

JAN 31 2001
HUMAN RESOURCES

HOUSE FILE 144
BY REYNOLDS

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the provision of visitation rights to the
2 sibling of a child placed in foster care.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HC 144

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1 Section 1. Section 232.1, Code 2001, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 51A. "Sibling" means an individual who is
4 related to the person in question as a sister or brother by
5 means of blood relationship, marriage, or adoption.

6 Sec. 2. Section 232.52, Code 2001, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 10. If the court orders the transfer of
9 custody of the child to the department of human services or to
10 another agency for placement in foster care, unless the court
11 finds that substantial evidence exists to believe that
12 reasonable visitation or supervised visitation would not be in
13 the best interest of the child placed in foster care, the
14 order shall also allow any sibling of the child reasonable
15 visitation or supervised visitation with the child.

16 Sec. 3. Section 232.95, Code 2001, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 2A. If after the hearing the court orders
19 the child placed in foster care, unless the court finds that
20 substantial evidence exists to believe that reasonable
21 visitation or supervised visitation would not be in the best
22 interest of the child placed in foster care, the order shall
23 also allow any sibling of the child reasonable visitation or
24 supervised visitation with the child.

25 Sec. 4. Section 232.102, Code 2001, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 1B. After a dispositional hearing, if the
28 court enters an order placing the child in foster care, unless
29 the court finds that substantial evidence exists to believe
30 that reasonable visitation or supervised visitation would not
31 be in the best interest of the child placed in foster care,
32 the order shall also allow any sibling of the child reasonable
33 visitation or supervised visitation with the child.

34 Sec. 5. Section 232.104, Code 2001, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 4A. If after the permanency hearing the
2 court orders the child placed in foster care, unless the court
3 finds that substantial evidence exists to believe that
4 reasonable visitation or supervised visitation would not be in
5 the best interest of the child placed in foster care, the
6 order shall also allow any sibling of the child reasonable
7 visitation or supervised visitation with the child.

8 Sec. 6. Section 232.117, Code 2001, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 3B. If after a hearing the court enters
11 an order placing the child in foster care, unless the court
12 finds that substantial evidence exists to believe that
13 reasonable visitation or supervised visitation would not be in
14 the best interest of the child placed in foster care, the
15 order shall also allow any sibling of the child reasonable
16 visitation or supervised visitation with the child.

17 Sec. 7. Section 232.127, Code 2001, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 8A. If the court orders the child placed
20 in foster care, unless the court finds that substantial
21 evidence exists to believe that reasonable visitation or
22 supervised visitation would not be in the best interest of the
23 child placed in foster care, the order shall also allow any
24 sibling of the child reasonable visitation or supervised
25 visitation with the child.

26 Sec. 8. Section 232.182, Code 2001, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 5B. If the court enters an order placing
29 the child in voluntary foster care, unless the court finds
30 that substantial evidence exists to believe that reasonable
31 visitation or supervised visitation would not be in the best
32 interest of the child placed in foster care, the order shall
33 also allow any sibling of the child reasonable visitation or
34 supervised visitation with the child.

35 Sec. 9. NEW SECTION. 600A.9A SIBLING VISTATION.

1 If the court orders a petition for termination of parental
2 rights granted pursuant to section 600A.9, subsection 1,
3 paragraph "b", and also enters an order protecting the child
4 in foster care, unless the court finds that substantial
5 evidence exists to believe that reasonable visitation or
6 supervised visitation would not be in the best interest of the
7 child placed in foster care, the order shall also allow any
8 sibling of the child reasonable visitation or supervised
9 visitation with the child. For the purpose of this section,
10 "sibling" means an individual who is related to the person in
11 question as a sister or brother by means of blood
12 relationship, marriage, or adoption.

13 EXPLANATION

14 This bill requires that if a child is placed in foster care
15 following a juvenile delinquency proceeding, a child in need
16 of assistance proceeding, a termination of parental rights
17 proceeding, a family in need of assistance proceeding, or a
18 voluntary foster care placement proceeding, the order of the
19 court placing the child shall, unless the court finds based
20 upon substantial evidence that it is not in the best interest
21 of the child placed, allow any sibling of the child reasonable
22 visitation or supervised visitation with the child. The bill
23 defines "sibling" for the purposes of the bill.

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