

FEB 19 2002
HUMAN RESOURCES

HOUSE FILE 2426
BY KREIMAN

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

A BILL FOR

1 An Act relating to the rights, duties, and responsibilities of a
2 person providing family foster care.

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

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HF 2426

1 Section 1. Section 232.52, subsection 5, Code Supplement
2 2001, is amended to read as follows:

3 5. If the court orders the transfer of custody of the
4 child to the department ~~of-human-services~~ or other agency for
5 placement, the department or agency responsible for the
6 placement of the child shall submit a case permanency plan to
7 the court and shall make every effort to return the child to
8 the child's home as quickly as possible. If the child is
9 placed by the department or agency in family foster care,
10 unless otherwise enlarged or circumscribed by the court, the
11 individual providing the family foster care may exercise the
12 rights and duties of a custodian with respect to the child.

13 Sec. 2. Section 232.54, Code Supplement 2001, is amended
14 by adding the following new unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. If the court orders the transfer
16 of the custody of a child to the department or other agency
17 for placement and the department or agency places the child in
18 family foster care, unless otherwise enlarged or circumscribed
19 by the court, the individual providing the family foster care
20 may exercise the rights and duties of a custodian with respect
21 to the child.

22 Sec. 3. Section 232.58, Code Supplement 2001, is amended
23 by adding the following new subsection:

24 NEW SUBSECTION. 8. If the court orders the transfer of
25 the custody of a child to the department or other agency for
26 placement and the department or agency places the child in
27 family foster care, unless otherwise enlarged or circumscribed
28 by the court, the individual providing the family foster care
29 may exercise the rights and duties of a custodian with respect
30 to the child.

31 Sec. 4. Section 232.102, subsection 7, Code Supplement
32 2001, is amended by adding the following new unnumbered
33 paragraph:

34 NEW UNNUMBERED PARAGRAPH. If the court orders the transfer
35 of the custody of the child to the department or other agency

1 for placement and the department or agency places the child in
2 family foster care, unless otherwise enlarged or circumscribed
3 by the court, the individual providing the family foster care
4 may exercise the rights and duties of a custodian with respect
5 to the child.

6 Sec. 5. Section 232.103, Code Supplement 2001, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. 8. If the court orders the transfer of
9 the custody of a child to the department or other agency for
10 placement and the department or agency places the child in
11 family foster care, unless otherwise enlarged or circumscribed
12 by the court, the individual providing the family foster care
13 may exercise the rights and duties of a custodian with respect
14 to the child.

15 Sec. 6. Section 237.3, subsection 2, paragraph k, Code
16 Supplement 2001, is amended to read as follows:

17 k. Elements of a foster care placement agreement outlining
18 rights and responsibilities associated with an individual
19 providing family foster care. The rights and responsibilities
20 shall include but are not limited to all of the following:

21 (1) Receiving information prior to the child's placement
22 regarding risk factors concerning the child.

23 (2) Having regularly scheduled meetings with each case
24 manager assigned to the child.

25 (3) Receiving access to any reports prepared by a service
26 provider who is working with the child.

27 EXPLANATION

28 This bill relates to the rights, duties, and
29 responsibilities of a person providing family foster care.

30 The bill amends provisions of Code chapter 232 involving
31 placement dispositions of a child who is found to be
32 delinquent or to be a child in need of assistance. The bill
33 provides that if the court orders transfer of custody of a
34 child to the department of human services or a private agency
35 and the child is placed in family foster care, unless the

1 court orders an expansion or restriction, the family foster
2 care provider may exercise the rights and duties of a
3 custodian with respect to the child. Under Code section
4 232.2, these rights and duties include maintaining or
5 transferring to another the physical possession of the child;
6 protecting, training, and disciplining the child; providing
7 food, clothing, housing, and medical care for the child;
8 consenting to emergency medical care, including surgery; and
9 signing a release of medical information to a health
10 professional.

11 In addition, the bill amends Code section 237.3, relating
12 to rules adopted by the department in regard to agreements
13 outlining a family foster care provider's rights and
14 responsibilities. Under the bill, these are to include
15 receiving information prior to the child's placement regarding
16 risk factors concerning the child, having regularly scheduled
17 meetings with each case manager assigned to the child, and
18 receiving access to any reports prepared by a service provider
19 who is working with the child.

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