



## BILL & AMENDMENT SUMMARY

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# DHS Omnibus Bill SF 2258

Status of Bill: House Calendar  
Committee: Human Resources (passed 21-0)  
Lead Democrats: Rep. Dawson  
Floor Manager: Rep. Fry  
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### Summary

SF 2258 is an omnibus bill from the Department of Human Services (DHS). The bill makes changes to comply with federal law. The bill has four main parts relating to foster care and sex trafficking.

#### Foster Care - Transition into Adulthood

The bill requires case managers of children in foster care to start the process for the children to learn skills and transition into adulthood at age fourteen. Current law requires that case managers begin this process at age sixteen. In addition, the transition plan must be reviewed and updated at a minimum of every six months.

When case managers develop a case permanency plan for the child, the child has the option to choose up to two persons to be part of the planning team if they are not a caretaker for the child. DHS may reject a selected person if they feel the person is not acting in the best interest of the child. One of the people selected may be designated to be the child's advisor, or the child's advocate relating to the applying the reasonable and prudent parent standard.

DHS is required to provide a license or state ID card to a child aging out of foster care at age eighteen or older, unless the child has been placed in foster care for less than six months.

#### Reasonable and Prudent Standard

The bill updates the definition and application of Reasonable and Prudent Standard, which is defined as the standard characterized by careful and sensible parenting decisions that maintain the health, safety, and best interests of a child, while at the same time encouraging the emotional and developmental growth of a child, that a caregiver must use when determining whether to allow a child in foster care under the placement, care, or supervision of DHS to participate in extracurricular, enrichment, cultural, or social activities. For the purposes of this provision, caregiver means a licensed foster care parent or group foster care home which a child in foster care has been placed, or a juvenile shelter care home in which a child in foster care has been placed.

The bill directs DHS to permit a caretaker for a child in foster care or a juvenile shelter care home to make day-to-day decision using this standard. For group foster care and shelter facilities, a person must be identified as the decision making authority.

DHS, or any individual, agency, or juvenile shelter care home that applies this standard reasonably and in good faith, in regard to a child in foster care, will have immunity from civil or criminal liability which might otherwise be incurred or imposed. This does not remove or limit any existing liability protection afforded under any other law.

### **Another Planned Permanent Living Arrangement**

The Another Planned Permanent Living Arrangement (APPLA) is also known as “long-term foster care” where DHS maintains care and custody of the child and arranges a living situation in which the child is expected to remain until adulthood. APPLA is a permanency option only when other options such as reunification, relative placement, adoption, or legal guardianship have been ruled out.

The bill limits the use of APPLA as the permanency goal for only children age sixteen or older. If the court orders APPLA for a child, then the court must do all of the following:

- Ask the child about their desired permanency outcome and make a judicial determination that APPLA is the best permanency plan for the child.
- Require DHS to do all of the following:
  - Document the efforts to place a child permanently with a parent, relative, or in a guardianship or adoptive placement.
  - Document that APPLA is the best permanency plan for the child and compelling reasons why it is not in the child’s best interest to be placed permanently with a parent, relative, or in a guardianship or adoptive placement.
  - Document all of the following at the permanency hearing and the six-month periodic review:
    - The steps DHS is taking to ensure that APPLA follows the reasonable and prudent parent standard.
    - Whether the child has regular opportunities to engage in age-appropriate or developmentally appropriate activities.

A child in foster care may participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities subject to the approval of the child’s foster parents, or the appropriate licensed foster care facility staff. A court must make a finding at all review hearings to address the child’s participation in such activities and how barriers to participation are being addressed.

### **Child Abuse - Sex Trafficking**

The bill adds the term of sex trafficking to the definition of child abuse. Sex trafficking is defined as recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of commercial sexual activity as defined in Iowa Code. If DHS has reasonable cause to believe that a child under the placement, care, or supervision of DHS is, or is at risk of becoming, a sex trafficking victim, then DHS is required to identify the child as a sex trafficking victim, or at risk of becoming a sex trafficking victim, refer the child for appropriate services, and refer the child within twenty-four hours to the appropriate law enforcement agency. DHS is also required to report a child who is reported as missing or abducted to law enforcement and to the national center for missing and exploited children within twenty-four hours after receipt of the report.

## **Amendments**

**H-8094 - Committee Amendment.** The amendment makes two changes suggested by Rep. Dawson.

The amendment changes the timeframe for when DHS is required to provide a license or state ID card to a child aging out of foster care at age eighteen or older, unless the child has been placed in foster care for less than thirty days, rather than six months.

The amendment inserts new language into the bill so that a person who can be charged child abuse is expanded to include a person who resides in a home with the child. Current law only applies to the person responsible for the care of the child.