

CHAPTER 1115

BLAZE ORANGE HUNTERS' APPAREL

H.F. 2366

AN ACT relating to the use of blaze orange apparel by hunters and subjecting violators to a penalty.

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

Section 1. Section 481A.122, Code 2003, is amended to read as follows:

481A.122 ~~DEER HUNTERS'~~ HUNTERS' ORANGE APPAREL.

A person shall not hunt deer with firearms unless the person is at the time wearing one or more of the following articles of visible, external apparel: A vest, coat, jacket, sweatshirt, sweater, shirt, or coveralls, the color and material of which shall be solid blaze orange. A person shall not hunt upland game birds, as defined by the department, unless the person is at the time wearing one or more of the following articles of visible, external apparel: A hat, cap, vest, coat, jacket, sweatshirt, sweater, shirt, or coveralls, the color and material of which shall be at least fifty percent solid blaze orange.

Approved April 28, 2004

CHAPTER 1116

HUMAN SERVICES — MISCELLANEOUS CHANGES

H.F. 2390

AN ACT making technical changes to programs under the purview of the department of human services.

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

Section 1. Section 225C.42, subsection 1, Code Supplement 2003, is amended to read as follows:

1. The department shall conduct ~~an annual~~ a periodic evaluation of the family support subsidy program and shall submit the evaluation report with recommendations to the governor and general assembly ~~by September 30 following the end of the fiscal year.~~

Sec. 2. Section 225C.42, subsection 2, paragraph a, Code Supplement 2003, is amended to read as follows:

a. A statement of the number of children and families served by the program during the ~~fiscal year period~~ and the number remaining on the waiting list at the end of the fiscal year period.

Sec. 3. Section 232.2, subsection 13, Code Supplement 2003, is amended to read as follows:

13. "Department" means the department of human services and includes the local, county, and regional service area officers of the department.

Sec. 4. Section 232.52, subsection 2A, Code Supplement 2003, is amended to read as follows:

2A. Notwithstanding subsection 2, the court shall not order group foster care placement of the child which is a charge upon the state if that placement is not in accordance with the ~~regional~~ regional service area plan for group foster care established pursuant to section 232.143 for the departmental ~~regional~~ regional service area in which the court is located.

Sec. 5. Section 232.52, subsection 7, Code Supplement 2003, 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 group foster 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. 6. Section 232.68, subsection 4, Code Supplement 2003, is amended to read as follows:

4. "Department" means the state department of human services and includes the local, county, and regional service area offices of the department.

Sec. 7. Section 232.72, subsection 1, Code Supplement 2003, is amended to read as follows:

1. For the purposes of this division, the terms "department of human services", "department", or "county attorney" ordinarily refer to the regional service area or local office of the department of human services or of the county attorney's office serving the county in which the child's home is located.

Sec. 8. Section 232.102, subsection 1A, Code Supplement 2003, is amended to read as follows:

1A. The court shall not order group foster care placement of the child which is a charge upon the state if that placement is not in accordance with the regional service area plan for group foster care established pursuant to section 232.143 for the departmental regional service area in which the court is located.

Sec. 9. Section 232.102, subsection 7, Code Supplement 2003, 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 interests 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 parent who does not have physical care of the child, other 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 group foster 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. 10. Section 232.102, Code Supplement 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Unless prohibited by the court order transferring custody of the child for placement or other court order or the department or agency that received the custody transfer finds that allowing the visitation would not be in the child's best interest, the department or agency may authorize reasonable visitation with the child by the child's grandparent, great-grandparent, or other adult relative who has established a substantial relationship with the child.

Sec. 11. Section 232.117, subsection 4, Code Supplement 2003, is amended to read as follows:

4. The court shall not order group foster care placement of the child which is a charge upon the state if that placement is not in accordance with the regional service area plan for group foster care established pursuant to section 232.143 for the departmental region service area in which the court is located.

Sec. 12. Section 232.127, subsection 8, Code Supplement 2003, is amended to read as follows:

8. The court shall not order group foster care placement of the child which is a charge upon the state if that placement is not in accordance with the regional service area plan for group foster care established pursuant to section 232.143 for the departmental region service area in which the court is located.

Sec. 13. Section 232.143, Code Supplement 2003, is amended to read as follows:

232.143 **REGIONAL SERVICE AREA GROUP FOSTER CARE BUDGET TARGETS.**

1. A statewide expenditure target for children in group foster care placements in a fiscal year, which placements are a charge upon or are paid for by the state, shall be established annually in an appropriation bill by the general assembly. ~~The Representatives of the department and the judicial branch juvenile court services~~ shall jointly develop a formula for allocating a portion of the statewide expenditure target established by the general assembly to each of the department's regions service areas. The formula shall be based upon the region's service area's proportion of the state population of children and of the statewide usage of group foster care in the previous five completed fiscal years and upon other indicators of need. The expenditure amount determined in accordance with the formula shall be the group foster care budget target for that region service area. A region service area may exceed ~~its~~ the service area's budget target for group foster care by not more than five percent in a fiscal year, provided the overall funding allocated by the department for all child welfare services in the region service area is not exceeded.

2. For each of the department's regions service areas, representatives appointed by the department and ~~the juvenile court services~~ shall establish a plan for containing the expenditures for children placed in group foster care ordered by the court within the budget target allocated to that region service area pursuant to subsection 1. The plan shall be established in a manner so as to ensure the budget target amount will last the entire fiscal year. The plan shall include monthly targets and strategies for developing alternatives to group foster care placements in order to contain expenditures for child welfare services within the amount appropriated by the general assembly for that purpose. Funds for a child placed in group foster care shall be considered encumbered for the duration of the child's projected or actual length of stay, whichever is applicable. Each regional service area plan shall be established within sixty days of the date by which the group foster care budget target for the region service area is determined. To the extent possible, the department and ~~the juvenile court services~~ shall coordinate the planning required under this subsection with planning for services paid under section 232.141, subsection 4. The department's regional administrator service area manager shall communicate regularly, as specified in the regional service area plan, with the chief juvenile courts court officers within that region service area concerning the current status of the regional service area plan's implementation.

3. State payment for group foster care placements shall be limited to those placements which are in accordance with the ~~regional service area~~ plans developed pursuant to subsection 2.

Sec. 14. Section 232.188, subsection 4, Code Supplement 2003, is amended to read as follows:

4. In a decategorization agreement, the department and the county's or group of counties' decategorization governance board shall agree on all of the following items: the governance relationship between the department and the decategorization governance board; the respective areas of autonomy of the department and the board; the budgeting structure for the decategorization; and a method for resolving disputes between the department and the board. The decategorization agreement shall require the department and the decategorization governance board to agree upon a budget within sixty days of the date by which the ~~regional~~ group foster care budget targets are determined for departmental service areas under section 232.143 for the fiscal year to which the budget applies. The budget may later be modified to reflect new or changed circumstances.

Sec. 15. Section 234.35, subsection 1, paragraph e, Code Supplement 2003, is amended to read as follows:

e. When a court has entered an order transferring the legal custody of the child to a foster care placement pursuant to section 232.52, subsection 2, paragraph "d", or section 232.102, subsection 1. However, payment for a group foster care placement shall be limited to those placements which conform to a ~~regional service area~~ group foster care plan established pursuant to section 232.143.

Sec. 16. Section 235B.1, subsection 4, paragraph a, subparagraph (1), Code 2003, is amended to read as follows:

(1) Advise the director of human services ~~and the administrator of the division of child and family services of the department of human services, the director of elder affairs, the director of inspections and appeals, the director of public health, the director of the department of corrections, and the director of human rights~~ regarding dependent adult abuse.

Sec. 17. Section 235B.3, subsections 2 and 3, Code Supplement 2003, are amended to read as follows:

~~2. All of the following persons shall report suspected dependent adult abuse to the department:~~

~~a. A social worker.~~

~~b. A certified psychologist.~~

~~c. 2. A person who, in the course of employment, examines, attends, counsels, or treats a dependent adult and reasonably believes the dependent adult has suffered abuse, shall report the suspected dependent adult abuse to the department including all of the following:~~

~~(1) a. A member of the staff of a community mental health center, a member of the staff of a hospital, a member of the staff or employee of a public or private health care facility as defined in section 135C.1, a member of the staff or employee of an elder group home as defined in section 231B.1, a member of the staff or employee of an assisted living program certified under section 231C.3, and a member of the staff or employee of an adult day services program as defined in section 231D.1.~~

~~(2) b. A peace officer.~~

~~(3) c. An in-home homemaker-home health aide.~~

~~(4) d. An individual employed as an outreach person.~~

~~(5) e. A health practitioner, as defined in section 232.68.~~

~~(6) f. A member of the staff or an employee of a supported community living service, sheltered workshop, or work activity center.~~

~~g. A social worker.~~

h. A certified psychologist.

~~d. A person who performs inspections of elder group homes for the department of inspections and appeals and a resident advocate committee member assigned to an elder group home pursuant to chapter 231B.~~

3. a. If a staff member or employee is required to report pursuant to this section, the person shall immediately ~~notify the department and shall also immediately~~ notify the person in charge or the person's designated agent, ~~and the person in charge or the designated agent shall make the report by the end of the next business day.~~

b. The employer or supervisor of a person who is required to or may make a report pursuant to this section shall not apply a policy, work rule, or other requirement that interferes with the person making a report of dependent adult abuse or that results in the failure of another person to make the report.

Sec. 18. Section 235B.3, Code Supplement 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. An employee of a financial institution may report suspected financial exploitation of a dependent adult to the department.

Sec. 19. Section 237.5A, Code 2003, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A licensee who is unable to complete six hours of foster parent training prior to annual licensure renewal because the licensee is engaged in active duty in the military service shall be considered to be in compliance with the training requirement for annual licensure renewal.

Sec. 20. Section 252B.9, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Nothing in this chapter, chapter 252A, 252C, 252D, 252E, 252F, 252G, 252H, 252I, 252J, or 252K, or any other comparable chapter or law shall preclude the unit from exchanging any information, notice, document, or certification with any government or private entity, if the exchange is not otherwise prohibited by law, through mutually agreed upon electronic data transfer rather than through other means.

Sec. 21. Section 252H.8, subsection 4, paragraph b, Code 2003, is amended to read as follows:

b. The return of service, acceptance of service, or signed statement by the parent requesting review and adjustment ~~or requesting modification~~, waiving service of the notice.

Sec. 22. Section 252H.15, subsection 2, Code 2003, is amended to read as follows:

2. Notice shall be served upon each parent in accordance with the rules of civil procedure, except that a parent requesting a review pursuant to section 252H.13 ~~may shall~~ waive the right to personal service of the notice in writing and accept service by regular mail. If the service by regular mail does not occur within ninety days of the written waiver of personal service, personal service of the notice is required unless a new waiver of personal service is obtained.

Sec. 23. Section 252H.19, subsection 2, unnumbered paragraph 1, Code 2003, is amended to read as follows:

The notice shall be served upon each parent in accordance with the rules of civil procedure, ~~except that a parent requesting modification shall, at the time of the request, waive the right to personal service of the notice in writing and accept service by regular mail.~~ The unit shall adopt rules pursuant to chapter 17A to ensure that all of the following are included in the notice:

Sec. 24. Section 252J.5, subsection 3, Code 2003, is amended to read as follows:

3. Following issuance of a certificate of noncompliance, if the obligor enters into a written

agreement with the unit, the unit shall issue a withdrawal of the certificate of noncompliance ~~to any appropriate licensing authority~~ and shall forward a copy of the withdrawal by regular mail to the obligor ~~and any appropriate licensing authority~~.

Sec. 25. Section 252J.6, subsection 2, paragraph a, Code 2003, is amended to read as follows:

a. That ~~a copy of~~ the certificate of noncompliance or withdrawal of the certificate of noncompliance has been provided to the licensing authorities named in the notice provided pursuant to section 252J.3.

Sec. 26. Section 252J.7, subsection 1, Code 2003, is amended to read as follows:

1. If the individual fails to respond to the notice of potential license sanction provided pursuant to section 252J.3 or the unit issues a written decision under section 252J.6 which states that the individual is not in compliance, the unit shall ~~certify, in writing, issue a certificate of noncompliance~~ to any appropriate licensing authority ~~that the support obligor is not in compliance with a support order or the individual is not in compliance with a subpoena or warrant and shall include a copy of the certificate of noncompliance~~.

Sec. 27. Section 235A.15, subsection 10, if enacted by 2004 Iowa Acts, House File 2328,¹ section 7, is amended to read as follows:

10. The information released by the director of human services or the director's designee pursuant to a request made under subsection 9 relating to a case of founded child abuse involving a fatality or near fatality to a child shall ~~be a summary of~~ include all of the following, unless such information is excepted from disclosure under subsection 9:

a. Any relevant child abuse ~~report data~~ information concerning the child or the child's family and the department's response and findings ~~concerning the report data, including but not limited to assessment and disposition data~~.

b. ~~Information~~ A summary of information, that would otherwise be confidential under section 217.30, as to whether or not the child or a member of the child's family was utilizing social services provided by the department at the time of the child fatality or near fatality or within the five-year period preceding the fatality or near fatality.

c. Any recommendations made by the department to the county attorney or the juvenile court.

d. If applicable, a summary of an evaluation of the department's responses in the case.

Sec. 28. CHILD DEVELOPMENT HOMES — PROVIDER QUALIFICATIONS. The department of human services shall revise the department's standards for child development home provider qualifications under category "C" which are applicable at times when more than one qualified provider must be present. The revised standards shall provide that one of the providers required to be present must meet the provider qualifications for category "C" and allow any other providers required to be present to meet the provider qualifications for either category "B" or "C". Until the revised standards are adopted, a provider to which the revised standards would be applicable may request approval from the department for an exception to policy for the provider to operate under the revised standards as described in this section prior to adoption of the revised standards.

Approved April 28, 2004

¹ Chapter 1153 herein