

CHAPTER 99**CHILD WELFARE — DISPOSITIONAL ORDERS, HEARINGS, AND PLACEMENTS***H.F. 376*

AN ACT relating to child welfare provisions involving juvenile justice dispositional orders, hearings, and placements and providing an effective date.

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

Section 1. Section 232.50, subsection 2, Code 1997, is amended to read as follows:

2. The court shall hold a periodic dispositional review hearing for each child in placement pursuant to section 232.52, subsection 2, paragraph “d” or “e”, to determine the future disposition status of the child. The hearings shall not be waived or continued beyond ~~eighteen~~ twelve months after the last dispositional hearing or dispositional review hearing.

Sec. 2. Section 232.52, subsection 7, Code 1997, is amended to read as follows:

7. If the court orders the transfer of the custody of the child to the department of human services or to another agency for placement in foster group care, the department or agency shall make every reasonable effort to place the child within the state, in the least restrictive, most family-like, and most appropriate setting available and in close proximity to the parents’ home, consistent with the child’s best interests and special needs, and shall consider the placement’s proximity to the school in which the child is enrolled at the time of placement.

Sec. 3. Section 232.89, subsection 1, Code 1997, is amended to read as follows:

1. Upon the filing of a petition the parent, guardian, or custodian identified in the petition shall have the right to counsel in connection with all subsequent hearings and proceedings. If that person desires but is financially unable to employ counsel, the court shall appoint counsel. ~~However, an incarcerated parent without legal custody shall not have the right to counsel.~~

Sec. 4. Section 232.101, subsection 2, Code 1997, is amended to read as follows:

2. The duration of any period of supervision or other terms or conditions shall be for an initial period of no more than ~~eighteen~~ twelve months and the court, at the expiration of that period, upon a hearing and for good cause shown, may make not more than two successive extensions of such supervision or other terms or conditions of up to twelve months each.

Sec. 5. Section 232.102, subsection 7, Code 1997, is amended to read as follows:

7. 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 and shall make every reasonable effort to return the child to the child’s home as quickly as possible consistent with the best interest of the child. 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. If the court orders the transfer of custody to the department of human services or to another agency for placement in foster group care, the department or agency shall make every reasonable effort to place the child within Iowa, in the least restrictive, most family-like, and most appropriate setting available, and in close proximity to the parents’ home, consistent with the child’s best interests and special needs, and shall

consider the placement's proximity to the school in which the child is enrolled at the time of placement.

Sec. 6. Section 232.163, Code 1997, is amended to read as follows:

232.163 VISITATION, INSPECTION OR SUPERVISION.

1. Any requirements for visitation, inspection, or supervision of children, homes, institutions, or other agencies in another party state which may apply under the provisions of this chapter shall be deemed to be met if performed pursuant to an agreement entered into by appropriate officers or agencies of this state or a subdivision ~~thereof of this state~~ as contemplated by paragraph "b" of article V of the interstate compact on the placement of children.

2. If a child is placed outside the residency state of the child's parent, the placement agency shall provide for a designee to visit the child at least once every twelve months and to submit a written report to the court concerning the child and the visit.

Sec. 7. Section 232.175, Code 1997, is amended to read as follows:

232.175 PLACEMENT OVERSIGHT.

Placement oversight shall be provided pursuant to this division when the parent, guardian, or custodian of a child with mental retardation or other developmental disability requests placement of the child for a period of more than thirty days. The oversight shall be provided through review of the placement every six months by the department's foster care review committees or by a local citizen foster care review board. Court oversight shall be provided prior to the initial placement and at periodic intervals which shall not exceed ~~eighteen~~ twelve months. It is the purpose and policy of this division to assure the existence of oversight safeguards as required by the federal Child Welfare Act of 1980, 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. 8. Section 232.183, subsection 2, Code 1997, is amended to read as follows:

2. The dispositional hearing shall be held within ~~eighteen~~ twelve months of the date the child was placed in foster care.

Sec. 9. Section 232.183, subsection 6, Code 1997, is amended to read as follows:

6. With respect to each child whose placement was approved pursuant to subsection 5, the court shall continue to hold periodic dispositional hearings. The hearings shall not be waived or continued beyond ~~eighteen~~ twelve months following the last dispositional hearing. After a dispositional hearing, the court shall enter one of the dispositional orders authorized under subsection 5.

Sec. 10. Section 238.30, Code 1997, is repealed.

Sec. 11. EFFECTIVE DATE. Code section 232.89, as amended by this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 1, 1997