

House File 2671 - Introduced

HOUSE FILE 2671

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 2242)

A BILL FOR

1 An Act relating to aid, processes, services, and support
2 staff for children in, adopted from, or in need of foster
3 care, including the establishment of a legal representation
4 for juvenile cases interim study committee, and making
5 appropriations.

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

1 Section 1. Section 232.96A, subsection 6, Code 2024, is
2 amended to read as follows:

3 6. The child is in need of treatment to cure or alleviate a
4 serious chemical dependency or mental illness or disorder, or
5 emotional damage as evidenced by severe anxiety, depression,
6 withdrawal, or behavioral health disorder that compromises
7 the child's safety or causes untoward aggressive behavior
8 toward the child's self or others in the household, and the
9 child's parent, guardian, or custodian is unwilling to provide
10 such treatment or the parent's, guardian's, or custodian's
11 efforts to secure needed treatment have been exhausted and
12 unsuccessful.

13 Sec. 2. Section 232.96A, subsections 11, 12, and 13, Code
14 2024, are amended by striking the subsections.

15 Sec. 3. Section 234.38, Code 2024, is amended to read as
16 follows:

17 **234.38 Foster care reimbursement rates.**

18 The department shall make reimbursement payments directly
19 to foster parents for services provided to children pursuant
20 to [section 234.6, subsection 1](#), paragraph "e", subparagraph
21 (2), or [section 234.35](#). ~~In any fiscal year, the reimbursement~~
22 ~~rate shall be based upon sixty-five percent of the United~~
23 ~~States department of agriculture estimate of the cost to raise~~
24 ~~a child in the calendar year immediately preceding the fiscal~~
25 ~~year. The department may pay an additional stipend for a child~~
26 ~~with special needs. The department shall review reimbursement~~
27 payment rates paid to foster parents under this section no less
28 than once every three years. The department shall adopt rules
29 to implement this section.

30 Sec. 4. Section 234.39, subsection 2, Code 2024, is amended
31 to read as follows:

32 2. a. A person entitled to periodic support payments
33 pursuant to an order or judgment entered in any action for
34 support, who also is or has a child receiving foster care
35 services, is deemed to have assigned to the department

1 current and accruing support payments attributable to the
2 child effective as of the date the child enters foster care
3 placement, to the extent of expenditure of foster care funds.
4 The department shall notify the clerk of the district court
5 when a child entitled to support payments is receiving foster
6 care services pursuant to [chapter 234](#). Upon notification
7 by the department that a child entitled to periodic support
8 payments is receiving foster care services, the clerk of
9 the district court shall make a notation of the automatic
10 assignment in the judgment docket and lien index. The notation
11 constitutes constructive notice of assignment. The clerk of
12 court shall furnish the department with copies of all orders
13 and decrees awarding support when the child is receiving
14 foster care services. At the time the child ceases to receive
15 foster care services, the assignment of support shall be
16 automatically terminated. Unpaid support accrued under the
17 assignment of support rights during the time that the child was
18 in foster care remains due to the department up to the amount
19 of unreimbursed foster care funds expended. The department
20 shall notify the clerk of court of the automatic termination
21 of the assignment. Unless otherwise specified in the support
22 order, an equal and proportionate share of any child support
23 awarded shall be presumed to be payable on behalf of each child
24 subject to the order or judgment for purposes of an assignment
25 under [this section](#).

26 *b.* This subsection shall not apply when a child is placed
27 with a relative or fictive kin as those terms are defined in
28 section 232.2, who is not licensed under chapter 237 to provide
29 child foster care.

30 Sec. 5. Section 600.8, subsection 3, Code 2024, is amended
31 to read as follows:

32 3. *a.* The department, an agency, or a certified adoption
33 investigator shall conduct all investigations and reports
34 required under [subsection 2](#).

35 *b.* The department shall pay the costs of the preplacement

1 investigation and the postplacement investigation under
2 subsection 2, up to a maximum of two thousand dollars for the
3 preplacement investigation and up to a maximum of two thousand
4 dollars for the postplacement investigation.

5 c. The department shall not pay the costs of the
6 preplacement investigation or the postplacement investigation
7 as required under paragraph "b" until a prospective adoption
8 petitioner has been approved under subsection 1, paragraph "a",
9 subparagraph (3), by the person making the investigation.

10 Sec. 6. 2023 Iowa Acts, chapter 112, section 7, subsection
11 7, is amended to read as follows:

12 7. For child and family protective services:

13 \$ ~~32,380,654~~
14 35,380,654

15 Of the funds appropriated in this subsection, up to
16 \$3,000,000 shall be used for the kinship caregiver stipend
17 program.

18 Sec. 7. DEPARTMENT OF HEALTH AND HUMAN SERVICES —
19 SUPERVISOR TO SOCIAL WORKER RATIO REDUCTION. There is
20 appropriated from the general fund of the state to the
21 department of health and human services for the fiscal year
22 beginning July 1, 2024, and ending June 30, 2025, the following
23 amount, or so much thereof as is necessary, to be used for the
24 purposes designated:

25 To lower the required ratio of supervisors to social workers
26 from one supervisor for every six and one-half social workers
27 to one supervisor for every five social workers:

28 \$ 2,623,748

29 Notwithstanding section 8.33, moneys appropriated under this
30 section shall not revert at the close of the fiscal year, but
31 shall remain available for the purposes designated.

32 Sec. 8. DEPARTMENT OF HEALTH AND HUMAN SERVICES — FOSTER
33 FAMILY CARE PER DIEM RATE INCREASE. There is appropriated from
34 the general fund of the state to the department of health and
35 human services for the fiscal year beginning July 1, 2024, and

1 ending June 30, 2025, the following amount, or so much thereof
2 as is necessary, to be used for the purposes designated:

3 To increase foster care reimbursement rates paid pursuant
4 to section 234.38, ten percent higher than the rates in effect
5 on June 30, 2024:

6 \$ 617,530

7 Notwithstanding section 8.33, moneys appropriated under this
8 section shall not revert at the close of the fiscal year, but
9 shall remain available for the purposes designated.

10 Sec. 9. DEPARTMENT OF HEALTH AND HUMAN SERVICES — ADOPTION
11 SUBSIDY RATE INCREASE. The department of health and human
12 services shall amend its administrative rules pursuant to
13 chapter 17A to increase the adoption subsidy paid to persons
14 pursuant to section 600.17 ten percent higher than the rates
15 in effect on June 30, 2024, provided that the person qualified
16 for the payments by adopting a child on or after the effective
17 date of this Act.

18 Sec. 10. DEPARTMENT OF HEALTH AND HUMAN SERVICES — LEGAL
19 REPRESENTATION FOR JUVENILE CASES INTERIM STUDY COMMITTEE.

20 1. The department of health and human services shall
21 establish a legal representation for juvenile cases interim
22 study committee for the 2024 interim to investigate, study, and
23 propose legislation relating to client-directed representation
24 for children in juvenile court cases.

25 2. The committee shall consist of the following voting
26 members:

27 a. Two members of the house of representatives, one
28 of whom shall be appointed by the speaker of the house of
29 representatives and one of whom shall be appointed by the
30 minority leader of the house of representatives.

31 b. Two members of the senate, one of whom shall be appointed
32 by the majority leader of the senate and one of whom shall be
33 appointed by the minority leader of the senate.

34 3. The committee shall also following ex officio, nonvoting
35 members:

- 1 a. The state public defender.
- 2 b. A person who works for an organization providing advocacy
3 for kids, appointed by the governor.
- 4 c. A juvenile court judge, appointed by the judicial branch.
- 5 d. A county attorney working in juvenile courts, appointed
6 by the Iowa county attorneys association.
- 7 4. The committee shall submit a report to the general
8 assembly by January 10, 2025.

9 Sec. 11. EFFECTIVE DATE. The section of this Act amending
10 2023 Iowa Acts, chapter 112, section 7, subsection 7, being
11 deemed of immediate importance, takes effect upon enactment.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill relates to aid, processes, services, and support
16 staff for children in, adopted from, or in need of foster care,
17 including the establishment of a legal representation for
18 juvenile cases interim study committee.

19 The bill allows a court to adjudicate a child in need
20 of assistance when the child requires treatment to cure or
21 alleviate a serious chemical dependency or mental or behavioral
22 health disorder that compromises the child's safety or causes
23 untoward aggressive behavior toward others in the household,
24 and the child's parent, guardian, or custodian is unwilling
25 to provide such treatment, or the parent's, guardian's, or
26 custodian's efforts to secure needed treatment have been
27 exhausted and unsuccessful. Under current law, the child would
28 need treatment to cure or alleviate a serious mental illness or
29 disorder, or emotional damage as evidenced by severe anxiety,
30 depression, withdrawal, or untoward aggressive behavior toward
31 the child's self or others and the child's parent, guardian, or
32 custodian is unwilling to provide such treatment.

33 The bill eliminates certain circumstances when a child may
34 be adjudicated as a child in need of assistance.

35 The bill removes the requirement that certain reimbursements

1 to foster parents must be based on 65 percent of the United
2 States department of agriculture estimate of the cost to raise
3 a child in the calendar year immediately preceding the fiscal
4 year. The bill also removes the additional stipend for special
5 needs children. Instead, the bill requires the department of
6 health and human services (HHS) to adopt rules relating to the
7 foster parent reimbursements and requires HHS to review the
8 foster parent reimbursement rates no less than once every three
9 years.

10 Under current law, if a person is entitled to periodic
11 support payments pursuant to an order or judgment entered in
12 any action for support, and the person also is or has a child
13 receiving foster care services, then the support payments
14 are automatically assigned to HHS. The bill exempts support
15 payments from automatic assignment to HHS if the support
16 payments are related to a child placed with a relative or
17 fictive kin as those terms are defined in Code section 232.2,
18 who is not licensed under Code chapter 237 (child foster care
19 facilities) to provide child foster care.

20 The bill requires HHS to reimburse an adoption petitioner
21 for the costs of the preplacement and postplacement
22 investigations related to the adoption up to a maximum
23 amount of \$2,000 per investigation. The bill prohibits HHS
24 from making such reimbursements until the person performing
25 the preplacement background check approves the adoption
26 petitioner's initial required background checks.

27 The bill renames the 2023 appropriation for child and family
28 services from the federal temporary assistance for needy
29 families block grant to "child protective services". The bill
30 also adds an additional \$3 million to the appropriation and
31 requires up to \$3 million to be used from the appropriation for
32 the kinship caregiver stipend program. This section of the
33 bill is effective upon the bill's enactment.

34 The bill makes an appropriation from the general fund of the
35 state to HHS for FY 2024-2025 in the amount of \$2,623,748 to

1 be used to lower the required ratio of supervisors to social
2 workers from one supervisor for every six and one-half social
3 workers to one supervisor for every five social workers.
4 Moneys so appropriated do not revert at the close of the fiscal
5 year, but remain available for the purposes designated.

6 The bill makes an appropriation from the general fund of
7 the state to HHS for FY 2024-2025 in the amount of \$617,530
8 to increase reimbursement rates paid to foster parents for
9 foster care provided to a child, or when the state is otherwise
10 obligated to pay for a child's foster care, 10 percent higher
11 than the rates in effect as of June 30, 2024. The appropriated
12 moneys do not revert at the close of the fiscal year, but
13 remain available for the purposes designated.

14 The bill requires HHS to amend its administrative rules to
15 increase the adoption subsidy 10 percent higher than the rates
16 in effect as of June 30, 2024, provided that the person to
17 receive the adoption subsidy qualified for payments by adopting
18 a child on or after the effective date of the bill.

19 The bill requires HHS to establish a legal representation
20 for juvenile cases interim study committee for the 2024
21 legislative interim to investigate, study, and propose
22 legislation relating to client-directed representation for
23 children in juvenile court cases. The bill details who
24 shall be the voting committee members. The bill requires the
25 committee to submit a report to the general assembly by January
26 10, 2025.