

CHAPTER 1279
CHILD PROTECTION
S.F. 2293

AN ACT relating to child protection by creating foster care review boards for a four-year period, creating a foster care registry, providing for rehabilitation for a child receiving foster care and the child's family unit, amending provisions relating to a court's dispositional order, amending Iowa's child abuse, delinquency, and child-in-need-of-assistance laws, by requiring registered family or group day care providers to report child abuse, requiring foster parent training, permitting a peace officer to remove a child from a child day care facility under certain circumstances, permitting child care financial assistance funds to go to licensed and registered child day care facilities and organizations and agencies which serve day care facilities, and establishing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.2, Code Supplement 1983, is amended by adding the following new subsection as subsection 4 and renumbering the subsequent subsections:

NEW SUBSECTION. 4. "Case permanency plan" means the plan, mandated by Pub. L. No. 96-272, as codified in 42 U.S.C., secs. 671(a)(16), 627(a)(2)(B), and 675(1),(5), designed to achieve placement in the least restrictive, most family-like setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child. The plan shall specifically include all of the following:

- a. Plans for carrying out the voluntary placement agreement or judicial determination pursuant to which the child entered care.
- b. The type and appropriateness of the placement and services to be provided to the child.
- c. The care and services that will be provided to the child, natural parents, and foster parents.
- d. How the care and services will meet the needs of the child while in care and will facilitate the child's return home or other permanent placement.

Sec. 2. Section 232.2, subsection 5, Code Supplement 1983, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. m. Who 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.

Sec. 3. Section 232.37, subsection 2, Code 1983, is amended to read as follows:

2. Notice of the pendency of the case shall be served upon the known ~~parent~~ parents, ~~guardian~~ guardians or ~~legal custodian~~ custodians of a child if ~~this person is~~ these persons are not summoned to appear as provided in subsection 1. Notice shall also be served upon the child and upon the child's guardian ad litem, if any. The notice shall attach a copy of the petition and shall give notification of the right to counsel provided for in section 232.11.

Sec. 4. Section 232.69, subsection 1, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

The following classes of persons shall make a report, within 24 hours and as provided in section 232.70, of cases of child abuse:

Sec. 5. Section 232.52, Code Supplement 1983, is amended by adding the following new subsections:

NEW SUBSECTION. 5. If the court orders the transfer of custody of the child to the department of human services or other agency for placement, the department or agency responsible for the placement of the child shall submit a case permanency plan to the court and shall make every effort to return the child to the child's home as quickly as possible.

NEW SUBSECTION. 6. When the court orders the transfer of legal custody of a child pursuant to section 232.52, subsection (2), paragraphs "d", "e", or "f", the order shall state that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home.

Sec. 6. Section 232.69, subsection 1, paragraph b, Code Supplement 1983, is amended to read as follows:

b. Every self-employed social worker, every social worker under the jurisdiction of the department of human services, any social worker employed by a public or private agency or institution, public or private health care facility as defined in section 135C.1, certified psychologist, certificated school employee, employee or operator of a licensed day care facility, child care center or registered group day care home or registered family day care home, member of the staff of a mental health center, or peace officer, who, in the course of employment, examines, attends, counsels or treats a child and reasonably believes a child has suffered abuse. Whenever such If a person is required to report under this section as a member of the staff of a public or private institution, agency or facility, that person shall immediately notify the person in charge of such the institution, agency or facility, or that person's designated agent, and the person in charge of the institution, agency, or facility, or the designated agent shall make the report.

Sec. 7. Section 232.71, subsection 4, Code Supplement 1983, is amended to read as follows:

4. The department of human services may request information from any person believed to have knowledge of a child abuse case. The county attorney, and any law enforcement or social services agency in the state, and any mandatory reporter shall co-operate and assist in the investigation upon the request of the department of human services. The county attorney and appropriate law enforcement agencies shall also take any other lawful action which may be necessary or advisable for the protection of the child.

Sec. 8. Section 232.71, subsections 9 and 13, Code Supplement 1983, are amended to read as follows:

9. If, upon completion of the investigation, the department of human services determines that the best interests of the child require juvenile court action, the department shall take the appropriate action to initiate such action under this chapter. The county attorney shall assist the county department of human services in the preparation of the necessary papers to initiate such action and shall appear and represent the department at all juvenile court proceedings.

13. If a fourth report is received from the same person who made three earlier unsubstantiated unfounded reports which identified the same child as the abused child and the same person responsible for the child as the alleged abuser, the department may determine that the report is spurious, again unfounded, due to the report's spurious or frivolous nature and may in its discretion terminate its investigation.

Sec. 9. Section 232.78, subsections 1 and 2, Code 1983, are amended to read as follows:

1. The juvenile court may enter an ex parte order directing a peace officer to remove a child from ~~his or her~~ the child's home or a child day care facility before or after the filing of a petition under this chapter provided all of the following apply:

a. The parent, guardian, ~~or~~ legal custodian, or employee of the child day care facility is absent, or though present, was asked and refused to consent to the removal of the child and was informed of an intent to apply for an order under this section; ~~and~~.

b. It appears that the child's immediate removal is necessary to avoid imminent danger to the child's life or health; ~~and~~.

c. There is not enough time to file a petition and hold a hearing under section 232.95.

2. The order shall specify the facility to which the child is to be brought. Except for good cause shown or unless the child is sooner returned to the place where ~~he or she~~ the child was residing or permitted to return to the child day care facility, a petition shall be filed under this chapter within three days of the issuance of the order.

Sec. 10. Section 232.79, subsection 1, Code Supplement 1983, is amended to read as follows:

1. A peace officer may remove a child from ~~his or her~~ the child's home or a child day care facility or a physician treating a child may keep the child in custody without a court order as required under section 232.78 and without the consent of a parent, guardian, or custodian provided that both of the following apply:

a. The child is in such circumstance or condition that ~~his or her~~ the child's continued presence in the residence or the child day care facility or in the care or custody of the parent, guardian, or custodian presents an imminent danger to the child's life or health; ~~and~~.

b. There is not enough time to apply for an order under section 232.78.

Sec. 11. Section 232.91, Code 1983, is amended to read as follows:

232.91 PRESENCE OF PARENTS AND GUARDIAN AD LITEM AT HEARINGS. Any hearings or proceedings under this division subsequent to the filing of a petition shall not take place without the presence of the child's parent, guardian, ~~or~~ custodian, or guardian ad litem in accordance with and subject to ~~the provisions of~~ section 232.38. A parent without custody may petition the court to be made a party to proceedings under this division.

Sec. 12. **NEW SECTION. 232.94A** Juvenile court records, social records, and the material required to be recorded pursuant to section 232.94 shall be maintained and shall be a part of each hearing relating to the child so long as and whenever the child is a child in need of assistance.

Sec. 13. Section 232.95, subsection 2, paragraph a, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If removal is ordered, the order shall, in addition, contain a statement that removal from the home is the result of a determination that continuation therein 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.

Sec. 14. Section 232.97, subsections 1 and 3, Code Supplement 1983, are amended to read as follows:

1. The court shall not make any a disposition of the petition until a social report has been submitted to and considered by the court. The court may direct either the juvenile court officer, or the department of human services or any other agency licensed by the state to conduct a social investigation and to prepare a social report which may include any evidence provided by an individual providing foster care for the child. A report prepared shall include any founded reports of child abuse.

3. The social report shall not be disclosed except as provided in this section and except as otherwise provided in this chapter. Prior to the hearing at which the disposition is determined, the court shall permit counsel for the child, and counsel for the child's parent, guardian or custodian, and the guardian ad litem to inspect any social report to be considered by the court. The court may in its discretion order such 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.

Sec. 15. Section 232.98, subsection 1, unnumbered paragraph 5, Code 1983, is amended to read as follows:

The child's parent, guardian, or custodian shall be included in counseling sessions offered during the child's stay in a hospital, facility, or institution when feasible, and when in the best interests of the child and the child's parent, guardian, or custodian. If separate counseling sessions are conducted for the child and the child's parent, guardian, or custodian, a joint counseling session shall be offered prior to the release of the child from the hospital, facility, or institution. The court shall require that notice be provided to the child's guardian ad litem of the counseling sessions and of the participants and results of the sessions.

Sec. 16. Section 232.102, subsection 3, paragraph b, Code Supplement 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The order shall, in addition, contain a statement that removal from the home is the result of a determination that continuation therein 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.

Sec. 17. Section 232.102, subsection 5, Code Supplement 1983, is amended to read as follows:

5. In any order transferring custody to the department or an agency, or in orders pursuant to a custody order, the court shall specify the nature and category of disposition which will serve the best interests of the child, and shall prescribe the means by which the placement shall be monitored by the court. If the court orders the transfer of the custody of the child to the department of human services or other agency for placement, the department or agency shall submit a case permanency plan to the court a specific plan for placement of the child and shall make every effort to return the child to his or her the child's home as quickly as possible. 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 shall consider placing the child in the same licensed foster care facility. If the court orders the transfer of custody to a relative or other suitable person, the court may direct the department or other agency to provide services to the child's parent, guardian or custodian in order to enable them to resume custody of the child.

Sec. 18. Section 232.102, subsection 6, Code Supplement 1983, is amended to read as follows:

6. The duration of any placement made after an order pursuant to this section shall be for an initial period of six months. At the expiration of that period and every six months thereafter, the court shall hold a hearing and review the placement in order to determine whether the child should be returned home, an extension of the placement should be made, or a termination of the parent-child relationship proceeding should be instituted. The placement ~~should~~ shall be terminated and the child returned to his or her 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 5. If the placement is extended, the court ~~should~~ shall determine whether additional services are necessary to facilitate the return of the child to ~~his or her~~ 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. 19. Section 232.116, subsection 4, paragraphs b and d, Code 1983, are amended to read as follows:

b. The custody of the child has been transferred from ~~his or her~~ the child's parents for placement pursuant to section 232.102 and ~~such~~ the placement has lasted for a period of at least six consecutive months, but less than twelve consecutive months; and

d. There is clear and convincing evidence that the parents have not maintained contact with the child during the previous six consecutive months and have made no reasonable efforts to resume care of the child despite being given the opportunity to do so.

Sec. 20. Section 232.116, subsection 5, paragraph b, Code 1983, is amended to read as follows:

b. The custody of the child has been transferred from ~~his or her~~ the child's parents for placement pursuant to section 232.102 for at least twelve of the last eighteen months; and

Sec. 21. Section 232.117, Code Supplement 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 5. If the court orders the termination of parental rights and transfers guardianship and custody under subsection 3, the department of human services or the agency responsible for the placement shall submit a case permanency plan to the court and shall make every effort to establish a stable placement for the child by adoption or other permanent placement. The child's placement shall be reviewed by the court every six months until the child is adopted.

Sec. 22. Section 234.11, Code 1983, is amended to read as follows:

234.11 DUTIES OF THE COUNTY BOARD—FOOD STAMP PROGRAM. The county board ~~shall be vested with the authority to may~~ direct emergency relief with only ~~such~~ the powers and duties as are prescribed in the laws relating thereto and shall determine the allocation of funds to child day care centers facilities, organizations, and agencies pursuant to sections 237A.14 to 237A.18. Organizations and agencies which serve day care facilities and any licensed or registered facilities may apply for the funds. The board shall act in an advisory capacity on programs within the jurisdiction of the department of human services. The board shall review policies and procedures of the local departments of human services and make recommendations for changes to insure that effective services are provided in their respective communities. The county board may also make recommendations for new programs which it is believed would meet needs in the community. The state department shall establish a procedure to insure that county board recommendations receive appropriate review at the level of policy determination.

Sec. 23. Section 235A.17, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The department of human services shall notify orally the mandatory reporter in an individual child abuse case of the results of the case investigation and of the confidentiality provisions of section 235A.15 and 235A.21. The department may subsequently transmit a written notice to the mandatory reporter of the results and confidentiality provisions. A copy of the written notice shall be transmitted to the registry and shall be maintained by the registry as provided in section 235A.18.

Sec. 24. Section 235A.18, subsection 2, Code Supplement 1983, is amended to read as follows:

2. Child abuse information ~~may~~ shall be expunged where the probative value of the information is so doubtful as to outweigh its validity one year after the receipt of the initial report of such abuse if the information cannot be determined by a preponderance of the evidence to be founded or unfounded. Child abuse information shall be expunged if ~~it~~ the information is determined to be unfounded as a result of any of the following:

- a. The investigation of a report of suspected child abuse by the department.
- b. A successful appeal as provided in section 235A.19.
- c. A court adjudication.

Sec. 25. NEW SECTION. FOSTER PARENT TRAINING. As a condition for initial licensure, each individual licensee shall complete twelve hours of foster parent training offered or approved by the department. The training shall include but not be 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.

Sec. 26. NEW SECTION. 237.15 DEFINITIONS. For the purposes of this division unless otherwise defined:

1. "Local board" means a local foster care review board created pursuant to section 237.19.

2. "State board" means the state foster care review board created pursuant to section 237.16.

3. "Child receiving foster care" means a child defined in section 234.1 whose foster care placement is the financial responsibility of the state pursuant to section 234.35, subsection 1, 2, or 4 or 234.36 or who is under the guardianship of the department.

4. "Person or court responsible for the child" means the department, including but not limited to the department of human services, agency, or individual who is the guardian of a neglected, dependent, or delinquent child by court order and has the responsibility of the care of the child, or the court having jurisdiction over the child.

5. "Family" means the social unit consisting of the child and the biological or adoptive parent, stepparent, brother, sister, stepbrother, stepsister, and grandparent of the child.

6. "Case permanency plan" means the plan, mandated by Pub. L. No. 96-272, as codified in 42 U.S.C., secs. 671(a)(16), 627(a)(2)(B), and 675(1),(5), designed to achieve placement in the least restrictive, most family-like setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child. The plan shall specifically include all of the following:

a. Plans for carrying out the voluntary placement agreement or judicial determination pursuant to which the child entered care.

b. The type and appropriateness of the placement and services to be provided to the child.

c. The care and services that will be provided to the child, natural parents, and foster parents.

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

Sec. 27. NEW SECTION. 237.16 STATE FOSTER CARE REVIEW BOARD. The state foster care review board is created. The state board consists of seven members appointed by the governor, subject to confirmation by the senate and directly responsible to the governor and shall not be located within a current department or agency of the state. Vacancies on the state board shall be filled in the same manner as original appointments.

The members of the state board shall annually select a chairperson, vice chairperson, and other officers the members deem necessary. The members shall not receive per diem but shall receive reimbursement for actual and necessary expenses incurred in their duties as members. The state board shall meet at least twice a year.

An employee of the department, an employee or board member of a child-placing agency, an employee of an agency with which the department contracts for services for children under foster care, a foster parent providing foster care, or an employee of the district court is not eligible to serve on the state board.

Sec. 28. NEW SECTION. 237.17 FOSTER CARE REGISTRY. The state board shall establish a registry of the placements of all children receiving foster care in the two judicial districts with local boards. The department shall notify the state board of each placement within three working days of the department's notification of the placement. The notification to the state board shall include information identifying the child receiving foster care and placement information for that child.

Within thirty days of the placement the agency responsible for the placement shall submit the case permanency plan to the state board. All subsequent revisions of the case permanency plan shall be submitted when the revisions are developed. In cases where the agency responsible for the placement is not the department, the case permanency plan shall also be submitted to the department.

Sec. 29. NEW SECTION. 237.18 POWERS AND DUTIES OF STATE BOARD. The state board shall:

1. Review the activities and actions of local boards.
2. Adopt rules pursuant to chapter 17A to:
 - a. Establish a central recordkeeping facility for the files of local review boards including individual case reviews.
 - b. Accumulate data and develop an annual report regarding children in foster care. The report shall include:
 - (1) Personal data regarding the total number of days of foster care provided and the characteristics of the children receiving foster care.
 - (2) The number of placements of children in foster care.
 - (3) The frequency and results of court reviews.
 - (4) Contrasts between the foster care placement policies by judicial district, with special emphasis upon districts with and without local review boards.
 - c. Evaluate the judicial and administrative data collected on foster care and disseminate the data to the governor, the supreme court, the chief judge of each judicial district, the department, and child-placing agencies.
 - d. Establish mandatory training programs for members of the state and local review boards including an initial training program and periodic in-service training programs. Training shall focus on, but not be limited to, the following:
 - (1) The history, philosophy and role of the juvenile court in the child protection system.
 - (2) Juvenile court procedures under the juvenile justice act.
 - (3) The foster care administrative review process of the department of human services.
 - (4) The role and procedures of the citizen's foster care review system.
 - (5) The Adoption Assistance and Child Welfare Act of 1980, Pub. L. No. 96-272.
 - (6) The purpose of case permanency plans, and the type of information that will be available in those plans.
 - (7) The situations where the goals of either reuniting the child with the child's family or adoption would be appropriate.

- (8) The legal processes that may lead to foster care placement.
 - (9) The types and number of children involved in those legal processes.
 - (10) The types of foster care placement available, with emphasis on the types and number of facilities available on a regional basis.
 - (11) The impact of specific physical or mental conditions of a child on the type of placement most appropriate and the kind of progress that should be expected in those situations.
- e. Establish procedures for the local review board consistent with the provisions of section 237.20.
 - f. Establish grounds and procedures for removal of a local review board member.
3. Assign the case of each child receiving foster care within the judicial district selected in section 237.19, subsection 1, to the appropriate local board.
 4. Assist local boards in reviewing each case of a child receiving foster care, as provided in section 237.20.
 5. Employ a state director and appropriate staff in accordance with available funding.

The state board shall make recommendations to the general assembly, the department, to child-placing agencies, the governor, the supreme court, the chief judge of each judicial district, and to the judicial department. The recommendations shall include, but are not limited to, necessary changes relating to the data collected and the annual report made under subsection 2, paragraph "b".

Sec. 30. NEW SECTION. 237.19 LOCAL FOSTER CARE REVIEW BOARDS.

1. The state board shall establish local foster care boards in two judicial districts in the state to review cases of children receiving foster care. These districts shall be selected to allow comparison of the effectiveness of local boards in different types of counties in the state. The department shall discontinue its foster care review process for those children reviewed by local boards in at least one of these districts when the local foster care review boards are established and operating. The state board shall select five members and two alternate members to serve on each local board in consultation with the chief judge of each judicial district. The actual number of local boards needed and established shall be determined by the state board. However, the state board shall seek to establish a sufficient number of boards to ensure no board must evaluate more than one hundred cases annually. The members of each local board shall consist of persons of the various social, economic, racial, and ethnic groups and various occupations of their district. A person employed by the state board or the department, the district court, an employee of an agency with which the department contracts for services for children under foster care, a foster parent providing foster care, or a child-placing agency shall not serve on a local board. The state board shall provide the names of the members of the local boards to the department.

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

Sec. 31. NEW SECTION. 237.20 LOCAL BOARD DUTIES. A local board shall:

1. Review every six months the case of each child receiving foster care assigned to the local board by the state board to determine whether satisfactory progress is being made toward the goals of the case permanency plan pursuant to section 237.22. As much as is possible, review shall be conducted immediately prior to court reviews of the case.

During each six month review, the local board shall review all of the following:

- a. The past, current, and future status of the child and placement as shown through the case permanency plan and case progress reports submitted by the agency responsible for the placement of the child and other information the board may require.

b. The efforts of the agency responsible for the placement of the child to locate and provide services to the biological or adoptive parents of the child.

c. The efforts of the agency responsible for the placement of the child to facilitate the return of the child to the home or to find an alternative permanent placement other than foster care if reunion with the parent or previous custodian is not feasible. The agency shall report to the board all factors which either favor or mitigate against a decision or alternative with regard to these matters.

d. Any problems, solutions, or alternatives which may be capable of investigation, or other matters with regard to the child which the agency responsible for the placement of the child or the board feels should be investigated with regard to the best interests of the state or of the child.

Each review shall include written testimony of any person notified pursuant to subsection 4, and may include oral testimony from those persons when determined to be relevant and material to the child's placement. Oral testimony may, upon the request of the testifier or upon motion of the local board, be given in a private setting when to do so would facilitate the presentation of evidence.

Written testimony from other interested parties may also be considered by the board in its review.

Access to all information considered by the local board shall be provided to the child, the parents, or their attorneys, and the county attorney.

2. Submit to the appropriate court within ten days after the review under subsection 1, the findings and recommendations of the review. The findings and recommendations shall include the proposed date of the next review by the local board. The local board shall notify the persons specified in subsection 4 of the findings and recommendations.

3. Encourage placement of the child in the most appropriate setting reflecting the provisions of chapter 232.

4. Notify the following persons at least ten days before the review of a case of a child receiving foster care:

- a. The person, court, or agency responsible for the child.
- b. The parent or parents of the child unless termination of parental rights has occurred pursuant to section 232.117.
- c. The foster care provider of the child.
- d. The child receiving foster care if the child is fourteen years of age or older.
- e. The guardian ad litem of the foster child.
- f. The department.
- g. The county attorney.

Sec. 32. NEW SECTION. 237.21 CONFIDENTIALITY OF RECORDS — PENALTY.

1. The information and records of or provided to a local board or the state board regarding a child receiving foster care and the child's family when relating to the foster care placement are not public records pursuant to chapter 68A. The state board and local boards, with respect to hearings involving specific children receiving foster care and the child's family, are not subject to chapter 28A.

2. Information and records relating to a child receiving foster care shall be provided to a local board or the state board by the department or child-care agency upon request by either board. A court having jurisdiction of a child receiving foster care shall release the information and records the court deems necessary to determine the needs of the child, if the information and records are not obtainable elsewhere, to a local board or the state board upon request by either board.

3. Members of the state board and local boards and the employees of the department are subject to standards of confidentiality pursuant to sections 217.30 and 235A.15. Members of the state and local boards and employees of the department who disclose information or records of the board or department, other than as provided in subsection 2, are guilty of a serious misdemeanor.

Sec. 33. NEW SECTION. 237.22 CASE PERMANENCY PLAN. The agency responsible for the placement of the child shall create a case permanency plan. The plan shall include, but not be limited to:

1. Plans for carrying out the voluntary placement agreement or judicial determination pursuant to which the child entered care;
2. The type and appropriateness of the placement and services to be provided to the child;
3. The care and services that will be provided to the child, natural parents, and foster parents; and
4. How the care and services will meet the needs of the child while in care and will facilitate the child's return home or other permanent placement.

Sec. 34. Section 237A.13, unnumbered paragraph 1, Code Supplement 1983, is amended to read as follows:

Funds appropriated to the department to assist child day care centers facilities shall be apportioned among the counties as follows:

Sec. 35. Section 237A.13, Code Supplement 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Organizations and agencies which serve day care facilities and any licensed or registered facilities may apply for the funds.

Sec. 36. Section 237A.14, Code 1983, is amended to read as follows:

237A.14 ALLOCATION BY THE COUNTY. The county board shall determine how the funds received by that county under this chapter shall be allocated among existing or planned child day care centers facilities in the county on the basis of the following factors as applied to each child day care center facility considered for financial assistance under this chapter:

1. The demonstrated need for child care services in the community served by the center facility.
2. The proportion of low-income families among all families served by the center facility.
3. The demonstrated need of the center facility for additional equipment, and improvement, enlargement or relocation of the center's facility's physical facilities designed to bring the center facility into compliance with local health, fire and zoning laws.
4. The manner in which the center facility derives its support, other than funds made available to it under this chapter, and in particular the extent to which it is supported from sources other than tuition or fees paid by the parents or guardians of the children served by the center facility.

5. Organizations and agencies which serve day care facilities and any licensed or registered facilities may apply for the funds.

Sec. 37. Section 237A.15, subsections 1 and 2, Code 1983, are amended to read as follows:

1. Prescribe forms for use by licensed centers or registered facilities in applying to their respective county boards for funds appropriated by the general assembly.
2. Establish a procedure by which a licensed center or registered facility aggrieved by a decision of a county board under section 237A.17 may appeal the decision to the commissioner or his the commissioner's designee, however, the judgment of the county board on the merits of any an application shall not be overturned in the absence of a determination that the county board has misinterpreted any of the provisions of this chapter, has acted arbitrarily or capriciously, or both.

Sec. 38. Section 237A.16, Code 1983, is amended to read as follows:

237A.16 USE OF FUNDS. A child care center Organizations and agencies which serve day

care facilities and licensed or registered facilities may use funds received pursuant to this chapter only for the following purposes:

1. To acquire or improve physical facilities to house the center facility, organization, or agency.

2. To acquire recreational or educational equipment or supplies.

3. To purchase assistance to child day care centers facilities, organizations, or agencies for program development and staff development in meeting standards for child day care centers facilities established under this chapter.

Sec. 39. Section 237A.17, Code 1983, is amended to read as follows:

237A.17 DISTRIBUTION. The county board shall consider all applications which are submitted by child day care centers facilities, organizations, or agencies in the county for funds allocated to the county under this chapter, and shall determine the distribution of the funds. Each child day care center facility, organization, or agency submitting an application shall indicate the amount of money requested and the intended use of the money. The county board may establish a deadline for submission of applications, which shall not be earlier than thirty days after it is notified by the department of the amount initially allocated to the county pursuant to section 237A.13.

Sec. 40. Section 237A.18, Code 1983, is amended to read as follows:

237A.18 RESTRICTIONS ON FUNDING. Funds shall be distributed only to licensed centers or registered facilities which serve primarily low-income families and which do not prohibit admission of children on the basis of race, creed, religion, sex, or national origin or to organizations and agencies which serve day care facilities.

Sec. 41. Section 238.1, Code Supplement 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For this chapter, "Case permanency plan" means the plan, mandated by Pub. L. No. 96-272, as codified in 42 U.S.C., secs. 671(a)(16), 627(a)(2)(B), and 675(1),(5), designed to achieve placement in the least restrictive, most family-like setting available and in close proximity to the parent's home, consistent with the best interests and special needs of the child. The plan shall specifically include all of the following:

a. Plans for carrying out the voluntary placement agreement or judicial determination pursuant to which the child entered care.

b. The type and appropriateness of the placement and services to be provided to the child.

c. The care and services that will be provided to the child, natural parents, and foster parents.

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

Sec. 42. A copy of the dispositional order pursuant to section 232.102, subsection 6, shall be submitted to the state foster care review board and the local foster care review boards in the two judicial districts in which local foster care review boards are established.

Sec. 43. The twelve-hour training requirement in section 25 of this Act applies to all individuals licensed to provide child foster care on or after the effective date of this Act.

Sec. 44. Sections 26 through 33 of this Act are enacted as a new division of chapter 237 entitled "Foster Care Review". Sections 26 through 33 of this Act are repealed July 1, 1988.

Sec. 45. The state foster care review board shall adopt administrative rules under sections 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph "b", relating to the initial actions by the board pursuant to section 237.18 and the rules shall become effective immediately upon filing, unless a later effective date is specified in the rules.

Approved May 14, 1984