

CHAPTER 126

JUVENILE JUSTICE — FOSTER CARE PROVIDERS — PARENT VISITATION IN CHILD IN NEED OF ASSISTANCE PROCEEDINGS

H.F. 644

AN ACT relating to juvenile justice, including provisions relating to child foster care and parent visitation in child in need of assistance proceedings.

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

Section 1. [Section 232.2, subsection 4](#), Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *Of.* Plans for retaining any suitable existing medical, dental, or mental health providers providing medical, dental, or mental health care to the child when the child entered foster care.

Sec. 2. [Section 232.2, subsection 4](#), paragraph f, subparagraph (7), Code 2019, is amended to read as follows:

(7) ~~Provision~~ The transition plan shall include a provision for the department or a designee of the department on or before the date the child reaches age eighteen, unless the child has been placed in foster care for less than thirty days, to provide to the child written verification of the child's foster care status, and a certified copy of the child's birth certificate, social security card, and driver's license or government-issued nonoperator's identification card. The fee for the certified copy of the child's birth certificate that is otherwise chargeable under [section 144.13A, 144.46, or 331.605](#) shall be waived by the state or county registrar.

Sec. 3. [Section 232.107](#), Code 2019, is amended to read as follows:

232.107 Parent visitation.

If a child is removed from the child's home in accordance with an order entered under [this division](#) ~~based upon evidence indicating the presence of an illegal drug in the child's body,~~ unless the court finds that substantial evidence exists to believe that reasonable visitation or supervised visitation would cause an imminent risk to the child's life or health, the order shall allow the child's parent reasonable visitation or supervised visitation with the child.

Sec. 4. [Section 237.1, subsection 4](#), paragraph f, Code 2019, is amended to read as follows:

f. Care furnished by a relative of a child ~~for more than twenty days in one calendar year, or an individual person with a meaningful relationship with the child~~ where the child is not under the placement, care, or supervision of the department.

Sec. 5. [Section 237.8, subsection 2](#), paragraph a, subparagraphs (1) and (2), Code 2019, are amended to read as follows:

(1) If a person is being considered for licensure under [this chapter](#), or for employment involving direct responsibility for a child or ~~with access to a child when the child is alone in a facility where children reside,~~ by a licensee under [this chapter](#), or if a person will reside in a facility utilized by a licensee, and if the person has been convicted of a crime or has a record of founded child abuse, the department and the licensee for an employee of the licensee shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, employment, or residence in the facility. The department 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) ~~For an individual~~ If an individual is being considered for licensure under [this chapter](#), or for employment involving direct responsibility for a child or in a facility where children reside, by a licensee under [this chapter](#), or if an individual will reside in a facility utilized by a 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 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 the responsibility of the department of human services.

Sec. 6. [Section 237.8, subsection 2](#), paragraph a, Code 2019, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (02) If the criminal and child abuse record checks conducted in this state under subparagraph (1) for an individual being considered for licensure under [this chapter](#), or for employment involving direct responsibility for a child or in a facility where children reside, by a licensee under [this chapter](#), or for an individual who will reside in a facility utilized by a licensee, have been completed and the individual either does not have a record of crime or founded child abuse or the department's evaluation of the record has determined that prohibition of the individual's licensure or employment is not warranted, the individual may be provisionally approved for licensure or employment pending the outcome of the fingerprint-based criminal history check conducted pursuant to subparagraph (2).

NEW SUBPARAGRAPH. (002) An individual being considered for licensure under [this chapter](#), or for employment involving direct responsibility for a child or in a facility where children reside, by a licensee under [this chapter](#), or for an individual who will reside in a facility utilized by a licensee, shall not be granted a license or be employed and an evaluation shall not be performed under [this subsection](#) if the individual 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.

Sec. 7. DIRECTIVE TO DEPARTMENT OF HUMAN SERVICES — FOSTER CARE CASE PERMANENCY PLAN. The department of human services shall amend its administrative rules pursuant to [chapter 17A](#) to provide that a case permanency plan for a child placed in foster care shall include information describing efforts to maintain suitable mental health care and medical health care for the child to avoid inappropriate diagnoses of mental illness, other emotional or behavioral disorders, medically fragile conditions, and developmental disabilities.

Approved May 10, 2019