SENATE FILE 641
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 620)
(SUCCESSOR TO SF 582)
(SUCCESSOR TO SSB 1171)

(As Amended and Passed by the Senate April 29, 2025)

[= New Language by the Senate

A BILL FOR

An Act relating to matters under the purview of the department of health and human services, including administrative services organizations, child foster care, child and dependent adult abuse, internal audit and examination information, and the region incentive fund in the mental health and disability services regional service fund, health maintenance organization's premium tax, and making appropriations and including effective date and retroactive applicability provisions.

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

DIVISION I

ADMINISTRATIVE SERVICES ORGANIZATIONS

Section 1. Section 97B.1A, subsection 8, paragraph b, Code 2025, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (10) Employees of an administrative services organization as defined in section 225A.1.

Sec. 2. Section 229.1, Code 2025, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. *"Behavioral health district"* means the same as defined in section 225A.1.

NEW SUBSECTION. 7A. *"Disability access point"* means an organization designated by the department for a behavioral health district to serve as the primary local access point for individuals with disabilities, and the individuals' caregivers, to provide person-centered assistance that facilitates the coordination of the individuals' services, simplifies service navigation, and improves overall accessibility to disability-related resources.

Sec. 3. Section 229.19, subsection 1, paragraph a, Code 2025, is amended by striking the paragraph and inserting in lieu thereof the following:

a. (1) The board of supervisors of each county shall appoint an individual to act as an advocate representing the interests of patients involuntarily hospitalized by the court in matters relating to a patient's hospitalization or treatment under section 229.14 or 229.15. The individual shall have prior experience advocating for or promoting the welfare and rehabilitation of persons with mental illness.

(2) A person appointed under this section shall not be any of the following:

(a) An officer or employee of the department.

(b) An officer or employee of an administrative services organization.

(c) An officer or employee of an agency or facility providing care or treatment to persons with mental illness.

(d) An officer or employee of a disability access point.

DIVISION II

CHILD FOSTER CARE

Sec. 4. Section 232.69, subsection 1, paragraph b, subparagraph (9), Code 2025, is amended to read as follows:

(9) An employee or operator of a child foster care facility ~~licensed or approved~~ under chapter 237.

Sec. 5. Section 232.78, subsection 8, paragraph a, subparagraph (4), Code 2025, is amended to read as follows:

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

Sec. 6. Section 232.95, subsection 2, paragraph c, subparagraph (4), Code 2025, is amended to read as follows:

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

Sec. 7. Section 232.102, subsection 1, paragraph a, subparagraph (4), Code 2025, is amended to read as follows:

(4) An individual ~~licensed to provide foster care pursuant to~~ licensee or an approved kinship caregiver under chapter 237. If the child is placed with ~~a licensed foster care provider~~ an individual licensee or an approved kinship caregiver, the department shall assign decision-making authority to the ~~foster care provider~~ individual licensee or approved kinship caregiver

for the purpose of applying the reasonable and prudent parent standard during the child's placement.

Sec. 8. Section 234.1, subsection 1, paragraph a, subparagraphs (1) and (2), Code 2025, are amended to read as follows:

(1) After reaching eighteen years of age, the person has remained continuously and voluntarily under the care of an individual~~, as defined in section 237.1, licensed to provide foster care pursuant to~~ licensee or approved kinship caregiver under chapter 237, or in a supervised apartment living arrangement, in this state.

(2) The person aged out of foster care after reaching eighteen years of age and subsequently voluntarily applied for placement with an individual~~, as defined in section 237.1, licensed to provide foster care pursuant to~~ licensee or approved kinship caregiver under chapter 237, or for placement in a supervised apartment living arrangement, in this state.

Sec. 9. Section 234.7, subsection 1, Code 2025, is amended to read as follows:

1. The department shall comply with the ~~provision associated with child foster care licensees~~ provisions under chapter 237 that ~~requires that a child's foster parent~~ require an individual licensee or an approved kinship caregiver to be included in, and be provided timely notice of, planning and review activities associated with the child, including but not limited to permanency planning and placement review meetings, which shall include discussion of the child's rehabilitative treatment needs.

Sec. 10. Section 234.39, subsection 2, paragraph b, Code 2025, is amended to read as follows:

b. ~~This subsection~~ An assignment of support under paragraph *"a"* shall not apply when a child is placed with a relative or fictive kin as those terms are defined in section 232.2, ~~who~~ unless the relative or fictive kin is ~~not licensed~~ an individual licensee or an approved kinship caregiver under

chapter 237 ~~to provide child foster care~~.

Sec. 11. Section 235A.15, subsection 2, paragraph c, subparagraph (2), Code 2025, is amended to read as follows:

(2) To an administrator of a ~~child foster care~~ facility ~~licensed under chapter 237~~ as defined in section 237.1 if the data concerns a person employed or being considered for employment by the facility.

Sec. 12. Section 237.1, Code 2025, is amended to read as follows:

237.1 Definitions.

As used in this chapter:

1. *"Agency"* means a person ~~which provides child foster care and which~~ that does not meet the definition of an individual ~~as defined under this section~~ or a kinship caregiver.

2. *"Agency licensee"* means an agency issued a license under this chapter.

3. *"Approval"* means the authorization granted to a kinship caregiver by the department through an expedited process under this chapter to provide child foster care, and allows the kinship caregiver to receive maximum financial support and to obtain the information and resources necessary to meet the needs of a child under a court-ordered placement with the kinship caregiver.

4. *"Approved kinship caregiver"* means a kinship caregiver granted approval under this chapter.

5. *"Child"* means ~~child~~ the same as defined in section 234.1.

~~3.~~ 6. *"Child 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 a relative or fictive kin of the child if the relative or fictive kin is ~~licensed under this chapter~~ an individual licensee or an approved kinship caregiver, but not including a guardian of the child. *"Child foster care"* does not include any of the following care situations:

a. Care furnished by an individual ~~person~~ who receives the child of a personal friend as an occasional and personal guest in the ~~individual person's~~ individual's home, free of charge and not as a business.

b. Care furnished by an individual ~~person~~ with whom a child has been placed for lawful adoption, unless that adoption is not completed within two years after placement.

c. Care furnished by a private boarding school subject to approval by the state board of education pursuant to section 256.11.

d. Child care furnished by a child care center, a child development home, or a child care home as those terms are defined in section 237A.1.

e. Care furnished in a hospital licensed under chapter 135B or care furnished in a nursing facility licensed under chapter 135C.

f. Care furnished by a relative or fictive kin of a child ~~or an individual person with a meaningful relationship with the child where~~ when the child is not under the placement, care, or supervision of the department.

~~4.~~ 7. *"Department"* means the department of health and human services.

~~5.~~ 8. *"Director"* means the director of health and human services.

~~6.~~ 9. *"Facility"* means the personnel, program, physical plant, and equipment of a licensee or approved kinship caregiver. *"Facility"* includes a foster family home.

~~7.~~ 10. *"Fictive kin"* means the same as defined in section 232.2.

11. *"Foster family home"* means a single-family home environment in which child foster care is provided.

12. *"Individual"* means ~~an individual~~ a natural person or a married couple ~~who provides child foster care in a single-family home environment and which does not meet the definition of an agency under this section~~.

~~8.~~ 13. *"Individual licensee"* means an individual, including an individual who is a relative or fictive kin, issued a license under this chapter.

14. *"Kinship caregiver"* means a relative or fictive kin of a child.

15. *"License"* means the authorization issued to an individual or an agency by the department under this chapter to provide child foster care.

16. *"Licensee"* means an individual or an agency licensed under this chapter.

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

18. *"Relative"* means an individual related to a child within the fourth degree of consanguinity or affinity by marriage or through adoption.

Sec. 13. Section 237.2, Code 2025, is amended to read as follows:

237.2 Purpose.

It is the policy of this state to provide appropriate protection for children who are separated from the direct personal care of their parents, relatives, fictive kin, or guardians and, as a result, are subject to difficulty in

achieving appropriate physical, mental, emotional, educational, or social development. This chapter shall be construed and administered to further that policy by assuring that child foster care is adequately provided by competently staffed and well-equipped child foster care facilities, including but not limited to residential treatment centers, group homes, and foster family homes.

Sec. 14. Section 237.3, Code 2025, is amended to read as follows:

237.3 Rules.

1. Except as otherwise provided by subsections 3 and 4, the department shall adopt and enforce in accordance with chapter 17A, administrative rules necessary to implement this chapter. Formulation of the rules shall include consultation with representatives of child foster care providers and other persons affected by this chapter. The rules shall encourage the provision of child foster care in ~~a single-family, home environment, exempting the single-family, home facility~~ foster family homes, and shall exempt foster family homes from inappropriate rules.

2. Rules ~~applicable~~ relating to individual licensees and agency licensees, as applicable, shall include but are not limited to all of the following:

a. Types of facilities which include but are not limited to group foster care facilities and foster family ~~foster care~~ homes.

b. The number, qualifications, character, and parenting ability of personnel necessary to assure the health, safety and welfare of children receiving child foster care.

c. Programs for education and in-service training of personnel.

d. The physical environment of a facility.

e. Policies for intake, assessment, admission and discharge.

f. Housing, health, safety, and medical care policies for children receiving child foster care. The medical care

policies shall include but are not limited to all of the following:

(1) Provision ~~by the department to the foster care provider at or before the time of a child's placement~~ of ~~the~~ a child's health records, and any other information possessed or known about the health of the child or about a member of the child's family that pertains to the child's health, from the department to a licensee or an approved kinship caregiver at or before the time of a child's placement with the licensee or approved kinship caregiver.

(2) If the health records supplied to the licensee or approved kinship caregiver in accordance with the child's case permanency plan ~~to the foster care provider~~ are incomplete, or the ~~provider~~ licensee or approved kinship caregiver requests specific health information, ~~provision~~ procedures for obtaining additional health information from the child's parent, or other source, and ~~supplying~~ providing the additional information to the ~~foster care provider~~ licensee or approved kinship caregiver.

(3) Provision for emergency health coverage of the child while the child is engaged in temporary, out-of-state travel with the ~~child's foster family~~ individual licensee or approved kinship caregiver.

g. (1) The adequacy of programs available to children receiving child foster care provided by agencies, including but not limited to:

(a) Dietary services.

(b) Social services.

(c) Activity programs.

(d) Behavior management procedures.

(e) Educational programs, including, where appropriate, special education as defined in section 256B.2, ~~subsection 1, paragraph "b", where appropriate,~~ which are approved by the state board of education.

(2) The department shall not ~~promulgate~~ adopt rules

~~which~~ that regulate individual licensees or approved kinship caregivers in the subject areas enumerated in this paragraph ~~"g"~~.

h. Policies for involvement of biological parents.

i. Records a licensee or approved kinship caregiver is required to keep, and reports a licensee or approved kinship caregiver is required to make to the department.

j. Prior to the licensing of an individual ~~as a foster family home~~, completion of a required, written social assessment of the quality of the living situation in ~~the home of the individual~~ an individual's prospective foster family home, and completion of a required compilation of personal references for the individual, other than ~~those~~ references ~~given~~ provided by the individual.

k. Elements of a foster care placement agreement outlining rights and responsibilities associated with an individual or kinship caregiver providing ~~family~~ child foster care. The rights and responsibilities shall include but are not limited to all of the following:

(1) Receiving information prior to the child's placement regarding risk factors concerning the child that are known to the department, including but not limited to notice if the child is required to register under chapter 692A.

(2) Having regularly scheduled meetings with each case manager assigned to the child.

(3) Receiving access to any reports prepared by a service provider who is working with the child unless the access is prohibited by state or federal law.

3. Rules governing fire safety in ~~facilities with~~ a facility in which child foster care is provided by ~~agencies~~ an agency shall be ~~promulgated~~ adopted by the director of the department of inspections, appeals, and licensing pursuant to section 10A.511, after consultation with the director.

4. Rules governing sanitation, water, and waste disposal standards for facilities shall be ~~promulgated~~ adopted by the

department pursuant to section 135.11~~, after consultation with the director~~.

5. In case of a conflict between rules ~~promulgated~~ adopted pursuant to subsections 3 and 4 and local ~~rules~~ ordinances, the more stringent requirement ~~applies~~ shall apply.

6. Rules ~~of~~ adopted by the department shall not prohibit the licensing~~, as foster family homes,~~ of ~~individuals who are~~ a departmental ~~employees~~ employee not directly engaged in the administration of the child foster care program pursuant to this chapter, as an individual licensee.

7. If an agency is accredited by the joint commission ~~on the accreditation of health care organizations~~ under the joint commission's consolidated standards for residential settings, or by the council on accreditation ~~of services for families and children~~, the department shall modify the facility licensure standards applied to the agency ~~in order~~ to avoid ~~duplicating~~ duplication of standards applied through accreditation.

8. The department, in consultation with the judicial branch, residential treatment providers, the foster care provider association, and other parties which may be affected, shall review the ~~licensing~~ rules pertaining to licensing of residential treatment facilities, and ~~examine whether~~ determine if the rules allow ~~the~~ residential treatment facilities to accept and provide effective treatment to juveniles with serious problems who might not otherwise be placed in ~~those~~ residential treatment facilities.

9. The department shall adopt rules ~~specifying~~ that specify the elements of a preadoptive care agreement outlining the rights and responsibilities associated with a person providing preadoptive care, as defined in section 232.2.

10. The department shall adopt rules to ~~administer the exception to the definition of child care in section 237A.1, subsection 2, paragraph "1", allowing~~ allow a child care facility~~, for purposes of providing~~ to provide respite care ~~to~~ in a foster family home~~, to provide care, supervision,~~

~~or guidance of a child~~ for a period of twenty-four hours or more to a child who is placed with ~~the licensed foster family home~~ an individual licensee, as provided in section 237A.1, subsection 2, paragraph "*1*".

11. The department shall adopt rules to require the department or a representative of the department to visit a child placed with an individual licensee or approved kinship caregiver within two weeks of the child being placed with the individual licensee or approved kinship caregiver, and at least once each calendar month thereafter.

12. The department shall adopt rules that ~~would~~ allow each individual ~~licensees~~ licensee and each approved kinship caregiver to apply the reasonable and prudent parent standard to create opportunities for a child to participate in age or developmentally appropriate activities.

Sec. 15. Section 237.4, unnumbered paragraph 1, Code 2025, is amended to read as follows:

An individual or an agency~~, as defined in section 237.1,~~ shall not provide child foster care unless the individual or agency ~~obtains a license issued under this chapter~~ is a licensee. However, a license under this chapter is not required of the following:

Sec. 16. Section 237.4, subsection 8, Code 2025, is amended to read as follows:

8. An individual providing child care as a babysitter at the request of a parent, guardian, fictive kin, or relative having lawful custody of the child.

Sec. 17. Section 237.5A, Code 2025, is amended to read as follows:

237.5A Foster parent training.

1. As a condition for initial licensure, each individual licensee shall complete thirty hours of foster parent training offered or approved by the department. However, if the individual licensee has completed relevant training or has a combination of completed relevant training and experience,

and the department deems such training or combination to be an acceptable equivalent to all or a portion of the initial licensure training requirement, or based upon the circumstances of the child and the individual licensee the department finds there is other good cause, the department may waive all or a portion of the training requirement. Prior to renewal of licensure, each individual licensee shall ~~also~~ annually complete six hours of foster parent training. The training shall include but is not limited to physical care, education, learning disabilities, referral to and receipt of necessary professional services, behavioral assessment and modification, self-assessment, self-living skills, and biological parent contact. An individual licensee may complete the training as part of an approved training program offered by a public or private agency with expertise in the provision of child foster care or in related subject areas. The department shall adopt rules to implement and enforce this training requirement.

2. ~~A~~ An individual licensee who is unable to complete six hours of foster parent training annually prior to licensure renewal because the individual licensee is engaged in active duty in the military service shall be considered to be in compliance with the training requirement for licensure renewal.

3. The department or the department's agent shall notify an individual licensee within a reasonable amount of time of any training the department believes would benefit the individual licensee in the provision of child foster care.

Sec. 18. NEW SECTION. **237.5B Approved kinship caregiver.**

1. A kinship caregiver shall not provide child foster care unless the kinship caregiver has been granted approval under this section.

2. A kinship caregiver shall apply for approval by submitting a completed application to the department on a form furnished by the department.

3. The department, after notice and opportunity for an evidentiary hearing, may deny an application for approval

or continued approval if the applicant or approved kinship caregiver violates this chapter or rules adopted pursuant to this chapter.

Sec. 19. Section 237.6, Code 2025, is amended to read as follows:

237.6 Restricted use of facility.

1. A licensee or approved kinship caregiver shall not furnish child foster care in a building or on premises not designated in the licensee's license or the kinship caregiver's approval.

2. A licensee shall not furnish child foster care to a greater number of children than is designated in the licensee's license, unless authorized by the department. ~~Multiple~~

3. The department may issue multiple licenses authorizing separate and distinct parts of ~~a~~ an agency licensee's facility to provide different categories of child foster care ~~may be issued~~.

Sec. 20. Section 237.8, Code 2025, is amended to read as follows:

237.8 Personnel.

1. A person shall not be allowed to provide services in ~~a~~ an agency licensee's facility if the person has a disease which is transmissible to other persons through required contact in the workplace, which presents a significant risk of infecting other persons, which presents a substantial possibility of harming other persons, or for which no reasonable accommodation can eliminate the risk of infecting other persons.

2. *a.* (1) If a person is being considered for licensure or approval under this chapter, or if a person is being considered for employment ~~involving~~ by an agency licensee and the employment involves direct responsibility for a child ~~or~~, is in a facility where children reside, ~~by a licensee under this chapter,~~ or ~~if a~~ requires the person ~~will~~ to reside in a facility utilized by ~~a~~ an agency licensee, and if the person has been convicted of a crime or has a record of founded child

abuse, the record check evaluation system of the department, and the agency licensee for ~~an~~ a prospective employee of the agency licensee, shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, approval, employment, or residence in the facility. The record check evaluation system shall conduct criminal and child abuse record checks in this state and may conduct these checks in other states. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

(2) If the criminal and child abuse record checks conducted in this state under subparagraph (1) for ~~an individual~~ a person being considered for licensure as an agency licensee under this chapter, or for employment ~~involving~~ by an agency licensee and the employment involves direct responsibility for a child ~~or~~, is in a facility where children reside, ~~by a licensee under this chapter,~~ or ~~for an individual who will~~ requires the person to reside in a facility utilized by ~~a~~ an agency licensee, have been completed and the ~~individual~~ person either does not have a record of crime or founded child abuse or the record check evaluation system's evaluation of the record has determined that prohibition of the ~~individual's~~ licensure or employment is not warranted, the ~~individual~~ person may be provisionally ~~approved for licensure or employment~~ licensed or employed pending the outcome of the fingerprint-based criminal history check conducted pursuant to subparagraph (4).

(3) ~~An individual~~ A person being considered for licensure as an agency licensee under this chapter, or a person being considered for employment ~~involving~~ by an agency licensee if the employment involves direct responsibility for a child ~~or~~, is in a facility where children reside, ~~by a licensee under this chapter,~~ or ~~for an individual who will~~ requires the person to reside in a facility utilized by ~~a~~ an agency licensee, shall not be granted a license or be employed and an evaluation shall not be performed under this subsection, if the ~~individual~~

person has been convicted of any of the following felony offenses:

(a) Within the five-year period preceding the application date, a drug-related offense.

(b) Child endangerment or neglect or abandonment of a dependent person.

(c) Domestic abuse.

(d) A crime against a child, including but not limited to sexual exploitation of a minor.

(e) A forcible felony.

(4) If ~~an individual~~ a person is being considered for licensure or approval under this chapter, or if a person is being considered for employment ~~involving~~ by an agency licensee and the employment involves direct responsibility for a child ~~or~~, is in a facility where children reside, ~~by a licensee under this chapter,~~ or ~~if an individual will~~ requires the person to reside in a facility utilized by ~~a~~ an agency licensee, ~~or if an individual is subject to licensure under this chapter as a foster parent,~~ in addition to the record checks conducted under subparagraph (1), the ~~individual's~~ person's fingerprints shall be provided to the department of public safety for submission through the state criminal history repository to the United States department of justice, federal bureau of investigation for a national criminal history check. The cost of the criminal history check conducted under this subparagraph ~~is~~ shall be the responsibility of the department.

(5) If the criminal and child abuse record checks conducted in this state under subparagraph (1) for ~~an individual~~ a person being considered for licensure as ~~a foster parent~~ an individual licensee or for approval as an approved kinship caregiver have been completed and the ~~individual~~ person either does not have a record of crime or founded abuse, or the record check evaluation system's evaluation of the record has determined that prohibition of the ~~individual's~~ person's licensure or approval is not warranted, the ~~individual~~ person may be

provisionally ~~approved for licensure~~ licensed or approved pending the outcome of the fingerprint-based criminal history check conducted pursuant to subparagraph (4).

(6) An applicant for a license as an individual ~~applying to be a foster parent~~ licensee or for approval as an approved kinship caregiver shall not be granted a license or approval, and an evaluation shall not be performed under this subsection, if the ~~individual~~ applicant has been convicted of any of the following felony offenses:

(a) Within the five-year period preceding the application date, a drug-related offense.

(b) Child endangerment or neglect or abandonment of a dependent person.

(c) Domestic abuse.

(d) A crime against a child, including but not limited to sexual exploitation of a minor.

(e) A forcible felony.

b. Except as otherwise provided in paragraph "*a*", if the record check evaluation system determines that a person has committed a crime or has a record of founded child abuse and is licensed, approved, employed by ~~a~~ an agency licensee, or resides in a licensed facility, the record check evaluation system shall notify the licensee or approved kinship caregiver that an evaluation will be conducted to determine whether prohibition of the person's licensure, approval, employment, or residence is warranted.

c. In an evaluation, the record check evaluation system, and the agency licensee for an employee or prospective employee of the agency licensee shall consider the nature and seriousness of the crime or founded child abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child abuse, the circumstances under which the crime or founded child abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child abuse again, and the number of crimes

or founded child abuses committed by the person involved. The record check evaluation system may permit a person who is evaluated to be licensed, approved, employed, or to reside in a facility, or to continue to be licensed, approved, employed, or to reside in a ~~licensed~~ facility, if the person complies with the record check evaluation system's conditions relating to the person's licensure, approval, employment, or residence, which may include completion of additional training. For an employee or prospective employee of ~~a~~ an agency licensee, these conditional requirements shall be developed with the agency licensee. The record check evaluation system ~~has~~ shall have final authority in determining whether prohibition of the person's licensure, approval, employment, or residence is warranted and in developing any conditional requirements under this paragraph.

d. If the record check evaluation system determines that the person has committed a crime or has a record of founded child abuse ~~which~~ that warrants prohibition of licensure, approval, employment, or residence, the person shall not be licensed or approved under this chapter and shall not be employed by ~~a~~ an agency licensee or reside in a ~~licensed~~ facility.

3. In addition to the record checks required under subsection 2, the record check evaluation system may conduct dependent adult abuse record checks in this state and ~~may conduct these checks~~ in other states~~,~~ on a random basis. The provisions of subsection 2, relative to an evaluation following a determination that a person has been convicted of a crime or has a record of founded child abuse, shall also apply to a random check conducted under this subsection.

4. ~~A~~ An agency licensee shall inform all new applicants for employment of the possibility of the performance of a record check and shall obtain, from the applicant, a signed acknowledgment of the receipt of the information.

5. ~~A~~ An agency licensee shall include the following inquiry in an application for employment:

Do you have a record of founded child or dependent adult abuse, or have you ever been convicted of a crime, in this state or any other state?

Sec. 21. Section 237.9, Code 2025, is amended to read as follows:

237.9 Confidential information.

A person who receives information from or through the department ~~concerning a child who has received or is receiving child foster care, a relative or guardian of the child, a single-family, home licensee, or an individual employee of a licensee,~~ shall not disclose that information directly or indirectly, except as authorized by section 217.30, or as authorized or required by section 232.69~~.~~ if the information concerns any of the following:

1. A child who has received or is receiving child foster care.

2. A relative, fictive kin, or guardian of a child who has received or is receiving child foster care.

3. An individual licensee.

4. An employee of a licensee.

5. An approved kinship caregiver.

Sec. 22. Section 237.10, Code 2025, is amended to read as follows:

237.10 ~~Child foster care providers~~ Individual licensees and approved kinship caregivers.

1. *a.* The department shall notify an individual licensee or approved kinship caregiver of any appropriate meetings relating to the case permanency plan of a child in the care of the individual licensee or approved kinship caregiver.

b. The department shall notify an individual licensee or approved kinship caregiver of any meetings known to the department relating to the individualized education program of a child in the care of the individual licensee or approved kinship caregiver.

c. The department shall notify an individual licensee or

approved kinship caregiver of any medical appointments required or scheduled in consultation with the department relating to a child in the care of the individual licensee or approved kinship caregiver.

2. The department or the department's agent may share otherwise confidential information about a child with an individual licensee or approved kinship caregiver being considered as a possible placement for the child to the extent such disclosure is relevant to the placement decision and the proper care of the child. The department or the department's agent may facilitate sharing the contact information of previous individual licensees and approved kinship caregivers for a child with the next individual licensee or approved kinship caregiver in an effort to support the continuity of care for a child.

3. Upon placement of a child with an individual licensee or approved kinship caregiver, the department shall provide the individual licensee or approved kinship caregiver with information that would allow the individual licensee or approved kinship caregiver to contact the department or an agent of the department for assistance relating to child foster care.

4. Prior to disclosing an individual licensee's or approved kinship caregiver's private address, work address, or contact information, the department shall evaluate possible safety concerns to determine whether such information may be released without posing a risk to the safety of the individual licensee, the approved kinship caregiver, the child, or any other person.

5. The department shall notify an individual licensee or approved kinship caregiver within a reasonable amount of time of any change in a law or ~~regulation~~ rule that would have a substantive impact on the individual licensee's or approved kinship caregiver's obligations and responsibilities relating to child foster care.

6. *a.* The department shall provide written notice to

an individual licensee, or an approved kinship caregiver, a minimum of ten days prior to the removal of a child from the care of the individual licensee or approved kinship caregiver. Such notice shall include the reasons for the child's removal.

b. This subsection shall not apply if the health or safety of the child or another person is threatened by the child's presence in the child's current placement ~~home~~, if the court orders the removal of a child from the individual licensee or the approved kinship caregiver, if the child is absent from the ~~home~~ placement without authorization, if the child is being moved to the home of a biological parent or legal guardian, or if the individual licensee or approved kinship caregiver is alleged to have committed child abuse or neglect.

7. *a.* An individual licensee or approved kinship caregiver shall provide written notice to the department a minimum of ten days prior to a request to remove a child from the individual licensee's care or the approved kinship caregiver's care.

b. This subsection shall not apply to a situation where the health or safety of the child or another person is threatened by the child's presence in the child's current placement ~~home~~.

8. At the conclusion of an investigation conducted by the department that may affect an individual licensee's ability, or an approved kinship caregiver's ability, to provide child foster care in the future, the department shall provide the individual licensee or approved kinship caregiver with a written report that details the conclusions of the investigation.

9. *a.* The department shall require an individual licensee or approved kinship caregiver to attempt, to the extent reasonably possible, to maintain a child's culture and beliefs.

b. An individual licensee or an approved kinship caregiver shall be allowed to provide child foster care, according to the individual licensee's or the approved kinship caregiver's own culture and beliefs, if such child foster care does not actively discourage a child to disregard the child's own

culture and beliefs and a biological parent whose parental rights have not been terminated or a legal guardian for the child does not object to the practice or activity that is consistent with the individual licensee's or the approved kinship caregiver's own culture and beliefs.

10. *a.* The department or the department's agent shall consider the needs and scheduling demands of a child, the child's parents, the child's siblings, and the individual licensee or approved kinship caregiver caring for the child when scheduling supervised or any other visitation between the child and the child's siblings, family members, or fictive kin.

b. The department shall not require an individual licensee or an approved kinship caregiver to conduct, or to be present during, supervised visits scheduled pursuant to paragraph "*a*".

11. The department shall accept information from an individual licensee or approved kinship caregiver relating to medical appointments, treatment needs, educational progress, and educational services for a child placed with the individual licensee or approved kinship caregiver. The department shall consider all such information when developing or modifying a child's case permanency plan, and in the coordination of care and decisions related to services and care necessary for the child. The information the department receives from an individual ~~licensees will~~ licensee or an approved kinship caregiver shall be reviewed and considered as decisions about the child's progress and needs are made.

12. The department shall maintain a process to allow ~~an~~ each individual licensee and each approved kinship caregiver to file ~~complaints~~ a complaint with the department electronically for an alleged ~~violations~~ violation relating to this section.

13. The department shall adopt rules pursuant to chapter 17A to implement this section.

Sec. 23. Section 237.13, Code 2025, is amended to read as follows:

237.13 Foster family home insurance fund.

~~1. For the purposes of this section, "*foster home*" means an individual, as defined in section 237.1, subsection 7, who is licensed to provide child foster care and shall also be known as a "*licensed foster home*".~~

~~2.~~ The foster family home insurance fund shall be administered by the department. The fund shall consist of all moneys appropriated by the general assembly for deposit in the fund. The department shall use moneys in the fund to provide home and property coverage for foster parents to cover damages to property resulting from the actions of a foster child residing in a foster family home or to reimburse foster parents for the cost of purchasing foster care liability insurance and to perform the administrative functions necessary to carry out this section. The department may establish limitations of liability for individual claims as deemed reasonable by the department.

~~3.~~ 2. The department shall adopt rules, pursuant to chapter 17A, to carry out the provisions of this section.

Sec. 24. Section 237.14, Code 2025, is amended to read as follows:

237.14 Enhanced child foster care services.

The department shall provide for enhanced child foster care services by establishing supplemental per diem or performance-based contracts that include payment of costs relating to payments of principal and interest for bonds and notes issued pursuant to section 16.57 with facilities ~~licensed under this chapter which~~ that provide special services to children who would otherwise be placed in a state juvenile institution or an out-of-state program. Before completion of the department's budget estimate as required by section 8.23, the department shall determine and include in the estimate the amount which should be appropriated for enhanced child foster care services for the forthcoming fiscal year in order to provide sufficient services.

Sec. 25. Section 237.14A, Code 2025, is amended to read as

follows:

237.14A Reasonable and prudent parent standard — immunity from liability.

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

Sec. 26. Section 237.15, subsection 1, paragraph a, Code 2025, is amended to read as follows:

a. The efforts to place the child with a relative or fictive kin.

Sec. 27. Section 237.15, subsection 5, Code 2025, is amended by striking the subsection.

Sec. 28. Section 237A.1, subsection 2, paragraph 1, Code 2025, is amended to read as follows:

1. A child care facility providing respite care ~~to a licensed~~ in a foster family home for a period of twenty-four hours or more to a child who is placed with ~~that licensed foster family home~~ an individual licensee under chapter 237.

Sec. 29. Section 237A.3A, subsection 1, paragraph d, Code 2025, is amended to read as follows:

d. A ~~person who holds a child foster care license~~ licensee or an approved kinship caregiver under chapter 237 shall register as a child development home provider in order to provide child care.

Sec. 30. Section 237C.1, subsection 2, paragraph f, Code 2025, is amended to read as follows:

f. Care furnished by a child foster care ~~facility licensed~~ licensee or approved kinship caregiver under chapter 237.

Sec. 31. Section 237C.3, subsection 2, Code 2025, is amended to read as follows:

2. Standards established by the department under this

chapter shall at a minimum address the basic health and educational needs of children; protection of children from mistreatment, abuse, and neglect; background and records checks of persons providing care to children in facilities certified under this chapter; the use of seclusion, restraint, or other restrictive interventions; health; safety; emergency; and the physical premises on which care is provided by a children's residential facility. The background check requirements shall be substantially equivalent to those applied under chapter 237 for a child foster care ~~facility provider~~ licensee or an approved kinship caregiver.

Sec. 32. Section 282.19, subsection 2, Code 2025, is amended to read as follows:

2. A child who is living in a ~~licensed individual or agency child foster care~~ facility, or with an approved kinship caregiver, as those terms are defined in section 237.1, or in an unlicensed relative foster care placement, shall remain enrolled in and attend an accredited school in the school district in which the child resided and is enrolled at the time of placement, unless it is determined by the juvenile court or the public or private agency of this state that has responsibility for the child's placement that remaining in such school is not in the best interests of the child. If such a determination is made, the child may attend an accredited school located in the school district in which the child is living and not in the school district in which the child resided prior to receiving foster care.

Sec. 33. Section 335.25, subsection 2, paragraph c, Code 2025, is amended to read as follows:

c. "Family home" means a community-based residential home which is licensed as a residential care facility under chapter 135C or as a child foster care facility under chapter 237 to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability or

brain injury and any necessary support personnel. However, family home does not mean ~~an individual~~ a foster family home ~~licensed~~ under chapter 237.

Sec. 34. Section 414.22, subsection 2, paragraph c, Code 2025, is amended to read as follows:

c. "Family home" means a community-based residential home which is licensed as a residential care facility under chapter 135C or as a child foster care facility under chapter 237 to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean ~~an individual~~ a foster ~~care~~ family home ~~licensed~~ under chapter 237.

Sec. 35. Section 423.3, subsection 18, paragraph b, Code 2025, is amended to read as follows:

b. Residential facilities in which an agency licensed by the department of health and human services provides child foster care pursuant to chapter 237~~, other than those maintained by individuals as defined in section 237.1, subsection 7~~.

Sec. 36. Section 709.16, subsection 2, paragraph b, subparagraph (1), Code 2025, is amended to read as follows:

(1) A child foster care facility ~~licensed~~ under ~~section 237.4~~ chapter 237.

Sec. 37. RULES. The department of health and human services shall adopt rules pursuant to chapter 17A to administer this division of this Act, including rules for the approval of relatives or fictive kin to provide child foster care.

DIVISION III

CHILD AND DEPENDENT ADULT ABUSE

Sec. 38. Section 135.118, Code 2025, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The department shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 39. Section 235A.1, subsection 1, paragraph b, Code

2025, is amended to read as follows:

b. Funds for the programs or projects shall be applied for and received by a community-based ~~volunteer coalition or council~~ entity.

Sec. 40. Section 235A.15, subsection 1, Code 2025, is amended to read as follows:

1. ~~Notwithstanding chapter 22, the~~ Child abuse information shall be confidential and shall not be a public record under chapter 22. The confidentiality of all child abuse information shall be maintained, except as specifically provided by this section.

Sec. 41. Section 235B.2, subsection 5, paragraph a, subparagraph (1), subparagraph division (c), Code 2025, is amended to read as follows:

(c) Exploitation of a dependent adult which means ~~the~~ a fraudulent or otherwise illegal, unauthorized, or improper attempt, act, or process ~~of taking unfair advantage~~ by a caretaker or fiduciary to use the physical or financial resources of a dependent adult ~~or the adult's physical or financial resources, without the informed consent of the dependent adult, including theft, by the use of undue influence, harassment, duress, deception, false representation, or false pretenses~~ for any of the following purposes:

(i) Monetary or personal benefit, profit, or gain.

(ii) To deprive the dependent adult of the use of the dependent adult's physical or financial resources, including any benefits, belongings, or assets.

Sec. 42. Section 235B.3, subsection 7, Code 2025, is amended to read as follows:

7. *a.* Upon a showing of probable cause that a dependent adult has been abused, a court may authorize a person, also authorized by the department, to make an evaluation, to enter the residence of, and to examine the dependent adult.

b. Upon a showing of probable cause that there has been exploitation of a dependent adult ~~has been financially~~

~~exploited~~, a court may authorize a person, also authorized by the department, to make an evaluation, and to gain access to the financial records that the department reasonably believes are related to the resources of the dependent adult.

Sec. 43. Section 235B.6, subsection 1, Code 2025, is amended to read as follows:

1. ~~Notwithstanding chapter 22, the~~ Dependent adult abuse information shall be confidential and shall not be a public record under chapter 22. The confidentiality of all dependent adult abuse information shall be maintained, except as specifically provided by subsections 2 and 3.

Sec. 44. Section 235B.6, subsection 2, paragraph e, subparagraph (2), Code 2025, is amended to read as follows:

(2) Registry or department personnel when necessary to the performance of their official duties, or a person, an instrumentality of the state, or an agency under contract with the department to carry out official duties and functions ~~of the registry~~.

Sec. 45. Section 249A.4, Code 2025, is amended by adding the following new subsection:

NEW SUBSECTION. 16. Require providers to share information with the department as necessary to identify, prevent, or respond to child abuse as defined in section 232.68, and dependent adult abuse as defined in section 235B.2.

DIVISION IV

DEPARTMENT OF HEALTH AND HUMAN SERVICES — INTERNAL AUDITS AND EXAMINATIONS

Sec. 46. NEW SECTION. **217.31A Internal audits and examinations.**

1. An internal audit or examination conducted by or on behalf of the department shall be conducted in accordance with the most recent global internal audit standards published by the institute of internal auditors.

2. Information created or received by the department in the course of an internal audit or examination conducted by

or on behalf of the department, including any allegations of misconduct or noncompliance, and all internal audit or examination workpapers, shall be treated as confidential.

3. Subsection 2 shall not be construed to limit the auditor of state's access to information the auditor of state is authorized to access under section 11.41. Any information treated as confidential under subsection 2 and shared by the department with the auditor of state shall not be disclosed by the auditor of state unless any of the following conditions apply:

a. The director authorizes such disclosure in writing.

b. The information is contained in the department's final report for the internal audit or examination.

DIVISION V

REGION INCENTIVE FUND — DISTRIBUTIONS AND TRANSFERS

Sec. 47. DEPARTMENT OF HEALTH AND HUMAN SERVICES — BEHAVIORAL HEALTH SERVICES SYSTEM — REGION INCENTIVE FUND.

1. For purposes of this section:

a. "Administrative services organization" means the same as defined in 2024 Iowa Acts, chapter 1161, section 1.

b. "Behavioral health fund" means the behavioral health fund established in 2024 Iowa Acts, chapter 1161, section 7, subsection 2.

c. "Behavioral health services system" means the behavioral health services system established in 2024 Iowa Acts, chapter 1161, section 3, subsection 1.

d. "Mental health and disability services system" means the mental health and disability services system described in section 225C.6B.

2. Notwithstanding any provision of law to the contrary, there is appropriated from the region incentive fund created in section 225C.7A, subsection 8, to the department of health and human services for the fiscal year beginning July 1, 2024, and ending June 30, 2025, an amount necessary to ensure the continuity of care for persons transferring from the mental

health and disability services system to the behavioral health services system, and for distribution to administrative services organizations to be used for expenses related to the duties of the administrative services organizations under the behavioral health services system.

3. Moneys distributed to and used by an administrative services organization pursuant to subsection 1, shall not be considered in the computation of any limit on the administrative costs of an administrative services organization including those prescribed in 2024 Iowa Acts, chapter 1161, section 7, subsection 5.

4. Moneys in the mental health and disability services regional service fund established in section 225C.7A, subsection 1, that remain unencumbered or unobligated on June 30, 2025, shall be transferred to the behavioral health fund.

Sec. 48. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 49. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2024.

DIVISION VI

HEALTH MAINTENANCE ORGANIZATION — APPLICABLE PERCENTAGE FOR PREMIUM TAX

Sec. 50. Section 432.1, subsection 2, unnumbered paragraph 1, Code 2025, is amended to read as follows:

The *"applicable percent"* for purposes of subsection 1 of this section, section 432.1B, and section 432.2 is the following:

Sec. 51. Section 432.1B, subsection 1, Code 2025, is amended to read as follows:

1. Pursuant to section 514B.31, subsection 3, a health maintenance organization contracting with the department of health and human services to administer the medical assistance program under chapter 249A, shall pay as taxes to the director of the department of revenue for deposit in the Medicaid managed care organization premiums fund created in section 249A.13, an amount equal to ~~two and one-half~~ the applicable

percent, as provided in section 432.1, subsection 2, of the premiums received and taxable under section 514B.31, subsection 3.

Sec. 52. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 53. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2024.