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HUMAN RESOURCES

SENATE FILE 2196  
BY KREIMAN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act providing for the establishment of an emergency license  
2 category for an individual family foster care provider who is  
3 a relative of a child who is or may be placed in family foster  
4 care.

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

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HUMAN RESOURCES

SF 2196

1 Section 1. NEW SECTION. 237.4A EMERGENCY LICENSE.

2 1. For the purposes of this section, unless the context  
3 otherwise requires, "relative" means a person who is, or was  
4 at any time, one of the following relatives of a child, by  
5 means of blood relationship, marriage, or adoption, or is a  
6 spouse of one of the following relatives: parent, stepparent,  
7 grandparent, brother, sister, uncle, or aunt. For an Indian  
8 child who is subject to the Indian child welfare Act under  
9 chapter 232B, "relative" includes the Indian child's family as  
10 defined in section 232B.3.

11 2. The department shall establish an emergency individual  
12 child foster care license category for individuals who are the  
13 relative of a child placed with or being considered for  
14 placement with the individual for foster care and who are not  
15 licensed to provide family foster care. The element of the  
16 child foster care definition under section 237.1 otherwise  
17 requiring that child foster care must be provided by a person  
18 other than a relative of the child does not apply to an  
19 emergency license issued to an individual under this section  
20 or to a subsequent full or provisional license granted to that  
21 individual under this chapter.

22 3. An emergency license issued under this section is  
23 subject to all of the following:

24 a. The department shall initiate the process to issue an  
25 emergency license under this section as soon as possible after  
26 learning that placement of the child with a relative is being  
27 considered or has been ordered.

28 b. The department shall apply the home visit, inspection,  
29 study, and other requirements applicable under the regular  
30 foster care home licensing standards of this chapter, except  
31 that the standards shall be modified as necessary to allow for  
32 the immediate placement of the child with the relative while  
33 ensuring the safety of the child. The initial home visit or  
34 inspection of an individual under consideration for an  
35 emergency license shall be performed whenever possible prior

1 to the child's placement with the relative, but not later than  
2 three business days following the placement.

3 c. The relative shall be provided with emergency license  
4 and regular license application materials at the time of  
5 placement or the initial home visit or inspection, whichever  
6 is earlier. The department or a licensed child placing agency  
7 shall assist the relative in completing the materials and in  
8 obtaining other information and expertise needed to expedite  
9 the licensing process. A relative who receives an emergency  
10 license must complete and submit the regular foster care  
11 license application materials to the department within ten  
12 business days of the child's placement in order for the  
13 child's placement with the relative to continue.

14 d. Whenever possible, the relative shall provide the  
15 information needed for granting of an emergency license prior  
16 to the placement of the child with the relative. If the  
17 relative does not provide requested reports or other  
18 information or otherwise fails to cooperate in securing the  
19 emergency license, the child shall be removed from placement  
20 with the relative.

21 e. The department shall perform the criminal and child  
22 abuse record checks of an applicant for an emergency license  
23 on an expedited basis. If it is determined that the relative  
24 has a criminal record or record of founded abuse and the  
25 department's evaluation determines that the record warrants  
26 prohibition of family foster care licensure, the department  
27 shall not issue an emergency license to the relative and the  
28 child's placement with the relative shall be terminated.

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#### EXPLANATION

30 This bill directs the department of human services to  
31 establish an emergency license category for an individual  
32 family foster care provider who is a relative of a child and  
33 does not have a family foster care license.

34 The bill defines the relative relationship for the new  
35 category and incorporates the Indian child's family definition

1 from Iowa's Indian child welfare Act for children who are  
2 subject to that law.

3 The department is required to modify the existing home  
4 visit, inspection, study, and other requirements applicable  
5 under the regular foster care home licensing standards to  
6 allow for the immediate placement of the child with the  
7 relative while ensuring the safety of the child. The relative  
8 must apply for a family foster care license under the regular  
9 requirements within 10 business days of the child's placement  
10 with the relative. A child may be placed with a relative  
11 before the emergency license application materials are  
12 submitted and a home visit is made, however, the home visit  
13 must be completed within three business days of the child's  
14 placement.

15 The department is required to perform the criminal and  
16 child abuse record checks of a relative applying for an  
17 emergency license on an expedited basis. If it is determined  
18 that the relative has a criminal record or a record of founded  
19 child abuse that warrants prohibition of the family foster  
20 care licensure, the department is prohibited from issuing the  
21 emergency license and the child's placement with the relative  
22 is required to be terminated.

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