

MAR 15 2005
Place On Calendar

HOUSE FILE 753
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 595)

Passed House, Date 3-31-05 Passed Senate, Date _____
Vote: Ayes 99 Nays 0 Vote: Ayes _____ Nays _____
Approved 5-12-05

A BILL FOR

1 An Act requiring certain safety-related information concerning a
2 child to be provided to a parent, guardian, or foster parent
3 or other custodian of a child.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 753

1 Section 1. Section 232.48, subsection 4, Code 2005, is
2 amended to read as follows:

3 4. A predisposition report shall not be disclosed except
4 as provided in this section and in division VIII of this
5 chapter. The court shall permit the child's attorney to
6 inspect the predisposition report prior to consideration by
7 the court. The court may order counsel not to disclose parts
8 of the report to the child, or to the child's parent,
9 guardian, guardian ad litem, or custodian if the court finds
10 that disclosure would seriously harm the treatment or
11 rehabilitation of the child. If the report indicates the
12 child has behaved in a manner that threatened the safety of
13 another person, unless otherwise ordered by the court, the
14 child's parent, guardian, or foster parent or other person
15 with custody of the child shall be informed of the behavior.

16 Sec. 2. Section 232.49, subsection 1, Code 2005, is
17 amended to read as follows:

18 1. Following the entry of an order of adjudication under
19 section 232.47 the court may, after a hearing which may be
20 simultaneous with the adjudicatory hearing, order a physical
21 or mental examination of the child if it finds that an
22 examination is necessary to determine the child's physical or
23 mental condition. The court may consider chemical dependency
24 as either a physical or mental condition and may consider a
25 chemical dependency evaluation as either a physical or mental
26 examination. If the examination indicates the child has
27 behaved in a manner that threatened the safety of another
28 person, unless otherwise ordered by the court, the child's
29 parent, guardian, or foster parent or other person with
30 custody of the child shall be informed of the behavior.

31 Sec. 3. Section 232.97, subsection 3, Code 2005, is
32 amended to read as follows:

33 3. The social report shall not be disclosed except as
34 provided in this section and except as otherwise provided in
35 this chapter. Prior to the hearing at which the disposition

1 is determined, the court shall permit counsel for the child,
2 counsel for the child's parent, guardian, or custodian, and
3 the guardian ad litem to inspect any social report to be
4 considered by the court. The court may in its discretion
5 order counsel not to disclose parts of the report to the
6 child, or to the parent, guardian, or custodian if disclosure
7 would seriously harm the treatment or rehabilitation of the
8 child or would violate a promise of confidentiality given to a
9 source of information. If the report indicates the child has
10 behaved in a manner that threatened the safety of another
11 person, unless otherwise ordered by the court, the child's
12 parent, guardian, or foster parent or other person with
13 custody of the child shall be informed of the behavior.

14 Sec. 4. Section 232.181, Code 2005, is amended to read as
15 follows:

16 232.181 SOCIAL HISTORY REPORT.

17 Upon the filing of a petition, the department shall submit
18 a social history report regarding the child and the child's
19 family. The report shall include a description of the child's
20 disability and resultant functional limitations, the case
21 permanency plan, a description of the proposed foster care
22 placement, and a description of family participation in
23 developing the child's case permanency plan and the commitment
24 of the parent, guardian, or custodian in fulfilling the
25 responsibilities defined in the plan. If the report indicates
26 the child has behaved in a manner that threatened the safety
27 of another person, unless otherwise ordered by the court, the
28 child's parent, guardian, or foster parent or other person
29 with custody of the child shall be informed of the behavior.

30 EXPLANATION

31 This bill amends Code chapter 232, the juvenile justice
32 code, to provide that if a report or examination concerning a
33 child indicates the child behaved in a manner that threatened
34 the safety of another person, a parent, guardian, or foster
35 parent or other custodian of the child is to be informed

1 unless ordered otherwise by the court.

2 The authorization is provided in Code section 232.48,
3 relating to the predisposition report prepared concerning a
4 child found to have committed a delinquent act; Code section
5 232.49, relating to the physical or mental examination of a
6 child found to have committed a delinquent act; Code section
7 232.92, relating to the social report prepared concerning a
8 child adjudicated as a child in need of assistance; and Code
9 section 232.181, relating to voluntary placement by the court
10 of a child with a disability.

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HOUSE FILE 753

H-1187

1 Amend House File 753 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Sec. 1. Section 232.2, subsection 4, Code 2005,
5 is amended by adding the following new paragraph:

6 NEW PARAGRAPH. k. If it is part of the child's
7 records or it is otherwise known that the child has
8 behaved in a manner that threatened the safety of
9 another person, has committed a violent act causing
10 bodily injury to another person, or has been a victim
11 or perpetrator of sexual abuse, that information shall
12 be addressed in the plan and shall be provided to the
13 child's parent, guardian, or foster parent or other
14 person with custody of the child. The information
15 shall be provided whether the child's placement is
16 voluntary or made pursuant to a court determination.
17 The information shall be provided at the time it is
18 learned by the department or agency developing the
19 plan and, if possible, at the time of the child's
20 placement. The information shall only be withheld if
21 ordered by the court or it is determined by the
22 department or agency developing the plan that
23 providing the information would be detrimental to the
24 child or to the family with whom the child is living."

25 2. Page 1, line 13, by inserting after the word
26 "person," the following: "has committed a violent act
27 causing bodily injury to another person, or has been a
28 victim or perpetrator of sexual abuse,".

29 3. Page 1, line 15, by striking the words
30 "informed of the behavior" and inserting the
31 following: "provided with that information".

32 4. Page 1, line 28, by inserting after the word
33 "person," the following: "has committed a violent act
34 causing bodily injury to another person, or has been a
35 victim or perpetrator of sexual abuse,".

36 5. Page 1, line 30, by striking the words
37 "informed of the behavior" and inserting the
38 following: "provided with that information".

39 6. Page 2, line 11, by inserting after the word
40 "person," the following: "has committed a violent act
41 causing bodily injury to another person, or has been a
42 victim or perpetrator of sexual abuse,".

43 7. Page 2, line 13, by striking the words
44 "informed of the behavior" and inserting the
45 following: "provided with that information".

46 8. Page 2, line 27, by inserting after the word
47 "person," the following: "has committed a violent act
48 causing bodily injury to another person, or has been a
49 victim or perpetrator of sexual abuse,".

50 9. Page 2, line 29, by striking the words

H-1187

H-1187

Page 2

1 "informed of the behavior" and inserting the
2 following: "provided with that information".
3 10. By renumbering as necessary.

By SMITH of Marshall

H-1187 FILED MARCH 24, 2005

HOUSE FILE 753

H-1240

1 Amend the amendment, H-1187, to House File 753 as
2 follows:

3 1. Page 1, line 24, by inserting after the word
4 "living." the following: "In determining whether
5 providing the information would be detrimental, the
6 court, department, or agency shall consider any
7 history of abuse within the child's family or toward
8 the child."

By SMITH of Marshall

H-1240 FILED MARCH 30, 2005

HOUSE FILE 753
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 595)

(As Amended and Passed by the House March 31, 2005)

Passed House, Date _____ Passed Senate, Date 4-18-05
Vote: Ayes _____ Nays _____ Vote: Ayes 49 Nays 0
Approved _____

A BILL FOR

1 An Act requiring certain safety-related information concerning a
2 child to be provided to a parent, guardian, or foster parent
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4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

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TLSB 2949HV 81

jp/gg/14

1 Section 1. Section 232.2, subsection 4, Code 2005, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. k. If it is part of the child's records or
4 it is otherwise known that the child has behaved in a manner
5 that threatened the safety of another person, has committed a
6 violent act causing bodily injury to another person, or has
7 been a victim or perpetrator of sexual abuse, that information
8 shall be addressed in the plan and shall be provided to the
9 child's parent, guardian, or foster parent or other person
10 with custody of the child. The information shall be provided
11 whether the child's placement is voluntary or made pursuant to
12 a court determination. The information shall be provided at
13 the time it is learned by the department or agency developing
14 the plan and, if possible, at the time of the child's
15 placement. The information shall only be withheld if ordered
16 by the court or it is determined by the department or agency
17 developing the plan that providing the information would be
18 detrimental to the child or to the family with whom the child
19 is living. In determining whether providing the information
20 would be detrimental, the court, department, or agency shall
21 consider any history of abuse within the child's family or
22 toward the child.

23 Sec. 2. Section 232.48, subsection 4, Code 2005, is
24 amended to read as follows:

25 4. A predisposition report shall not be disclosed except
26 as provided in this section and in division VIII of this
27 chapter. The court shall permit the child's attorney to
28 inspect the predisposition report prior to consideration by
29 the court. The court may order counsel not to disclose parts
30 of the report to the child, or to the child's parent,
31 guardian, guardian ad litem, or custodian if the court finds
32 that disclosure would seriously harm the treatment or
33 rehabilitation of the child. If the report indicates the
34 child has behaved in a manner that threatened the safety of
35 another person, has committed a violent act causing bodily

1 injury to another person, or has been a victim or perpetrator
2 of sexual abuse, unless otherwise ordered by the court, the
3 child's parent, guardian, or foster parent or other person
4 with custody of the child shall be provided with that
5 information.

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7 amended to read as follows:

8 1. Following the entry of an order of adjudication under
9 section 232.47 the court may, after a hearing which may be
10 simultaneous with the adjudicatory hearing, order a physical
11 or mental examination of the child if it finds that an
12 examination is necessary to determine the child's physical or
13 mental condition. The court may consider chemical dependency
14 as either a physical or mental condition and may consider a
15 chemical dependency evaluation as either a physical or mental
16 examination. If the examination indicates the child has
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18 person, has committed a violent act causing bodily injury to
19 another person, or has been a victim or perpetrator of sexual
20 abuse, unless otherwise ordered by the court, the child's
21 parent, guardian, or foster parent or other person with
22 custody of the child shall be provided with that information.

23 Sec. 4. Section 232.97, subsection 3, Code 2005, is
24 amended to read as follows:

25 3. The social report shall not be disclosed except as
26 provided in this section and except as otherwise provided in
27 this chapter. Prior to the hearing at which the disposition
28 is determined, the court shall permit counsel for the child,
29 counsel for the child's parent, guardian, or custodian, and
30 the guardian ad litem to inspect any social report to be
31 considered by the court. The court may in its discretion
32 order counsel not to disclose parts of the report to the
33 child, or to the parent, guardian, or custodian if disclosure
34 would seriously harm the treatment or rehabilitation of the
35 child or would violate a promise of confidentiality given to a

1 source of information. If the report indicates the child has
2 behaved in a manner that threatened the safety of another
3 person, has committed a violent act causing bodily injury to
4 another person, or has been a victim or perpetrator of sexual
5 abuse, unless otherwise ordered by the court, the child's
6 parent, guardian, or foster parent or other person with
7 custody of the child shall be provided with that information.

8 Sec. 5. Section 232.181, Code 2005, is amended to read as
9 follows:

10 232.181 SOCIAL HISTORY REPORT.

11 Upon the filing of a petition, the department shall submit
12 a social history report regarding the child and the child's
13 family. The report shall include a description of the child's
14 disability and resultant functional limitations, the case
15 permanency plan, a description of the proposed foster care
16 placement, and a description of family participation in
17 developing the child's case permanency plan and the commitment
18 of the parent, guardian, or custodian in fulfilling the
19 responsibilities defined in the plan. If the report indicates
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21 of another person, has committed a violent act causing bodily
22 injury to another person, or has been a victim or perpetrator
23 of sexual abuse, unless otherwise ordered by the court, the
24 child's parent, guardian, or foster parent or other person
25 with custody of the child shall be provided with that
26 information.

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S-3126

1 Amend House File 753, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 22, by inserting after the word
4 "child." the following: "In addition to the
5 requirements of this paragraph, information shall be
6 provided to a child's foster parent as required by
7 section 237.5B."

8 2. Page 2, line 5, by inserting after the word
9 "information." the following: "In addition to the
10 requirements of this subsection, information shall be
11 provided to a child's foster parent as required by
12 section 237.5B."

13 3. Page 2, line 22, by inserting after the word
14 "information." the following: "In addition to the
15 requirements of this subsection, information shall be
16 provided to a child's foster parent as required by
17 section 237.5B."

18 4. Page 3, line 7, by inserting after the word
19 "information." the following: "In addition to the
20 requirements of this subsection, information shall be
21 provided to a child's foster parent as required by
22 section 237.5B."

23 5. Page 3, line 26, by inserting after the word
24 "information." the following: "In addition to the
25 requirements of this section, information shall be
26 provided to a child's foster parent as required by
27 section 237.5B."

28 6. Page 3, by inserting after line 26 the
29 following:

30 "Sec. ____ . NEW SECTION. 237.5B FOSTER PARENT
31 BILL OF RIGHTS.

32 1. This section shall be known and may be cited as
33 the "Foster Parent Bill of Rights".

34 2. Each individual licensed to provide child
35 foster care as a foster parent has the rights
36 enumerated in this section, including but not limited
37 to all of the following:

38 a. To be treated with dignity, respect, and
39 consideration as a professional member of the child
40 welfare team.

41 b. To be notified of and to be given appropriate
42 education and continuing education and training to
43 develop and enhance foster parenting skills.

44 c. To be informed about ways to contact the
45 department or the child-placing agency responsible for
46 the child's placement in order to receive information
47 and assistance to access supportive services for any
48 child in the foster parent's care.

49 d. To receive timely financial reimbursement for
50 providing foster care services.

S-3126

- 1 e. To be notified of any costs or expenses for
2 which the foster parent may be eligible for
3 reimbursement.
- 4 f. To be provided a clear, written, and timely
5 explanation of the individual treatment and service
6 plan concerning the child in the foster parent's care.
- 7 g. To receive, at any time during which a child is
8 placed with the foster parent, additional or necessary
9 information that is relevant to the care of the child.
- 10 h. To be notified of scheduled review meetings,
11 permanency planning meetings, and special staffing
12 meetings concerning the foster child in order to
13 actively participate in the case planning and
14 decision-making process regarding the child.
- 15 i. To provide input concerning the plan of
16 services for the child and to have that input be given
17 full consideration in the same manner as information
18 presented by any other professional on the child
19 welfare team for the child.
- 20 j. To receive information concerning the number of
21 times a foster child has been moved to different
22 placements and the reasons why, and the names and
23 telephone numbers of previous foster parents if the
24 previous foster parents have authorized release of
25 that information.
- 26 k. To communicate with other professionals who
27 work with the foster child within the context of the
28 child welfare team including, but not limited to,
29 therapists, physicians, and teachers.
- 30 l. To be given, in a timely and consistent manner,
31 any information regarding the child and the child's
32 family that is pertinent to the care and needs of the
33 child and to the completion of a permanency plan for
34 the child.
- 35 m. To be given reasonable notice of any change in
36 or addition to the services provided to the child
37 pursuant to the child's individual treatment and
38 service plan.
- 39 n. To be given written notice of both of the
40 following:
 - 41 (1) The existence of any plans to terminate the
42 placement of the child with the foster parent.
 - 43 (2) The reasons for the termination of the
44 placement.
- 45 o. To be notified by the department in a timely
46 and complete manner of all court hearings, including
47 notice of the date and time of any court hearing, the
48 name of the judge or hearing officer hearing the case,
49 the location of the hearing, and the court docket
50 number of the case.

1 p. To be informed of decisions made concerning the
2 child by the court, the department, or the child-
3 placing agency responsible for the child's placement.

4 q. To be considered as a preferred placement
5 option when a foster child who was formerly placed
6 with the foster parent is to reenter foster care at
7 the same level and type of care, if that placement is
8 consistent with the best interest of the child and
9 other children in the foster parent's home.

10 r. To be provided a fair, timely, and impartial
11 investigation of complaints concerning the foster
12 parent.

13 s. To be provided the opportunity to request and
14 receive a fair and impartial hearing regarding
15 decisions that affect retention or placement of
16 children in the individual's home.

17 t. To be allowed the right to exercise parental
18 substitute authority.

19 u. To have timely access to the department's and
20 child-placing agency's appeals process and the right
21 to be free from acts of harassment and retaliation by
22 any other party when exercising the right to appeal.

23 v. To file a grievance and be informed of the
24 process for filing a grievance.

25 3. The department and any child-placing agency
26 under contract with the department is responsible for
27 implementing this section.

28 4. This section shall not be construed to create a
29 private right of action or claim on the part of any
30 individual, the department, or an agency."

31 7. Title page, line 1, by inserting after the
32 word "Act" the following: "relating to requirements
33 involving children removed from the children's homes
34 by".

35 8. Title page, line 3, by inserting after the
36 word "child" the following: "and establishing a
37 foster parent bill of rights".

38 9. By renumbering as necessary.

By KEITH A. KREIMAN

HOUSE FILE 753

AN ACT

REQUIRING CERTAIN SAFETY-RELATED INFORMATION CONCERNING A CHILD TO BE PROVIDED TO A PARENT, GUARDIAN, OR FOSTER PARENT OR OTHER CUSTODIAN OF A CHILD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 232.2, subsection 4, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. If it is part of the child's records or it is otherwise known that the child has behaved in a manner that threatened the safety of another person, has committed a violent act causing bodily injury to another person, or has been a victim or perpetrator of sexual abuse, that information shall be addressed in the plan and shall be provided to the child's parent, guardian, or foster parent or other person with custody of the child. The information shall be provided whether the child's placement is voluntary or made pursuant to a court determination. The information shall be provided at the time it is learned by the department or agency developing the plan and, if possible, at the time of the child's placement. The information shall only be withheld if ordered by the court or it is determined by the department or agency developing the plan that providing the information would be detrimental to the child or to the family with whom the child is living. In determining whether providing the information would be detrimental, the court, department, or agency shall consider any history of abuse within the child's family or toward the child.

Sec. 2. Section 232.48, subsection 4, Code 2005, is amended to read as follows:

4. A predisposition report shall not be disclosed except as provided in this section and in division VIII of this chapter. The court shall permit the child's attorney to inspect the predisposition report prior to consideration by the court. The court may order counsel not to disclose parts of the report to the child, or to the child's parent, guardian, guardian ad litem, or custodian if the court finds that disclosure would seriously harm the treatment or rehabilitation of the child. If the report indicates the child has behaved in a manner that threatened the safety of another person, has committed a violent act causing bodily injury to another person, or has been a victim or perpetrator of sexual abuse, unless otherwise ordered by the court, the child's parent, guardian, or foster parent or other person with custody of the child shall be provided with that information.

Sec. 3. Section 232.49, subsection 1, Code 2005, is amended to read as follows:

1. Following the entry of an order of adjudication under section 232.47 the court may, after a hearing which may be simultaneous with the adjudicatory hearing, order a physical or mental examination of the child if it finds that an examination is necessary to determine the child's physical or mental condition. The court may consider chemical dependency as either a physical or mental condition and may consider a chemical dependency evaluation as either a physical or mental examination. If the examination indicates the child has behaved in a manner that threatened the safety of another person, has committed a violent act causing bodily injury to another person, or has been a victim or perpetrator of sexual abuse, unless otherwise ordered by the court, the child's parent, guardian, or foster parent or other person with custody of the child shall be provided with that information.

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Sec. 5. Section 232.181, Code 2005, is amended to read as follows:

232.181 SOCIAL HISTORY REPORT.

Upon the filing of a petition, the department shall submit a social history report regarding the child and the child's family. The report shall include a description of the child's disability and resultant functional limitations, the case permanency plan, a description of the proposed foster care placement, and a description of family participation in developing the child's case permanency plan and the commitment of the parent, guardian, or custodian in fulfilling the responsibilities defined in the plan. If the report indicates the child has behaved in a manner that threatened the safety of another person, has committed a violent act causing bodily injury to another person, or has been a victim or perpetrator of sexual abuse, unless otherwise ordered by the court, the child's parent, guardian, or foster parent or other person

with custody of the child shall be provided with that information.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 753, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 5/12, 2005

THOMAS J. VILSACK
Governor