

237.15 Definitions.

For the purposes of [this subchapter](#) unless otherwise defined:

1. “*Case permanency plan*” means the same as defined in [section 232.2, subsection 4](#), except the plan shall also include the following:
 - a. The efforts to place the child with a relative.
 - b. The rationale for an out-of-state placement, and the efforts to prevent such placement, if the child has been placed out-of-state.
 - c. Time frames to meet the stated permanency goal and short-term objectives.
2. “*Child receiving foster care*” means a child defined in [section 234.1](#) who is described by any of the following circumstances:
 - a. The child’s foster care placement is the financial responsibility of the state pursuant to [section 234.35](#).
 - b. The child is under the guardianship of the department.
 - c. The child has been involuntarily hospitalized for mental illness pursuant to [chapter 229](#).
 - d. The child is at-risk of being placed outside the child’s home, the department or court is providing or planning to provide services to the child, and the department or court has requested the involvement of the ~~state or~~ local board.
3. “*Court appointed special advocate*” means the same as defined in [section 232.2](#).
4. “*Family*” means the social unit consisting of the child and the biological or adoptive parent, stepparent, brother, sister, stepbrother, stepsister, and grandparent of the child.
5. “*Local board*” means a local citizen foster care review board created pursuant to [section 237.19](#).
6. “*Person or court responsible for the child*” means the department, including but not limited to the department of human services, agency, or individual who is the guardian of a child by court order issued by the juvenile or district court and has the responsibility of the care of the child, or the court having jurisdiction over the child.
7. “*State board*” means the child advocacy board created pursuant to [section 237.16](#).
[84 Acts, ch 1279, §26; 88 Acts, ch 1233, §1, 2; 89 Acts, ch 296, §22; 90 Acts, ch 1270, §46; 91 Acts, ch 232, §11; 92 Acts, ch 1141, §5; 92 Acts, ch 1231, §40; 94 Acts, ch 1046, §6; 95 Acts, ch 182, §18, 19; 2000 Acts, ch 1067, §13; 2002 Acts, ch 1162, §20, 21; 2016 Acts, ch 1011, §121](#)
Referred to in §234.39

237.16 Child advocacy board.

1. The child advocacy board is created within the department of inspections and appeals. The state board consists of nine members appointed by the governor, subject to confirmation by the senate and directly responsible to the governor. One member shall be an active court appointed special advocate volunteer, one member shall be an active member of a local citizen foster care review board, and one member shall be a judicial branch employee or judicial officer appointed from nominees submitted by the judicial branch. The appointment is for a term of four years that begins and ends as provided in [section 69.19](#). Vacancies on the state board shall be filled in the same manner as original appointments are made.

2. The members of the state board shall annually select a chairperson, vice chairperson, and other officers the members deem necessary. The members may be entitled to receive reimbursement for actual and necessary expenses incurred in the performance of their duties, subject to available funding. Each member of the board may also be eligible to receive compensation as provided in [section 7E.6](#). The state board shall meet at least twice a year.

3. An employee of the department or of the department of inspections and appeals, an employee of a child-placing agency, an employee of an agency with which the department contracts for services for children under foster care, a foster parent providing foster care, or an employee of the district court is not eligible to serve on the state board. However, the judicial branch employee or judicial officer appointed from nominees submitted by the judicial branch in accordance with [subsection 1](#) shall be eligible to serve on the state board. [84 Acts, ch 1279, §27; 86 Acts, ch 1245, §549; 88 Acts, ch 1233, §3; 89 Acts, ch 296, §23; 92 Acts, ch 1141, §6; 92 Acts, ch 1242, §27; 2002 Acts, ch 1162, §22; 2002 Acts, 2nd Ex, ch 1003, §239, 262; 2006 Acts, ch 1049, §1](#)

Referred to in [§10A.104, 232.2, 232.13, 232.147, 232.149A, 235A.15, 237.15](#)
Confirmation, see [§2.32](#)

237.17 Foster care registry.

1. The state board shall establish a registry of the placements of all children receiving foster care. The department shall notify the state ~~office of the Iowa Child Advocacy Board~~board of each placement. ~~within five working days of the department's notification of the placement.~~ The notification ~~to the state board~~ shall include information identifying the child receiving foster care and placement information for that child.

2. Within thirty days of the placement or two days after the dispositional hearing the agency responsible for the placement shall submit the case permanency plan to the ~~local~~state board ~~office~~. All subsequent revisions of the case permanency plan shall be submitted when the revisions are developed.

84 Acts, ch 1279, §28; 88 Acts, ch 1233, §4

237.18 Duties of state board.

The state board shall:

1. Review the activities and actions of ~~the~~ local foster care review board and court appointed special advocate programs.

2. Adopt rules pursuant to chapter 17A to:

a. Establish a recordkeeping system for the files of local review boards including individual case reviews.

b. Accumulate data and develop an annual report regarding children reviewed by local boards or served by court appointed special advocates in foster care. The report shall include:

(1) Personal data regarding the total number of days of foster care provided and the

characteristics of the children receiving foster care or advocacy services.

(2) The number of placements of children in foster care.

(3) The frequency and results of court reviews.

c. Evaluate the judicial and administrative data collected from foster care reviews and court appointed special advocate programs and disseminate the data to the governor, the judicial branch, the supreme court, the chief judge of each judicial district, the department, and child-placing agencies.

d. Establish mandatory training programs for members of the state board and local review boards including an initial training program and periodic in-service training programs. Training shall focus on, but not be limited to, the following:

(1) The duties of the state board.

(2) The duties of the local foster care review board program.

(3) The duties of the court appointed special advocate program.

(4) The history, philosophy and role of the juvenile court in the child protection system.

(5) Juvenile court procedures under the juvenile justice act.

(6) Child welfare laws that impact children in foster care and the juvenile courts.

(7) The foster care administrative review process of the department of human services.

(8) The role and procedures of the citizen's foster care review system.

(9) The Adoption Assistance and Child Welfare Act of 1980, Pub. L. No. 96-272.

(10) The purpose of case permanency plans, and the type of information that will be

available in those plans.

(11) The situations where the goals of either reuniting the child with the child's family or concurrent planning adoption would be appropriate.

(12) The legal processes that may lead to foster care placement.

(13) The types and number of children involved in those legal processes.

(14) The types of foster care placement available, with emphasis on the types and number of facilities available on a regional basis.

(15) The impact of specific physical or mental conditions of a child on the type of placement most appropriate and the kind of progress that should be expected in those situations.

e. Establish procedures for the local review board consistent with the provisions of section 237.20 and also includes:

(1) Establish grounds and procedures for removal of a local review board member.

(2) Establish procedures and protocols for administering the court appointed special advocate program in accordance with subsection 7.

3. Assign the cases of children receiving foster care to the appropriate local boards.

4. Assist local boards in reviewing cases of children receiving foster care, as provided in section 237.20.

5. Employ appropriate staff in accordance with available funding. The board shall coordinate with the department of inspections and appeals regarding administrative functions of the board.

6. In conjunction with the legislative services agency and in consultation with the department of human services, supreme court, and private foster care providers, develop and maintain an evaluation program regarding citizen foster care review programming. The evaluation program shall be designed to evaluate the effectiveness of citizen reviews in improving case permanency planning and meeting case permanency planning goals, identify the amount of time children spend in foster care placements, and identify problem issues in the foster care system. The state board shall submit an annual evaluation report to the governor

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and the general assembly.

7. Administer the court appointed special advocate program, including but not limited to performance of all of the following:

a. Establish standards for the program, including but not limited to standards for selection and screening of volunteers, preservice training, ~~ongoing continuing~~ education, and assignment and supervision of volunteers. Identifying information concerning a court appointed special advocate, other than the advocate's name, shall not be considered to be a public record under [chapter 22](#).

b. ~~Assess need and i~~Implement the court appointed special advocate program in the state, employing appropriate court appointed special advocate staff in accordance with available funding. ~~additional areas of the state.~~

c. Promote adherence to the national guidelines for state and local court appointed special advocate programs.

d. Issue an annual report of the court appointed special advocate program for submission to the general assembly, the governor, and the supreme court.

e. ~~Employ appropriate court appointed special advocate program staff in accordance with available funding. The state board shall coordinate with the department of inspections and appeals the performance of the administrative functions of the state board.~~

8. Receive gifts, grants, or donations made for any of the purposes of the state board's programs and disburse and administer the funds received in accordance with the terms of the donor and under the direction of program staff. The funds received shall be used according to any restrictions attached to the funds and any unrestricted funds shall be retained and applied to the applicable program budget for the next succeeding fiscal year.

9. Make recommendations to the general assembly, the department, to child-placing agencies, the governor, ~~judicial branch, the supreme court, the chief judge of each judicial district,~~ and to the judicial branch. The recommendations shall include but are not limited to identification of systemic problems in the foster care and the juvenile justice systems, specific proposals for improvements that assist the systems in being more cost-effective and better able to protect the best interests of children, and necessary changes relating to the data collected and the annual report made under [subsection 2](#), paragraph "b".

84 Acts, ch 1279, §29; 88 Acts, ch 1233, §5 – 8; 92 Acts, ch 1141, §7; 92 Acts, ch 1242, §28; 98 Acts, ch 1047, §26; 2002 Acts, ch 1162, §23, 24; 2003 Acts, ch 35, §45, 49; 2009 Acts, ch 41, §98; 2009 Acts, ch 181, §113

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237.19 Local citizen foster care review boards.

1. The state board shall establish local citizen foster care review boards to review cases of children receiving foster care. The department shall discontinue its foster care review process for those children reviewed by local boards as local boards are established and operating. The state board shall select a minimum of five members and two alternates maximum of seven members to serve on each local board, in consultation with the chief judge of each judicial district. The actual number of local boards needed and established shall be determined by the state board. The members of each local board shall consist of persons of the various social, economic, racial, and ethnic groups and various occupations of their district. A person employed by the child advocacy board, state board or the department of human services, the department of inspections and appeals, the district court, an employee of an agency with which the department of human services contracts for services for children under foster care, a foster parent providing foster care, or a child-placing agency shall not serve on a local board. The state board shall provide the names of the members of the local boards to the department.

2. Vacancies on a local board shall be filled in the same manner as original appointments. ~~The members shall not receive per diem but shall receive reimbursement for actual and necessary expenses incurred in their duties as members.~~

2.3. Members of the local citizen foster care review boards shall complete background checks and pre-service training requirements established by the Iowa Child Advocacy Board and be approved by the state board prior to taking an oath of confidentiality to serve on a local board. Local board members shall receive periodic continuing education during each term of service.

84 Acts, ch 1279, §30; 88 Acts, ch 1233, §9; 92 Acts, ch 1141, §8

Referred to in §232.13, 232.147, 232.149A, 235A.15, 237.15

Local boards to be established in additional judicial districts as moneys become available: 88 Acts, ch 1233, §21

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237.20 Local board duties.

A local board shall, except in delinquency cases, do the following:

1. Review the case of each child receiving foster care ~~assigned to the local board by the state board~~ to determine whether satisfactory progress is being made toward the goals of the case permanency plan pursuant to [section 237.22](#). The timing and frequency of a review of each case by a local board shall take into consideration the permanency goals, placement setting, and frequency of any court reviews of the case.

a. During each review, the agency responsible for the placement of or services provided to the child shall attend the review and the local board shall review all of the following:

(1) The past, current, and future status of the child and placement as shown through the case permanency plan and ~~case progress reports~~ submitted by the agency responsible for the placement of the child and other information the board may require.

(2) The efforts of the agency responsible for the placement of the child to locate and provide services to the ~~child's family of origin, biological or adoptive parents of the child,~~

(3) The efforts of the agency responsible for the placement of the child to facilitate the return of the child to the home or to find an alternative permanent placement other than foster care if reunion with the parent or previous custodian is not feasible. The agency shall report to the board all factors which either favor or mitigate against a decision or alternative with regard to these matters.

(4) Any problems, solutions, or alternatives which may be capable of investigation, or other matters with regard to the child which the agency responsible for the placement of the child or the board feels should be investigated with regard to the best interests of the state or of the child.

(5) The compliance of the interested parties with the decision-making rights and responsibilities contained in the family foster care or preadoptive care agreement applicable to a child.

b. The review shall include issues pertaining to the case permanency plan and shall not include issues that do not pertain to the case permanency plan. A person notified pursuant to [subsection 4](#) shall either attend the review or submit ~~a statement testimony~~ as requested by the local board or in accordance with a written protocol jointly developed by the state board and the department. ~~Oral testimony may, upon the request of the testifier or upon motion of the local board, be given in a private setting when to do so would facilitate the presentation of evidence.~~ Local board questions shall pertain to the permanency plan and shall not include issues that do not pertain to the permanency plan.

c. A person who gives ~~oral testimony~~ a verbal statement has the right to representation by counsel at the review.

d. An agency or individual providing services to the child shall submit ~~a statement testimony~~ as requested by the board. The testimony may be written or ~~verbal~~ oral, or may be a ~~tape~~ recorded statement, telephone call. Written testimony from other interested parties may also be considered by the board in its review.

2. *a.* Submit to the appropriate court within fifteen days after the review under [subsection 1](#), the findings and recommendations of the review. The local board shall ensure that the most recent report is available for a court hearing. The board report ~~to the court~~ shall include information regarding the case permanency plan and the progress in attaining the permanency goals. The report shall not include issues that do not pertain to the case permanency plan. The findings and recommendations shall include the proposed date of the next review by the local board. The local board shall notify the persons specified in [subsection 4](#) of the findings and recommendations.

b. If the person or agency responsible for services provided to the child disagrees with the review findings or recommendations, the person or agency shall respond during the review or submit a statement to the local board and the court within ten working days of receiving the local board's report. The response shall explain the reasons the person or agency disagrees with the board's findings or does not plan to implement the board's recommendations.

3. Encourage placement of the child in the most appropriate setting reflecting the provisions

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of chapter 232.

4. *a.* Notify the following persons at least ten days before the review of a case of a child receiving foster care:

- (1) The person, court, or agency responsible for the child.
- (2) The parent or parents of the child unless termination of parental rights has occurred pursuant to [section 232.117](#).
- (3) The foster care provider of the child.
- (4) The child receiving foster care if the child is fourteen years of age or older. The child shall be informed of the review's purpose and procedure, and of the right to have a guardian ad litem present.
- (5) The guardian ad litem of the foster child. An attorney appointed as guardian ad litem shall be eligible for compensation under [section 232.141, subsection 2](#).
- (6) The department.
- (7) The county attorney.
- (8) The person providing services to the child or the child's family.

~~(8)~~(9) [Intervenor](#).

b. The notice shall include a statement that the person notified has the right to representation by counsel at the review.

84 Acts, ch 1279, §31; 88 Acts, ch 1233, §10 – 15; 89 Acts, ch 64, §1 – 3; 92 Acts, ch 1141, §9 – 12; 97 Acts, ch 164, §7; 99 Acts, ch 135, §22; 2003 Acts, ch 151, §8; 2009 Acts, ch 41, §263; 2009 Acts, ch 181, §114

Referred to in §237.18, 237.21

237.21 Confidentiality of records – penalty.

1. The information and records of or provided to a local board, state board, or court appointed special advocate regarding a child who is receiving foster care or who is under the court’s jurisdiction and the child’s family when relating to services provided or the foster care placement are not public records pursuant to [chapter 22](#). The state board and local boards, with respect to hearings involving specific children receiving foster care and the child’s family, are not subject to [chapter 21](#).

2. Information and records relating to a child receiving foster care and to the child’s family shall be provided to a local board ~~or the state board~~ by the department of human services or [an agency contracted to provide services through the department of human services upon request by the local board, child-care agency receiving purchase-of-service funds from the department upon request by either board](#). A court having jurisdiction of a child receiving foster care shall release the information and records the court deems necessary to determine the needs of the child, if the information and records are not obtainable elsewhere, to a local board ~~or the state board~~ upon request by [either the local](#) board. If confidential information and records are distributed to individual members in advance of a meeting of ~~the state board or~~ a local board, the information and records shall be clearly identified as confidential and the members shall take appropriate steps to prevent unauthorized disclosure.

3. Information and records relating to a child receiving department of human services child welfare services shall be provided to the court appointed special advocate by the department of human services or an agency contracted to provide services through the department of human services upon request of the advocate, coach or program staff member. A court having jurisdiction of a child receiving department of human services child welfare services shall release the information and records the court deems necessary to determine the needs of the child, if the information and records are not obtainable elsewhere, to an advocate, coach or program staff member upon request by the court appointed special advocate program. Confidential information and records distributed to a court appointed special advocate, coach or program staff shall take appropriate steps to maintain information as confidential and prevent unauthorized disclosure.

4. A court appointed special advocate may attend family team decision-making meetings or youth transition decision-making meetings upon request by the family or child and disclose case-related observations and recommendations relating to a child or a child’s family while attending the meetings.

5. A court appointed special advocate may disclose case-related observations and recommendations to the agency assigned by the court to supervise the case, to the county attorney, or to the child’s legal representative or guardian ad litem [or at a foster care review board meeting](#).

6. Members of the state board and local boards, court appointed special advocates, and the employees of the department and the department of inspections and appeals are subject to standards of confidentiality pursuant to [sections 217.30, 228.6, subsection 1, sections 235A.15, 600.16, and 600.16A](#). Members of the state and local boards, court appointed special advocates, and employees of the department and the department of inspections and appeals who disclose information or records of the board or department, other than as provided in [subsections 2, 3, and 4](#), sections [232.89 and 232.126](#), and [section 237.20, subsection 2](#), are guilty of a simple misdemeanor.

[84 Acts, ch 1279, §32; 87 Acts, ch 117, §2; 88 Acts, ch 1233, §16, 17; 89 Acts, ch 64, §4; 92 Acts, ch 1196, §1; 2005 Acts, ch 55, §3; 2015 Acts, ch 21, §1 – 3](#)

Referred to in §135H.13

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237.22 Case permanency plan.

The agency responsible for the placement of the child shall create a case permanency plan. The plan shall include, but not be limited to:

1. Plans for carrying out the voluntary placement agreement or judicial determination pursuant to which the child entered care.
2. Time frames to meet the stated permanency goal and short-term objectives.
3. The type and appropriateness of the placement and services to be provided to the child.
4. The care and services that will be provided to the child, family of origin, biological parents, and foster parents, and primary caregivers.
5. How the care and services will meet the needs of the child while in care and will facilitate the child's return home or other permanent placement.
6. The efforts to place the child with a relative or fictive kin.
7. The rationale for an out-of-state placement, and the efforts to prevent such placement, if the child has been placed out of state.

[84 Acts, ch 1279, §33; 88 Acts, ch 1233, §18, 19; 94 Acts, ch 1046, §7](#)
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