

FILED FEB 07 2006

SENATE FILE 2164

BY KREIMAN

HUMAN RESOURCES

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to child welfare services by requiring services
2 to be provided to families of children removed from the home
3 by court order and repealing restrictions on court orders for
4 placement of children in group foster care.

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

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HUMAN RESOURCES

SF 2164

1 Section 1. Section 232.52, subsection 2A, Code Supplement
2 2005, is amended by striking the subsection.

3 Sec. 2. Section 232.52, subsection 6, unnumbered paragraph
4 1, Code Supplement 2005, is amended to read as follows:

5 When the court orders the transfer of legal custody of a
6 child pursuant to subsection 2, paragraph "d", "e", or "f",
7 the order shall state that reasonable efforts as defined in
8 section 232.57 have been made. If deemed appropriate by the
9 court, the order may include a determination that continuation
10 of the child in the child's home is contrary to the child's
11 welfare. The inclusion of such a determination shall not
12 under any circumstances be deemed a prerequisite for entering
13 an order pursuant to this section. However, the inclusion of
14 such a determination, supported by the record, may be used to
15 assist the department in obtaining federal funding for the
16 child's placement. If such a determination is included in the
17 order, unless the court makes a determination that further
18 reasonable efforts are not required, reasonable efforts shall
19 be made to prevent permanent removal of a child from the
20 child's home and to encourage reunification of the child with
21 the child's parents and family. The reasonable efforts may
22 include but are not limited to family-centered services and
23 intensive family preservation services as defined in section
24 232.102.

25 Sec. 3. Section 232.102, subsection 1A, Code 2005, is
26 amended by striking the subsection.

27 Sec. 4. Section 232.102, subsection 5, paragraph b, Code
28 2005, is amended to read as follows:

29 b. In order to transfer custody of the child under this
30 subsection, the court must make a determination that
31 continuation of the child in the child's home would be
32 contrary to the welfare of the child, and shall identify the
33 reasonable efforts that have been made. The court's
34 determination regarding continuation of the child in the
35 child's home, and regarding reasonable efforts, including

1 those made to prevent removal and those made to finalize any
2 permanency plan in effect, as well as any determination by the
3 court that reasonable efforts are not required, must be made
4 on a case-by-case basis. The grounds for each determination
5 must be explicitly documented and stated in the court order.
6 However, preserving the safety of the child is the paramount
7 consideration. If imminent danger to the child's life or
8 health exists at the time of the court's consideration, the
9 determinations otherwise required under this paragraph shall
10 not be a prerequisite for an order for removal of the child.
11 If the court transfers custody of the child, unless the court
12 waives the requirement for making reasonable efforts or
13 otherwise makes a determination that reasonable efforts are
14 not required, reasonable efforts shall be made to make it
15 possible for the child to safely return to the family's home.

16 Sec. 5. Section 232.117, subsection 4, Code 2005, is
17 amended by striking the subsection.

18 Sec. 6. Section 232.127, subsection 8, Code 2005, is
19 amended by striking the subsection.

20 Sec. 7. Section 234.35, subsection 1, paragraph e, Code
21 2005, is amended to read as follows:

22 e. When a court has entered an order transferring the
23 legal custody of the child to a foster care placement pursuant
24 to section 232.52, subsection 2, paragraph "d", or section
25 232.102, subsection 1. ~~However, payment for a group foster~~
26 ~~care placement shall be limited to those placements which~~
27 ~~conform to a service area group foster care plan established~~
28 ~~pursuant to section 232.143.~~

29 Sec. 8. Section 232.143, Code 2005, is repealed.

30 EXPLANATION

31 This bill relates to child welfare services by requiring
32 services to be provided to families of children removed from
33 the home by court order and repealing restrictions in the
34 juvenile justice code in Code chapter 232 on court orders for
35 placement of children in group foster care.

1 The bill amends dispositional provisions in Code section
2 232.52, relating to delinquency dispositions, and Code section
3 232.102, relating to child in need of assistance dispositions.
4 The affected dispositional provisions involve court orders for
5 out-of-home placement of a child in which the court has made a
6 determination that continuing the child in the home would be
7 contrary to the child's welfare.

8 The bill amends Code section 232.52 to provide that unless
9 the court has made a determination that further reasonable
10 efforts are not required, reasonable efforts must be made to
11 prevent permanent removal of a child from the child's home and
12 to encourage reunification of the child with the child's
13 parents and family. The bill provides that the reasonable
14 efforts may include family-centered services and intensive
15 family preservation services. These family reunification
16 services are part of the definition of "reasonable efforts"
17 under Code section 232.102, relating to dispositions of child
18 in need of assistance determinations.

19 Code section 232.102 is similarly amended.

20 Under current law, the general assembly annually
21 establishes, in an appropriation made to the department of
22 human services, a statewide expenditure target for children in
23 group foster care placements. Representatives of the
24 department and juvenile court services then allocate the
25 statewide target among the department's service areas based
26 upon a formula. Local representatives of the department and
27 juvenile court services develop a plan for the service area to
28 remain within the expenditure target. State payment for group
29 foster care services is limited to those placements that
30 comply with the plan, and the juvenile court is prohibited
31 from ordering a group foster care placement that does not
32 comply with the plan.

33 The bill repeals the expenditure target requirements in
34 Code section 232.143, strikes the Code subsections limiting
35 the juvenile court authority to issue dispositional orders for

1 group foster care placements, and makes conforming changes in
2 related provisions.

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