HOUSE FILE 2507
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 653)

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

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

An Act relating to juvenile justice including juvenile delinquency, child in need of assistance and family in need of assistance proceedings, juvenile justice reform, and juvenile court expenses and costs, and including effective date[, applicability, and retroactive applicability] provisions.

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

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 care as nearly as possible equivalent to that which should have been given by the parents~~ child's placement with a preference for placement with the child's family or a fictive kin.

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 ~~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~~ carry out duties pursuant to section 237.24.

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

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

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

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

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

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

a. *"Guardian ad litem"* means a person appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party~~, and includes a court appointed special advocate, except that a court appointed special advocate shall not file motions or petitions pursuant to section 232.54, subsection 1, paragraphs "a" and "d", section 232.103, subsection 2, paragraph "c", and section 232.111~~.

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

follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. During the pendency of an action under this chapter, a party to the action is estopped from litigating concurrently the custody, guardianship, or placement of a child who is the subject of the action, in a court other than the juvenile court. A district judge, district associate judge, magistrate, or judicial hospitalization referee, upon notice of the pendency of an action under this chapter, shall not issue an order, finding, or decision relating to the custody, guardianship, or placement of the child who is the subject of

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

DIVISION II

JUVENILE DELINQUENCY PROCEEDINGS — TAKING A CHILD INTO CUSTODY

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

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

DIVISION III

JUVENILE DELINQUENCY PROCEEDINGS — JUDICIAL PROCEEDINGS

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

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

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

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

e. The parent has been convicted of the voluntary

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

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

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

DIVISION IV

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

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

232.67 Legislative findings — purpose and policy.

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

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

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

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

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

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

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

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

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

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

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

DIVISION V

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

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

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

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

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

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

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

7. Any order entered under this section authorizing

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

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

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

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

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

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

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

(2) A fictive kin.

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

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

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

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

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

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

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

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

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

232.79A Children without adult supervision.

If a peace officer determines that a child does not have

adult supervision because the child's parent, guardian, or other person responsible for the care of the child has been arrested and detained or has been unexpectedly incapacitated, and that no adult who is legally responsible for the care of the child can be located within a reasonable period of time, the peace officer shall attempt to place the child with an adult relative of the child~~, an adult person who cares for the child, or another adult person who is known to the child~~ or a fictive kin. The person with whom the child is placed is authorized to give consent for emergency medical treatment of the child and shall not be held liable for any action arising from giving the consent. Upon the request of the peace officer, the department shall assist in making the placement. The placement shall not exceed a period of twenty-four hours and shall be terminated when a person who is legally responsible for the care of the child is located and takes custody of the child. If a person who is legally responsible for the care of the child cannot be located within the twenty-four hour period or a placement in accordance with this section is unavailable, the provisions of section 232.79 shall apply. If the person with whom the child is placed charges a fee for the care of the child, the fee shall be paid from funds provided in the appropriation to the department for protective child care.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DIVISION VI

CHILD IN NEED OF ASSISTANCE PROCEEDINGS — JUDICIAL PROCEEDINGS

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

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

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

a. If the child is represented by counsel and the court determines there is a conflict of interest between the child and the child's parent, guardian, putative father, or custodian and that the retained counsel could not properly represent the child as a result of the conflict, the court shall appoint other counsel to represent the child, who shall be compensated pursuant to the provisions of subsection 3.

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

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

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

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

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

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

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

attend all hearings.

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

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

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

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

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

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

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

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

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

(b) A fictive kin.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The social report shall not be disclosed except as provided in this section and except as otherwise provided in this chapter. At least five days prior to the hearing at which

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

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

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

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

(2) A fictive kin.

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

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

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

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

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

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

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

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

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

2. The court shall not order group foster care placement of the child which is a charge upon the state ~~if that placement is not in accordance with the service area plan for group foster care established pursuant to section 232.143 for the departmental service area in which the court is located~~ unless the group foster care meets the requirements established by the department by rule.

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

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

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

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

1. For the purposes of this subchapter:

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

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

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

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

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

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

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

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

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

a. The parent has abandoned the child.

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

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

child's removal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DIVISION VII

TERMINATION OF PARENT-CHILD RELATIONSHIP PROCEEDINGS

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

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

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

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

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

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

3. Notice under this section shall be served personally, sent by restricted certified mail, or sent by electronic mail or other electronic means with the consent of the party to be served, whichever is determined by the court to be the most effective means of notification. If the court determines that personal service is impracticable, the court may order service by publication. Such notice shall be made according to the rules of civil procedure relating to an original notice where not inconsistent with the provisions of this section. Notice by personal delivery and notice sent by electronic mail or other electronic means with the consent of the party to be served shall be served not less than seven days prior to the hearing on termination of parental rights. Notice by restricted certified mail shall be sent not less than fourteen days prior to the hearing on termination of parental rights. A notice by restricted certified mail which is refused by the necessary party given notice shall be sufficient notice to the party under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. A fictive kin.

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

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

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

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

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

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

DIVISION VIII

FAMILY IN NEED OF ASSISTANCE PROCEEDINGS

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

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

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

8. The court shall not order group foster care placement of the child which is a charge upon the state ~~if that placement is not in accordance with the service area plan for group foster care established pursuant to section 232.143 for the departmental service area in which the court is located~~ unless the group foster care meets requirements as established by the department by rule.

Sec. 65. NEW SECTION. **237.24 Court appointed special advocates.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DIVISION IX

JUVENILE COURT EXPENSES AND COSTS — SHELTER AND DETENTION HOMES

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

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

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

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

4. The director, the director of the department of human rights, or a designee of the director of the department of human rights shall adopt minimal rules and standards for the establishment, maintenance, and operation of such homes as shall be necessary to effect the purposes of this chapter. The rules shall apply the requirements of section 237.8, concerning employment and evaluation of persons with direct responsibility for a child or with access to a child when the child is alone and persons residing in a child foster care facility, to persons employed by, residing in, or volunteering for a home approved under this section. The director shall, upon request, give guidance and consultation in the establishment and administration of the homes and programs for the homes. This subsection is repealed July 1, 2023.

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

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

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

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

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

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

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

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

DIVISION X

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

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

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

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

Contingent on a specific appropriation for these purposes,

juvenile court services shall do the following:

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

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

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

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

DIVISION XI

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

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

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

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

Sec. 73. RETROACTIVE APPLICABILITY. This division of this

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

DIVISION XII

CONFORMING CODE CHANGES

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

c. Notwithstanding subsection 2, the court shall not order group foster care placement of the child which is a charge upon the state ~~if that placement is not in accordance with the service area plan for group foster care established pursuant to section 232.143 for the departmental service area in which the court is located~~ unless the group foster care placement meets requirements as established by the department by rule.

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

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

16. *Conclusion of family assessment.* At the conclusion of a family assessment, the department shall transfer the case, if appropriate, to a contracted provider to review the service plan for the child and family. The contracted provider shall make a referral to the department abuse hotline if a family's noncompliance with a service plan places a child at risk. If any of the criteria for child abuse as defined in section 232.68, subsection 2, paragraph *"a"*, are met, the department shall commence a child abuse assessment. If any of the criteria for a child in need of assistance~~, as defined in~~ pursuant to section ~~232.2, subsection 6~~ 232.96A, are met, the department shall determine whether to request a child in need of assistance petition.

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

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

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

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

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

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

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

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

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

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

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

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

(3) Family-centered services, as defined in section ~~232.102, subsection 10, paragraph "b"~~ 232.102A, subsection 1, paragraph "b".

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

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

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

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

[*] [*a.* ~~For a child who is eighteen years of age, family~~ Family foster care or ~~independent~~ supervised apartment living arrangements.]

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

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

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

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

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

709A.5 Interpretative clause.

For the purposes of this chapter the word "*dependency*" shall mean all the conditions as enumerated in section ~~232.2, subsection 6~~ 232.96A.

DIVISION XIII

REPEALS

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

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

2022, are repealed effective July 1, 2023.

DIVISION XIV

EFFECTIVE DATES

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

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

2. The section of this Act enacting section 232.192.

[DIVISION XV

APPLICABILITY

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