

Sec. 44. RELOCATION. The commission of veterans affairs shall have until December 31, 1992, if necessary, to complete the relocation of the commission's own office supplies, furnishings, and records, from the department of defense and the department of human services to the commission of veterans affairs as provided in section 35A.2, subsection 3.

Approved April 27, 1992

CHAPTER 1141
FOSTER CARE REVIEW BOARDS
S.F. 2197

AN ACT relating to state and local foster care review boards.

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

Section 1. Section 10A.104, subsection 2, Code 1991, is amended to read as follows:

2. Appoint the administrators of the divisions within the department and all other personnel deemed necessary for the administration of this chapter, except the state public defender, assistant state public defenders, administrator of the racing and gaming commission, members of the employment appeal board, and administrator of the state citizen foster care review board. All persons appointed and employed in the department are covered by the provisions of chapter 19A, but persons not appointed by the director are exempt from the merit system provisions of chapter 19A.

Sec. 2. Section 232.175, Code 1991, is amended to read as follows:

232.175 PURPOSE AND POLICY.

It is the purpose and policy of this division to provide court oversight for placements that involve a handicapped child placed voluntarily in foster care by the child's parent or guardian, through review of the voluntary placements every six months by the department's foster care review committees or by a local citizen foster care review board. It is the purpose and policy of this division to assure the additional safeguard of court oversight as required by Pub. L. No. 96-272, as codified in 42 U.S.C. § 671(a)(16), 627(a)(2)(B), and 675(1),(5), while maintaining parental decision-making authority.

Sec. 3. Section 232.183, subsection 7, Code 1991, is amended to read as follows:

7. A dispositional hearing is not required if the court has approved either the local citizen foster care review board review or the department's administrative review procedure as defined under section 234.42, and all parties agree. This provision does not eliminate the initial judicial determination required under section 232.182.

Sec. 4. Section 235A.15, subsection 2, paragraph e, subparagraph (6), Code Supplement 1991, is amended to read as follows:

(6) To the state and local citizen foster care review boards created pursuant to sections 237.16 and 237.19.

Sec. 5. Section 237.15, subsections 2, 4, and 6, Code Supplement 1991, are amended to read as follows:

2. "Child receiving foster care" means a child defined in section 234.1 ~~whose~~ who is described by any of the following circumstances:

a. The child's foster care placement is the financial responsibility of the state pursuant to section 234.35, ~~who~~.

b. The child is under the guardianship of the department, ~~or who~~.

c. The child has been involuntarily hospitalized for mental illness pursuant to chapter 229.
d. The child is at-risk of being placed outside the child's home, the department or court is providing or planning to provide services to the child, and the department or court has requested the involvement of the state or local board.

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

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

Sec. 6. Section 237.16, Code 1991, is amended to read as follows:
237.16 STATE CITIZEN FOSTER CARE REVIEW BOARD.

1. The state citizen foster care review board is created within the department of inspections and appeals. The state board consists of seven members appointed by the governor, subject to confirmation by the senate and directly responsible to the governor. The appointment is for a term of four years which begins and ends as provided in section 69.19. Vacancies on the state board shall be filled in the same manner as original appointments are made.

2. The members of the state board shall annually select a chairperson, vice chairperson, and other officers the members deem necessary. The members are entitled to receive reimbursement for actual and necessary expenses incurred in the performance of their duties. Each member of the board may also be eligible to receive compensation as provided in section 7E.6. The state board shall meet at least twice a year.

3. An employee of the department or of the department of inspections and appeals, an employee 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. 7. Section 237.18, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 6. In conjunction with the legislative fiscal bureau and in consultation with the department of human services, supreme court, and private foster care providers, develop and maintain an evaluation program regarding citizen foster care review programming. The evaluation program shall be designed to evaluate the effectiveness of citizen reviews in improving case permanency planning and meeting case permanency planning goals, identify the amount of time children spend in foster care placements, and identify problem issues in the foster care system. The state board shall submit an annual evaluation report to the governor and the general assembly.

Sec. 8. Section 237.19, Code 1991, is amended to read as follows:
237.19 LOCAL CITIZEN FOSTER CARE REVIEW BOARDS.

1. The state board shall establish local citizen foster care review boards to review cases of children receiving foster care. The department shall discontinue its foster care review process for those children reviewed by local boards as local 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 department of inspections and appeals, 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 local 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. 9. Section 237.20, subsection 1, unnumbered paragraphs 1 and 2, Code 1991, are amended to read as follows:

Review at least 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 agency responsible for the placement of or services provided to the child shall attend the review and the local board shall review all of the following:

Sec. 10. Section 237.20, subsection 1, unnumbered paragraph 3, Code 1991, is amended to read as follows:

The review shall include issues pertaining to the case permanency plan and shall not include issues that do not pertain to the case permanency plan. ~~Each review shall include written testimony of any A 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 shall either attend the review or submit testimony as requested by the local board or in accordance with a written protocol jointly developed by the state board and the department.~~ 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. Local board questions shall pertain to the permanency plan and shall not include issues that do not pertain to the permanency plan.

Sec. 11. Section 237.20, subsection 2, Code 1991, is amended to read as follows:

2. a. Submit to the appropriate court within fifteen days after the review under subsection 1, the findings and recommendations of the review. The local board shall ensure that the most recent report is available for a court hearing. The report to the court shall include information regarding the case permanency plan and the progress in attaining the permanency goals. The report shall not include issues that do not pertain to the case permanency plan. 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.

b. If the person or agency responsible for services provided to the child disagrees with the review findings or recommendations, the person or agency shall respond during the review or submit a statement to the local board and the court within ten working days of receiving the local board's report. The response shall explain the reasons the person or agency disagrees with the board's findings or does not plan to implement the board's recommendations.

Sec. 12. Section 237.20, subsection 4, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. The person providing services to the child or the child's family.

Sec. 13. Section 237.23, Code 1991, is amended to read as follows:

237.23 AUTOMATIC REPEAL.

Sections 237.15 through 237.22, Code 1987 and this section, are repealed July 1, 1992 1996.

Approved April 27, 1992