232.95, Code 2022, is amended by adding the
16 following new subsections:

17 NEW SUBSECTION. 5. *a.* If the court orders a removal
18 pursuant to subsection 2, paragraph "a", subparagraph (2) or
19 (3), the court shall, in addition, make a determination that
20 continuation of the child in the child's home would be contrary
21 to the welfare of the child, and that reasonable efforts have
22 been made to prevent or eliminate the need for removal of the
23 child from the child's home. The court shall also make a
24 finding that substantial evidence exists to demonstrate that
25 the need for removal due to an imminent risk to the child's
26 life or health is greater than the potential harm including
27 but not limited to any physical, emotional, social, or mental
28 trauma the removal may cause the child.

29 *b.* The court's determination regarding continuation
30 of the child in the child's home and regarding reasonable
31 efforts, including those made to prevent removal and those
32 made to finalize any permanency plan in effect as well as any
33 determination by the court that reasonable efforts are not
34 required, must be made on a case-by-case basis. The grounds
35 for each determination must be specifically documented and

1 stated in the court order. However, preserving the safety of
2 the child must be the court's paramount consideration. If
3 imminent danger to the child's life or health exists at the
4 time of the court's consideration, the determinations otherwise
5 required under this paragraph shall not be a prerequisite for
6 an order for temporary removal of the child.

7 NEW SUBSECTION. 6. a. (1) If the court places custody
8 of the child with the department pursuant to subsection 2,
9 paragraph "a", subparagraph (3), the court may identify a
10 category listed in subsection 2, paragraph "a", subparagraph
11 (3), for placement of the child, but the department shall have
12 the authority to select the specific person or facility within
13 that category for placement, subject to court review at the
14 request of an interested party.

15 (2) The court shall give deference to the department's
16 decision for placement of a child. A party opposed to the
17 department's placement of a child shall have the burden
18 to prove the department failed to act in the child's best
19 interests by unreasonably or irresponsibly failing to discharge
20 its duties in selecting a suitable placement for the child.

21 b. The court shall not order placement of a child in
22 a category identified in subsection 2, paragraph "a",
23 subparagraph (3), subparagraph division (b), (c), (d), or
24 (e), without a specific finding that placement with an adult
25 relative is not in the child's best interests and providing
26 reasons for the finding.

27 c. If the court orders the removal of a child pursuant
28 to subsection 2, paragraph "a", subparagraph (2) or (3), the
29 order shall also include a statement informing the child's
30 parent that the consequences of a permanent removal may include
31 termination of the parent's rights with respect to the child.

32 Sec. 41. Section 232.96, subsection 6, Code 2022, is amended
33 to read as follows:

34 6. A report, study, record, or other writing or an
35 audiotape or videotape recording made by the department of

1 human services, a juvenile court officer, a peace officer, a
2 child protection center, or a hospital relating to a child in a
3 proceeding under this subchapter is admissible notwithstanding
4 any objection to hearsay statements contained in it provided
5 it is relevant and material and provided its probative value
6 substantially outweighs the danger of unfair prejudice to the
7 child's parent, guardian, or custodian. The circumstances of
8 the making of the report, study, record or other writing or an
9 audiotape or videotape recording, including the maker's lack of
10 personal knowledge, may be proved to affect its weight.

11 Sec. 42. Section 232.96, subsection 10, Code 2022, is
12 amended to read as follows:

13 10. If the court enters an order adjudicating the child
14 to be a child in need of assistance, the court, if it has not
15 previously done so, may issue an order authorizing temporary
16 removal of the child from the child's home as set forth in
17 section 232.95, subsection 2, paragraph "a", subparagraph (2)
18 or (3), pending a final order of disposition. The order shall
19 include ~~both~~ all of the following:

20 a. A determination that continuation of the child in the
21 child's home would be contrary to the welfare of the child,
22 ~~and that reasonable efforts, as defined in section 232.102,~~
23 have been made to prevent or eliminate the need for removal of
24 the child from the child's home and the court has found that
25 substantial evidence exists to demonstrate that the need for
26 removal due to an imminent risk to the child's life or health
27 is greater than the potential harm including but not limited to
28 any physical, emotional, social, or mental trauma the removal
29 may cause the child. The court's determination regarding
30 continuation of the child in the child's home, and regarding
31 reasonable efforts, including those made to prevent removal
32 and those made to finalize any permanency plan in effect, as
33 well as any determination by the court that reasonable efforts
34 are not required, must be made on a case-by-case basis. The
35 grounds for each determination must be explicitly documented

1 and stated in the court order. However, preserving the safety
2 of the child is the paramount consideration. If imminent
3 danger to the child's life or health exists at the time of the
4 court's consideration, the determinations otherwise required
5 under this paragraph shall not be a prerequisite for an order
6 for temporary removal of the child.

7 *b.* A statement informing the child's parent that the
8 consequences of a permanent removal may include termination of
9 the parent's rights with respect to the child.

10 *c.* If the court orders a removal of a child pursuant to this
11 subsection and placement of a child pursuant to section 232.95,
12 subsection 2, paragraph "a", subparagraph (3), subparagraph
13 division (b), (c), (d), or (e), a specific finding that
14 placement with an adult relative is not in the child's best
15 interests and the reasons for the finding.

16 Sec. 43. Section 232.96, Code 2022, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 11. *a.* If the court places custody of the
19 child with the department pursuant to subsection 10, the court
20 may identify a category listed in section 232.95, subsection 2,
21 paragraph "a", for placement of the child, but the department
22 shall have the authority to select the specific person or
23 facility within that category for placement, subject to court
24 review at the request of an interested party.

25 *b.* The court shall give deference to the department's
26 decision for placement of a child. A party opposed to the
27 department's placement of a child shall have the burden
28 to prove the department failed to act in the child's best
29 interests by unreasonably or irresponsibly failing to discharge
30 its duties in selecting a suitable placement for the child.

31 Sec. 44. Section 232.97, subsection 3, Code 2022, is amended
32 to read as follows:

33 3. The social report shall not be disclosed except as
34 provided in [this section](#) and except as otherwise provided in
35 this chapter. At least five days prior to the hearing at which

1 the disposition is determined, the ~~court~~ department shall ~~send~~
2 file a copy of the social report ~~to~~ with the court and the court
3 shall restrict access of the social report to counsel for the
4 child, counsel for the child's parent, guardian, or custodian,
5 the department, the court appointed special advocate, a local
6 board as defined in section 237.15, the county attorney,
7 the state's counsel, and the guardian ad litem. The court
8 may in its discretion order counsel not to disclose parts
9 of the report to the child, or to the parent, guardian, or
10 custodian ~~if disclosure would seriously harm the treatment~~
11 ~~or rehabilitation of the child or would violate a promise of~~
12 ~~confidentiality given to a source of information.~~ If the
13 report indicates the child or parent has behaved in a manner
14 that threatened the safety of another person, has committed a
15 violent act causing bodily injury to another person, or has
16 committed sexual abuse, or the child has been a victim ~~or~~
17 ~~perpetrator~~ of sexual abuse, unless otherwise ordered by the
18 court, the child's parent, guardian, or foster parent or other
19 person with custody of or providing substantial care to the
20 child shall be provided with that information.

21 Sec. 45. Section 232.102, subsection 1, paragraph a, Code
22 2022, is amended by striking the paragraph and inserting in
23 lieu thereof the following:

24 a. After a dispositional hearing, the court may enter an
25 order transferring the legal custody of the child to a parent
26 of the child. If the court finds that custody with either
27 of the child's parents is not in the child's best interests,
28 the child's custody shall be transferred to the department for
29 placement of the child in any of the following categories in
30 the following order of priority:

31 (1) An adult relative of the child including but not limited
32 to adult siblings and parents of siblings.

33 (2) A fictive kin.

34 (3) Any other suitable placement identified by the child's
35 relatives.

1 (4) An individual licensed to provide foster care pursuant
2 to chapter 237. If the child is placed with a licensed foster
3 care provider, the department shall assign decision-making
4 authority to the foster care provider for the purpose of
5 applying the reasonable and prudent parent standard during the
6 child's placement.

7 (5) A group care facility, shelter care facility, or other
8 residential treatment facility.

9 *b.* (1) If the court places custody of the child with the
10 department pursuant to paragraph "a", the court may identify a
11 category listed in paragraph "a" for placement of the child, but
12 the department shall have the authority to select the specific
13 person or facility within that category for placement, subject
14 to court review at the request of an interested party.

15 (2) The court shall give deference to the department's
16 decision for placement of a child. A party opposed to the
17 department's placement of a child shall have the burden
18 to prove the department failed to act in the child's best
19 interests by unreasonably or irresponsibly failing to discharge
20 its duties in selecting a suitable placement for the child.

21 *c.* A court shall not order placement of a child in a
22 category identified in paragraph "a", subparagraph (2), (3),
23 (4), or (5) without a specific finding that placement with
24 an adult relative is not in the child's best interests and
25 providing reasons for the court's finding.

26 *d.* If the child is fourteen years of age or older, the
27 order shall specify the services needed to assist the child in
28 preparing for the transition from foster care to adulthood. If
29 the child has a case permanency plan, the court shall consider
30 the written transition plan of services and needs assessment
31 developed for the child's case permanency plan. If the child
32 does not have a case permanency plan containing the transition
33 plan and needs assessment at the time the order is entered, the
34 written transition plan and needs assessment shall be developed
35 and submitted for the court's consideration no later than six

1 months from the date of the transfer order. The court shall
2 modify the initial transfer order as necessary to specify
3 the services needed to assist the child in preparing for the
4 transition from foster care to adulthood. If the transition
5 plan identifies services or other support needed to assist
6 the child when the child becomes an adult and the court deems
7 it to be beneficial to the child, the court may authorize
8 the individual who is the child's guardian ad litem or court
9 appointed special advocate to continue a relationship with and
10 provide advice to the child for a period of time beyond the
11 child's eighteenth birthday.

12 Sec. 46. Section 232.102, subsection 2, Code 2022, is
13 amended to read as follows:

14 2. The court shall not order group foster care placement of
15 the child which is a charge upon the state if ~~that placement~~
16 ~~is not in accordance with the service area plan for group~~
17 ~~foster care established pursuant to [section 232.143](#) for the~~
18 ~~departmental service area in which the court is located~~ unless
19 the group foster care meets the requirements established by the
20 department by rule.

21 Sec. 47. Section 232.102, subsections 5, 11, and 12, Code
22 2022, are amended by striking the subsections.

23 Sec. 48. Section 232.102, subsection 10, Code 2022, is
24 amended by striking the subsection and inserting in lieu
25 thereof the following:

26 10. Unless prohibited by court order or the department or
27 juvenile court services finds that allowing the visitation
28 would not be in the child's best interests, the department or
29 juvenile court services may authorize reasonable visitation
30 between the child and the child's adult relative or a fictive
31 kin.

32 Sec. 49. NEW SECTION. **232.102A Reasonable efforts.**

33 1. For the purposes of this subchapter:

34 a. "*Reasonable efforts*" means the efforts made to preserve
35 and unify a family prior to the out-of-home placement of a

1 child in foster care or to eliminate the need for removal of
2 the child or make it possible for the child to safely return
3 to the family's home. Reasonable efforts include but are not
4 limited to giving consideration, if appropriate, to interstate
5 placement of a child in the permanency planning decisions
6 involving the child and giving consideration to in-state and
7 out-of-state placement options at a permanency hearing and
8 when using concurrent planning. If returning the child to the
9 family's home is not appropriate or not possible, reasonable
10 efforts shall include the efforts made in a timely manner to
11 finalize a permanency plan for the child. A child's health
12 and safety shall be the paramount concern in making reasonable
13 efforts. Reasonable efforts may include but are not limited
14 to family-centered services, if the child's safety in the home
15 can be maintained during the time the services are provided.
16 In determining whether reasonable efforts have been made, the
17 court shall consider all of the following:

18 (1) The type, duration, and intensity of services or support
19 offered or provided to the child and the child's family. If
20 family-centered services were not provided, the court record
21 shall enumerate the reasons the services were not provided,
22 including but not limited to whether the services were not
23 available, not accepted by the child's family, judged to be
24 unable to protect the child and the child's family during
25 the time the services would have been provided, judged to be
26 unlikely to be successful in resolving the problems which would
27 lead to removal of the child, or other services were found to
28 be more appropriate.

29 (2) The relative risk to the child of remaining in the
30 child's home versus removal of the child.

31 *b. "Family-centered services"* means services and other
32 support intended to safely maintain a child with the child's
33 family or with an adult relative, to safely and in a timely
34 manner return a child to the home of the child's parent or
35 relative, or to promote achievement of concurrent planning

1 goals by identifying and helping the child secure placement for
2 adoption, with a guardian, or with other alternative permanent
3 family connections. Family-centered services include services
4 adapted to the individual needs of a family in regard to the
5 specific services and other support provided to the child's
6 family and the intensity and duration of service delivery and
7 services intended to preserve a child's connections to the
8 child's neighborhood, community, and family and to improve the
9 overall capacity of the child's family to provide for the needs
10 of the children in the family.

11 2. Family interactions shall continue regardless of a
12 parent's failure to comply with the requirements of a court
13 order or the department, provided there is no finding by
14 a court or the department that such interaction would be
15 detrimental to the child.

16 3. The performance of reasonable efforts to place a child
17 for adoption or with a guardian may be made concurrently with
18 making reasonable efforts as defined in this section.

19 4. If the court determines by clear and convincing evidence
20 that aggravated circumstances exist supported by written
21 findings of fact based upon evidence in the record, the court
22 may waive the requirement for making reasonable efforts. The
23 existence of aggravated circumstances is indicated by any of
24 the following:

25 a. The parent has abandoned the child.

26 b. The court finds the circumstances described in section
27 232.116, subsection 1, paragraph "i", are applicable to the
28 child.

29 c. The parent's parental rights have been terminated under
30 section 232.116 or involuntarily terminated by an order of a
31 court of competent jurisdiction in another state with respect
32 to another child who is a member of the same family, and there
33 is clear and convincing evidence to show that the offer or
34 receipt of services would not be likely within a reasonable
35 period of time to correct the conditions which led to the

1 child's removal.

2 *d.* The parent has been convicted of the murder of another
3 child.

4 *e.* The parent has been convicted of the voluntary
5 manslaughter of another child.

6 *f.* The parent has been convicted of aiding or abetting,
7 attempting, conspiring in, or soliciting the commission of the
8 murder or voluntary manslaughter of another child.

9 *g.* The parent has been convicted of a felony assault which
10 resulted in serious bodily injury to the child or another
11 child.

12 5. Prior services the state provided to the family shall not
13 be considered in making a determination as to whether a waiver
14 of reasonable efforts is appropriate.

15 Sec. 50. Section 232.103, subsection 2, paragraph b, Code
16 2022, is amended to read as follows:

17 *b.* The child's parent, guardian or custodian, except that
18 such motion may be filed by that person not more often than
19 once every ~~six months~~ sixty days except with leave of court for
20 good cause shown.

21 Sec. 51. Section 232.103A, Code 2022, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 8. A court-appointed attorney shall be paid
24 by the state public defender's office for work done relating
25 to a bridge order.

26 Sec. 52. Section 232.104, subsection 2, paragraph d,
27 subparagraphs (1) and (2), Code 2022, are amended by striking
28 the subparagraphs and inserting in lieu thereof the following:

29 (1) Transfer sole custody of the child from one parent to
30 another parent.

31 (2) Transfer guardianship and custody of the child to an
32 adult relative, a fictive kin, or another suitable person.

33 Sec. 53. Section 232.104, Code 2022, is amended by adding
34 the following new subsection:

35 NEW SUBSECTION. 4A. A court shall apply the priority

1 of placement requirements of section 232.102, subsection
2 1, paragraphs "a" and "c", when entering a permanency order
3 pursuant to subsection 2, paragraph "d".

4 Sec. 54. Section 232.108, subsections 1, 2, and 3, Code
5 2022, are amended to read as follows:

6 1. If the court orders the transfer of custody of a
7 child and siblings to the department or other agency for
8 placement under ~~this subchapter~~, under ~~subchapter II~~, relating
9 ~~to juvenile delinquency proceedings, or under any other~~
10 ~~provision of this chapter~~, the department or other agency
11 shall make a reasonable ~~effort~~ efforts to place the child and
12 siblings together ~~in the same placement~~ whenever possible if
13 such placement is in the best interests of each child. The
14 requirement of ~~this subsection~~ remains applicable to custody
15 transfer orders made at separate times ~~and~~ provided the
16 requirement will not jeopardize the stability of placements
17 and is in the best interests of each child. The requirement
18 of this subsection also applies in addition to efforts made by
19 ~~the department or agency to place the child with a~~ an adult
20 relative.

21 2. If the requirements of ~~subsection 1~~ apply but the
22 siblings are not placed in the same placement together, the
23 ~~department or other agency~~ child's attorney or guardian ad
24 litem shall provide the siblings with the reasons why and the
25 efforts being made to facilitate such placement, or why making
26 efforts for such placement is not appropriate. An explanation
27 is not required if the ages or mental states of the siblings
28 make such an explanation inappropriate. Unless visitation or
29 ongoing interaction with siblings is suspended or terminated
30 by the court, the department ~~or agency~~ shall make reasonable
31 ~~effort~~ efforts to provide for ~~frequent~~ visitation or other
32 ongoing interaction between the child and the child's siblings
33 from the time of the child's out-of-home placement until
34 the child returns home or is in a permanent placement. The
35 department shall make reasonable efforts for such visitations

1 or interactions to occur at least once every thirty days unless
2 more frequent or less frequent visitation is ordered by the
3 court based on the child's circumstances.

4 3. A person who wishes to assert a sibling relationship
5 with a child who is subject to an order under [this chapter](#) for
6 an out-of-home placement and to request ~~frequent~~ visitation
7 or other ongoing interaction with the child may file a motion
8 or petition with the court with jurisdiction over the child.
9 Unless the court determines it would not be in the child's best
10 ~~interest~~ interests, upon finding that the person is a sibling
11 of the child, the provisions of [this section](#) providing for
12 frequent visitation or other ongoing interaction between the
13 siblings shall apply. Nothing in [this section](#) is intended to
14 provide or expand a right to counsel under [this chapter](#) beyond
15 the right provided and persons specified in [sections 232.89](#) and
16 [232.113](#).

17 DIVISION VII

18 TERMINATION OF PARENT-CHILD RELATIONSHIP PROCEEDINGS

19 Sec. 55. Section [232.111](#), subsection 2, paragraph a,
20 subparagraphs (2), (4), (5), and (6), Code 2022, are amended
21 to read as follows:

22 (2) A court has determined aggravated circumstances exist
23 and has waived the requirement for making reasonable efforts
24 ~~under, as defined in~~ [section 232.102](#) [232.102A](#) because the court
25 has found the circumstances described in [section 232.116](#),
26 subsection 1, paragraph "i", are applicable to the child.

27 (4) The parent has been convicted of the murder or the
28 voluntary manslaughter of another child ~~of the parent~~.

29 (5) The parent has been convicted of aiding or abetting,
30 attempting, conspiring in, or soliciting the commission of
31 the murder or voluntary manslaughter of another child ~~of the~~
32 ~~parent~~.

33 (6) The parent has been convicted of a felony assault which
34 resulted in serious bodily injury of the child or of another
35 child ~~of the parent~~.

1 Sec. 56. Section 232.112, subsection 3, Code 2022, is
2 amended to read as follows:

3 3. Notice under [this section](#) shall be served personally,
4 sent by restricted certified mail, or sent by electronic mail
5 or other electronic means with the consent of the party to be
6 served, whichever is determined by the court to be the most
7 effective means of notification. If the court determines
8 that personal service is impracticable, the court may order
9 service by publication. Such notice shall be made according
10 to the rules of civil procedure relating to an original notice
11 where not inconsistent with the provisions of [this section](#).
12 Notice by personal delivery and notice sent by electronic
13 mail or other electronic means with the consent of the party
14 to be served shall be served not less than seven days prior
15 to the hearing on termination of parental rights. Notice by
16 restricted certified mail shall be sent not less than fourteen
17 days prior to the hearing on termination of parental rights.
18 A notice by restricted certified mail which is refused by the
19 necessary party given notice shall be sufficient notice to the
20 party under [this section](#).

21 Sec. 57. Section 232.116, subsection 1, paragraph d,
22 subparagraph (1), Code 2022, is amended to read as follows:

23 (1) The court has previously adjudicated the child to be
24 a child in need of assistance after finding the child to have
25 been physically or sexually abused or neglected as the result
26 of the acts or omissions of one or both parents, or the court
27 has previously adjudicated a child who is a member of the
28 same family to be a child in need of assistance after such a
29 finding. This paragraph shall not be construed to require that
30 a finding of sexual abuse or neglect requires a finding of a
31 nonaccidental physical injury.

32 Sec. 58. Section 232.116, subsection 1, paragraph i,
33 subparagraph (1), Code 2022, is amended to read as follows:

34 (1) The child meets the definition of child in need of
35 assistance based on a finding of physical or sexual abuse or

1 neglect as a result of the acts or omissions of one or both
2 parents. This paragraph shall not be construed to require that
3 a finding of sexual abuse or neglect requires a finding of a
4 nonaccidental physical injury.

5 Sec. 59. Section 232.116, subsection 1, paragraph 1,
6 subparagraphs (1) and (2), Code 2022, are amended by striking
7 the subparagraphs and inserting in lieu thereof the following:

8 (1) The child has been adjudicated a child in need of
9 assistance pursuant to section 232.96 and custody has been
10 transferred from the child's parents for placement pursuant to
11 section 232.102.

12 (2) The parent has a severe substance-related disorder as
13 described by either of the following:

14 (a) The severe substance-related disorder meets the
15 definition for that term as defined in the most current edition
16 of the diagnostic and statistical manual prepared by the
17 American psychiatric association, and the parent presents a
18 danger to self or others as evidenced by prior acts.

19 (b) The disorder is evidenced by continued and repeated use
20 through the case, the parent's refusal to obtain a substance
21 abuse evaluation or treatment after given the opportunity to
22 do so, and the parent presents a danger to self or others as
23 evidenced by prior acts.

24 Sec. 60. Section 232.117, subsection 3, Code 2022, is
25 amended by striking the subsection and inserting in lieu
26 thereof the following:

27 3. If the court concludes that facts sufficient to sustain
28 the petition have been established by clear and convincing
29 evidence, the court may order parental rights terminated. If
30 the court terminates the parental rights of a child's parent,
31 the court shall transfer the guardianship and custody of the
32 child to a parent of the child whose parental rights have not
33 been terminated. If the court finds guardianship and custody
34 with the child's parents is not in the child's best interests,
35 guardianship and custody shall be transferred for placement of

1 the child in any of the following categories in the following
2 order of priority:

3 *a.* The department if the department had custody of the child
4 at the time of the filing of the petition for termination of
5 parental rights, or if custody with the department is necessary
6 to facilitate the permanency or adoption goal, unless the
7 department waives its priority.

8 *b.* An adult relative of the child, including but not limited
9 to adult siblings or parents of siblings.

10 *c.* A fictive kin.

11 *d.* A child-placing agency or other suitable private agency,
12 facility, or institution which is licensed or otherwise
13 authorized by law to receive and to provide care for the child.

14 Sec. 61. Section 232.117, subsection 4, Code 2022, is
15 amended by striking the subsection and inserting in lieu
16 thereof the following:

17 4. If the court orders a termination of parental rights
18 and siblings are not placed together but have an existing
19 relationship, the court shall order ongoing contact between
20 the siblings in accordance with section 232.108 if the court
21 finds that either visitation or ongoing interaction is in the
22 best interests of each sibling. This subsection shall not be
23 construed to require visitation between a child and a parent
24 whose parental rights have been terminated as to that child,
25 even if a sibling remains with the parent.

26 Sec. 62. Section 232.118, subsection 1, Code 2022, is
27 amended by adding the following new paragraphs:

28 NEW PARAGRAPH. *a.* The moving party or a party opposed to
29 the actions of the guardian has the burden to establish that
30 the court-appointed guardian failed to act in the child's best
31 interests by unreasonably or irresponsibly failing to discharge
32 the guardian's duties in finding a suitable adoptive home for
33 the child.

34 NEW PARAGRAPH. *b.* The court shall give deference to the
35 decision of the guardian.

DIVISION VIII

FAMILY IN NEED OF ASSISTANCE PROCEEDINGS

1
2
3 Sec. 63. Section 232.126, subsection 2, Code 2022, is
4 amended to read as follows:

5 2. The court may appoint a court appointed special
6 advocate ~~to act as guardian ad litem~~. The court appointed
7 special advocate shall receive notice of and may attend all
8 depositions, hearings, and trial proceedings to support the
9 child and advocate for the protection of the child. The court
10 appointed special advocate shall not be allowed to separately
11 introduce evidence or to directly examine or cross-examine
12 witnesses. The court appointed special advocate shall submit
13 reports to the court and the parties to the proceedings
14 containing the information required in reports submitted by
15 a court appointed special advocate under section ~~232.89,~~
16 ~~subsection 5~~ 237.24, subsection 2, paragraphs "g" and "h". In
17 addition, the court appointed special advocate shall file other
18 reports to the court as required by the court.

19 Sec. 64. Section 232.127, subsection 8, Code 2022, is
20 amended to read as follows:

21 8. The court shall not order group foster care placement of
22 the child which is a charge upon the state ~~if that placement~~
23 ~~is not in accordance with the service area plan for group~~
24 ~~foster care established pursuant to [section 232.143](#) for the~~
25 ~~departmental service area in which the court is located unless~~
26 the group foster care meets requirements as established by the
27 department by rule.

28 Sec. 65. NEW SECTION. 237.24 Court appointed special
29 advocates.

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

33 2. The duties of a court appointed special advocate with
34 respect to a child, unless otherwise enlarged or circumscribed
35 by a court or juvenile court with jurisdiction over the

1 child after a finding of good cause, shall include all of the
2 following:

3 *a.* Conducting in-person interviews with the child every
4 thirty days, if the child's age is appropriate for the
5 interview, and interviewing each parent, guardian, or other
6 person having custody of the child as needed, if authorized by
7 counsel.

8 *b.* Visiting the home, residence, or both home and residence
9 of the child and any prospective home or residence of the
10 child, including each time placement is changed.

11 *c.* Interviewing any person providing medical, mental health,
12 social, educational, or other services to the child.

13 *d.* Obtaining firsthand knowledge, if possible, of the facts,
14 circumstances, and parties involved in the matter in which the
15 court appointed special advocate is appointed.

16 *e.* Attending any depositions, hearings, and trial
17 proceedings in a matter to which the court appointed special
18 advocate is appointed for the purpose of supporting the child
19 and advocating for the child's protection.

20 *f.* Assisting the transition committee in the development of
21 a transition plan if the child's case permanency plan calls for
22 the development of a transition plan.

23 *g.* (1) Submitting a written report to the juvenile court
24 and to each of the parties identified in section 237.21,
25 subsection 4, prior to each court hearing unless otherwise
26 ordered by the court.

27 (2) The report shall include but not be limited to the
28 identified strengths of the child and the child's family,
29 concerns identified by the court appointed special advocate,
30 the court appointed special advocate's recommendations
31 regarding the child's placement, and other recommendations the
32 court appointed special advocate believes are in the child's
33 best interests.

34 *h.* Submitting periodic reports to the court or juvenile
35 court with jurisdiction over a child and interested parties

1 detailing the child's situation as long as the child remains
2 under the jurisdiction of the court or juvenile court.

3 *i.* Filing other reports as ordered by a court or juvenile
4 court.

5 DIVISION IX

6 JUVENILE COURT EXPENSES AND COSTS — SHELTER AND DETENTION
7 HOMES

8 Sec. 66. Section 232.141, subsection 8, Code 2022, is
9 amended to read as follows:

10 8. **This subsection** applies only to placements in a juvenile
11 shelter care home which is publicly owned, operated as a county
12 or multicounty shelter care home, organized under a **chapter 28E**
13 agreement, or operated by a private juvenile shelter care home.
14 If the actual and allowable costs of a child's shelter care
15 placement exceed the amount the department is authorized to
16 ~~pay in accordance with law and administrative rule,~~ the unpaid
17 costs may be recovered from the child's custodial parent's
18 county of residence. However, the maximum amount of the
19 unpaid costs which may be recovered under **this subsection** is
20 limited to the difference between the amount the department is
21 authorized to pay and the statewide average of the actual and
22 ~~allowable rates in effect in May of the preceding fiscal year~~
23 ~~for reimbursement of juvenile shelter care homes as reasonably~~
24 ~~determined by the department annually.~~ In no case shall the
25 A home may only be reimbursed for more than the lesser of the
26 home's actual and allowable costs or the statewide average of
27 the actual and allowable rates as determined by the department
28 in effect on the date the costs were paid. The unpaid costs
29 are payable pursuant to filing of verified claims against the
30 child's custodial parent's county of residence. A detailed
31 statement of the facts upon which a claim is based shall
32 accompany the claim. Any dispute between counties arising from
33 filings of claims pursuant to **this subsection** shall be settled
34 in the manner provided to determine residency in section
35 331.394.

1 Sec. 67. Section 232.142, subsections 3, 4, 5, and 6, Code
2 2022, are amended to read as follows:

3 3. A county or multicounty juvenile detention home approved
4 pursuant to [this section](#) shall receive financial aid from the
5 state in a manner approved by the director, the director of the
6 department of human rights, or a designee of the director of
7 the department of human rights. Aid paid by the state shall
8 be at least ten percent and not more than fifty percent of the
9 total cost of the establishment, improvements, operation, and
10 maintenance of the home. This subsection is repealed July 1,
11 2023.

12 4. The director, the director of the department of human
13 rights, or a designee of the director of the department of
14 human rights shall adopt minimal rules and standards for the
15 establishment, maintenance, and operation of such homes as
16 shall be necessary to effect the purposes of [this chapter](#). The
17 rules shall apply the requirements of [section 237.8](#), concerning
18 employment and evaluation of persons with direct responsibility
19 for a child or with access to a child when the child is
20 alone and persons residing in a child foster care facility,
21 to persons employed by, residing in, or volunteering for a
22 home approved under [this section](#). The director shall, upon
23 request, give guidance and consultation in the establishment
24 and administration of the homes and programs for the homes.
25 This subsection is repealed July 1, 2023.

26 5. The director, the director of the department of human
27 rights, or a designee of the director of the department of
28 human rights shall approve annually all such homes established
29 and maintained under the provisions of [this chapter](#). A home
30 shall not be approved unless it complies with minimal rules and
31 standards adopted by the director and has been inspected by the
32 department of inspections and appeals. The statewide number
33 of beds in the homes approved by the director shall not exceed
34 two hundred seventy-two beds beginning July 1, 2017. This
35 subsection is repealed July 1, 2023.

1 6. A juvenile detention home fund is created in the
2 state treasury under the authority of the department or the
3 department of human rights as the department and the department
4 of human rights agree. The fund shall consist of moneys
5 deposited in the fund pursuant to [section 602.8108](#). The moneys
6 in the fund shall be used for the costs of the establishment,
7 improvement, operation, and maintenance of county or
8 multicounty juvenile detention homes in accordance with annual
9 appropriations made by the general assembly from the fund for
10 these purposes. This subsection is repealed July 1, 2023.

11 Sec. 68. Section 232.142, Code 2022, is amended by adding
12 the following new subsections:

13 NEW SUBSECTION. 7. A county or multicounty juvenile
14 detention home approved pursuant to this section shall receive
15 financial aid from the state in a manner approved by the
16 director of the department of human rights or a designee of the
17 director of the department of human rights. Aid paid by the
18 state shall be at least ten percent and not more than fifty
19 percent of the total cost of the establishment, improvements,
20 operation, and maintenance of the home.

21 NEW SUBSECTION. 8. The director of the department of
22 human rights or a designee of the director of the department
23 of human rights shall adopt minimal rules and standards for
24 the establishment, maintenance, and operation of such homes as
25 shall be necessary to effect the purposes of this chapter. The
26 rules shall apply the requirements of section 237.8, concerning
27 employment and evaluation of persons with direct responsibility
28 for a child or with access to a child when the child is
29 alone and persons residing in a child foster care facility,
30 to persons employed by, residing in, or volunteering for a
31 home approved under this section. The director shall, upon
32 request, give guidance and consultation in the establishment
33 and administration of the homes and programs for the homes.

34 NEW SUBSECTION. 9. The director of the department of human
35 rights or a designee of the director of the department of human

1 rights shall approve annually all such homes established and
2 maintained under the provisions of this chapter. A home shall
3 not be approved unless it complies with minimal rules and
4 standards adopted by the director and has been inspected by the
5 department of inspections and appeals. The statewide number
6 of beds in the homes approved by the director shall not exceed
7 two hundred seventy-two beds.

8 NEW SUBSECTION. 10. The juvenile detention home fund in the
9 state treasury shall be under the authority of the department
10 of human rights. The fund shall consist of moneys deposited in
11 the fund pursuant to section 602.8108. The moneys in the fund
12 shall be used for the costs of the establishment, improvement,
13 operation, and maintenance of county or multicounty juvenile
14 detention homes in accordance with annual appropriations made
15 by the general assembly from the fund for these purposes.

16 DIVISION X

17 JUVENILE JUSTICE REFORM — DECATEGORIZATION OF CHILD WELFARE
18 AND JUVENILE JUSTICE FUNDING INITIATIVE — EARLY INTERVENTION
19 PROGRAMS

20 Sec. 69. Section 232.188, subsection 5, paragraph b,
21 unnumbered paragraph 1, Code 2022, is amended to read as
22 follows:

23 Notwithstanding [section 8.33](#), moneys designated for a
24 project's decategorization services funding pool that remain
25 unencumbered or unobligated at the close of the fiscal year
26 shall not revert but shall remain available for expenditure as
27 directed by the project's governance board for child welfare
28 and juvenile justice systems enhancements and other purposes
29 of the project for the next ~~two~~ three succeeding fiscal years.
30 Such moneys shall be known as "*carryover funding*". Moneys may
31 be made available to a funding pool from one or more of the
32 following sources:

33 Sec. 70. NEW SECTION. 232.192 Early intervention and
34 follow-up programs.

35 Contingent on a specific appropriation for these purposes,

1 juvenile court services shall do the following:

2 1. Develop or expand programs providing specific life
3 skills and interpersonal skills training for adjudicated
4 delinquent youth who pose a low or moderate risk to the
5 community.

6 2. Develop or expand a school-based program addressing
7 truancy and school behavioral problems for youth ages twelve
8 through seventeen.

9 3. Develop or expand an intensive tracking and supervision
10 program for adjudicated delinquent youth at risk for placement
11 who have been released from resident facilities, which shall
12 include telephonic or electronic tracking and monitoring and
13 intervention by juvenile authorities.

14 4. Develop or expand supervised community treatment
15 for adjudicated delinquent youth who experience significant
16 problems and who constitute a moderate community risk.

17 DIVISION XI

18 JUDICIAL BRANCH NONREVERSION OF CERTAIN MONEYS — CHILD WELFARE
19 AND JUVENILE JUSTICE

20 Sec. 71. NONREVERSION OF CERTAIN MONEYS RELATED TO CHILD
21 WELFARE AND JUVENILE JUSTICE.

22 1. Notwithstanding section 8.33, moneys received by the
23 state beginning July 1, 2020, pursuant to Tit. IV-B or Tit.
24 IV-E of the federal Social Security Act as reimbursement for
25 claims or pursuant to the federal Family First Prevention
26 Services Act of 2018, Pub. L. No. 115-123 as transition funds,
27 that remain unencumbered or unobligated at the close of the
28 fiscal year shall not revert to the general fund of the state
29 but shall remain available for expenditure for child welfare
30 and juvenile justice services including but not limited to
31 reimbursement of qualified expenses and administrative costs
32 until expended.

33 Sec. 72. EFFECTIVE DATE. This division of this Act, being
34 deemed of immediate importance, takes effect upon enactment.

35 Sec. 73. RETROACTIVE APPLICABILITY. This division of this

1 Act applies retroactively to the fiscal year beginning July 1,
2 2020.

3 DIVISION XII

4 CONFORMING CODE CHANGES

5 Sec. 74. Section 232.52, subsection 3, paragraph c, Code
6 2022, is amended to read as follows:

7 c. Notwithstanding [subsection 2](#), the court shall not order
8 group foster care placement of the child which is a charge
9 upon the state ~~if that placement is not in accordance with the~~
10 ~~service area plan for group foster care established pursuant to~~
11 ~~section 232.143~~ for the departmental service area in which the
12 court is located unless the group foster care placement meets
13 requirements as established by the department by rule.

14 Sec. 75. Section 232.70, subsection 4, Code 2022, is amended
15 by striking the subsection.

16 Sec. 76. Section 232.71B, subsection 16, Code 2022, is
17 amended to read as follows:

18 16. *Conclusion of family assessment.* At the conclusion
19 of a family assessment, the department shall transfer the
20 case, if appropriate, to a contracted provider to review the
21 service plan for the child and family. The contracted provider
22 shall make a referral to the department abuse hotline if a
23 family's noncompliance with a service plan places a child at
24 risk. If any of the criteria for child abuse as defined in
25 section 232.68, subsection 2, paragraph "a", are met, the
26 department shall commence a child abuse assessment. If any of
27 the criteria for a child in need of assistance, ~~as defined in~~
28 pursuant to [section 232.2](#), [subsection 6](#) [232.96A](#), are met, the
29 department shall determine whether to request a child in need
30 of assistance petition.

31 Sec. 77. Section 232.83, subsection 2, unnumbered paragraph
32 1, Code 2022, is amended to read as follows:

33 Anyone authorized to conduct a preliminary investigation
34 in response to a complaint may apply for, or the court on its
35 own motion may enter an ex parte order authorizing a physician

1 or hospital to conduct an outpatient physical examination or
2 authorizing a physician, a psychologist certified under section
3 154B.7, or a community mental health center accredited pursuant
4 to [chapter 230A](#) to conduct an outpatient mental examination of
5 a child if necessary to identify the nature, extent, and causes
6 of any injuries, emotional damage, or other such needs of a
7 child as specified in [section 232.2, subsection 6](#), paragraph
8 ~~"e", "e", or "f"~~ [232.96A, subsection 3, 5, or 6](#), provided that
9 all of the following apply:

10 Sec. 78. Section 232.89, subsection 5, Code 2022, is amended
11 by striking the subsection.

12 Sec. 79. Section 232.98, subsection 1, paragraph b,
13 subparagraph (1), Code 2022, is amended to read as follows:

14 (1) Probable cause exists to believe that the child is
15 a child in need of assistance pursuant to [section 232.2,](#)
16 ~~subsection 6, paragraph "e" or "f"~~ [232.96A, subsection 5 or 6.](#)

17 Sec. 80. Section 232.102, subsection 9, unnumbered
18 paragraph 1, Code 2022, is amended to read as follows:

19 An agency, facility, institution, or person to whom custody
20 of the child has been transferred pursuant to [this section](#)
21 shall file a written report with the court at least every six
22 months concerning the status and progress of the child. The
23 court shall hold a periodic dispositional review hearing for
24 each child in placement pursuant to [this section](#) in order
25 to determine whether the child should be returned home,
26 an extension of the placement should be made, a permanency
27 hearing should be held, or a termination of the parent-child
28 relationship proceeding should be instituted. The placement
29 shall be terminated and the child returned to the child's home
30 if the court finds by a preponderance of the evidence that the
31 child will not suffer harm in the manner specified in [section](#)
32 ~~232.2, subsection 6~~ [232.96A](#). If the placement is extended,
33 the court shall determine whether additional services are
34 necessary to facilitate the return of the child to the child's
35 home, and if the court determines such services are needed, the

1 court shall order the provision of such services. When the
2 child is not returned to the child's home and if the child has
3 been previously placed in a licensed foster care facility, the
4 department or agency responsible for the placement of the child
5 shall consider placing the child in the same licensed foster
6 care facility.

7 Sec. 81. Section 232.117, subsection 5, Code 2022, is
8 amended to read as follows:

9 5. If after a hearing the court does not order the
10 termination of parental rights but finds that there is clear
11 and convincing evidence that the child is a child in need
12 of assistance, ~~under pursuant to section 232.2, subsection~~
13 ~~6 232.96A~~, due to the acts or omissions of one or both of
14 the child's parents the court may adjudicate the child to
15 be a child in need of assistance and may enter an order in
16 accordance with the provisions of [section 232.100](#), [232.101](#),
17 [232.102](#), or [232.104](#).

18 Sec. 82. Section 234.6, subsection 1, paragraph e,
19 subparagraph (3), Code 2022, is amended to read as follows:

20 (3) Family-centered services, as defined in section
21 ~~232.102, subsection 10, paragraph "b"~~ [232.102A](#), subsection 1,
22 [paragraph "b"](#).

23 Sec. 83. Section 234.35, subsection 1, paragraph e, Code
24 2022, is amended to read as follows:

25 e. When a court has entered an order transferring the legal
26 custody of the child to a foster care placement pursuant to
27 section 232.46, [section 232.52, subsection 2](#), paragraph "d",
28 or [section 232.102, subsection 1](#). However, payment shall not
29 be made for a group foster care placement ~~shall be limited to~~
30 ~~those placements which conform to a service area group foster~~
31 ~~care plan established pursuant to [section 232.143](#)~~ unless the
32 group foster care meets requirements as established by the
33 department by rule.

34 Sec. 84. Section 234.35, subsection 1, paragraph i, Code
35 2022, is amended by striking the paragraph.

1 Sec. 85. Section 234.35, subsection 3, paragraph a, Code
2 2022, is amended to read as follows:

3 ~~a. For a child who is eighteen years of age, family~~
4 Family foster care or independent supervised apartment living
5 arrangements.

6 Sec. 86. Section 234.35, subsection 3, paragraph b, Code
7 2022, is amended by striking the paragraph.

8 Sec. 87. Section 234.35, subsection 4, Code 2022, is amended
9 by striking the subsection.

10 Sec. 88. Section 237.21, subsection 5, Code 2022, is amended
11 to read as follows:

12 5. Members of the state board and local boards, court
13 appointed special advocates, and the employees of the
14 department and the department of inspections and appeals are
15 subject to standards of confidentiality pursuant to sections
16 217.30, 228.6, subsection 1, sections 235A.15, 600.16,
17 and 600.16A. Members of the state and local boards, court
18 appointed special advocates, and employees of the department
19 and the department of inspections and appeals who disclose
20 information or records of the board or department, other than
21 as provided in subsections 2, 3, and 4, sections ~~232.89~~ and
22 section 232.126, and section 237.20, subsection 2, are guilty
23 of a simple misdemeanor.

24 Sec. 89. Section 709A.5, Code 2022, is amended to read as
25 follows:

26 **709A.5 Interpretative clause.**

27 For the purposes of this chapter the word “dependency”
28 shall mean all the conditions as enumerated in section ~~232.2,~~
29 ~~subsection 6~~ 232.96A.

30 DIVISION XIII

31 REPEALS

32 Sec. 90. REPEAL. Sections 232.107, 232.143, 232.175,
33 232.176, 232.177, 232.178, 232.179, 232.180, 232.181, 232.182,
34 232.183, 232.195, and 232.196, Code 2022, are repealed.

35 Sec. 91. FUTURE REPEAL. Sections 232.189 and 232.191, Code

1 2022, are repealed effective July 1, 2023.

2 DIVISION XIV
3 EFFECTIVE DATES

4 Sec. 92. EFFECTIVE DATE. The following take effect July 1,
5 2023:

6 1. The section of this Act enacting section 232.142,
7 subsections 7, 8, 9, and 10.

8 2. The section of this Act enacting section 232.192.

9 DIVISION XV
10 APPLICABILITY

11 Sec. 93. APPLICABILITY. The section of this Act enacting
12 section 232.79B shall apply beginning on the effective date
13 specified in rules adopted by the department of human services
14 pursuant to chapter 17A to implement that section.