

# Legislative Newsletter

April 29, 2022



By Wednesday morning, both the Iowa House and Senate had been sent home. A deal was struck on ethanol, although no deals have been reached yet on budgets and a stare down is ensuing on education saving accounts, which is expected to delay the legislative session into at least next week, although rumors are abounding the ESA stand-off could cause session to go into June.

Sent to the Governor this week:

**House File 2507:** The Family First Act, which conforms state law to the federal Family First Act. This is a comprehensive bill which specifies the least restrictive environment for the placement of a child includes a preference for family or fictive kin. This legislation also redefines court-appointed special advocate (CASAS), guardian ad litem (GAL) and guardian, putative father, relative, and other definitional changes.

**Runaways:** Strikes placement in a runaway assessment center as an option for juveniles. Notice: Allows for service in juvenile and parental rights proceedings to be done by notice if a court believes service is otherwise impracticable.

**Reports:** Requires a report of child abuse due to drug making to be done within five years. Requires reports of possible child abuse to be made orally to DHS.

**CINA:** Makes changes to legislative findings. Requires courts to find by substantial evidence that a need for removal exists before issuing an ex parte order. Includes requirements to consider placement of the child with another parent. Requires a foster care provider be given decision making authority in these placements. Includes provisions on placement with other family or fictive kin. Requires a court to give deference to DHS placement decisions. Includes provisions

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on domestic abuse situations. Presumes a child over 10 should be at CINA hearings. Includes other provisions on procedures, evidence and matters related to CINA hearings.

**Fathers:** Gives a putative father the right to counsel in various proceedings. Deems a putative father is not a necessary party until paternity is established.

**Murder:** Allows a court to waive reasonable efforts to avoid a permanent removal for a parent convicted of murder offenses. Requires a county attorney to file for termination of parental rights for parents convicted of murder/voluntary manslaughter offenses.

**Rights:** Does not require a finding of a non-accidental physical injury to terminate parental rights. Allows a court to terminate parental rights after a CINA finding if the parent is a danger to people or has a severe substance abuse disorder. Includes provisions on continuing relationships with other siblings, placements and other matters.

**Other:** Prohibits reporting a CASA as a Gal for various proceedings. Includes provisions on shelter/detention costs and on the use of decategorization funds. Shifts certain duties to juvenile courts from the Dept. of Human Services.

Both chambers unanimously approved this legislation, as well as a corrective amendment from the Senate. It now goes to the Governor.

**Senate File 2383:** The Governor's regulatory proposal bill is also on the way to her desk. This bill includes work-learning, health loan repayments, local government regulations, and military/guard regulations. The Senate passed the bill unanimously; the House passed it 70-24.

The Senate amended and returned **House File 2549** for House concurrence. This bill establishes the prescribing mental health professional loan repayment program in the CSC, similar to other loan repayment programs for healthcare professionals. The Senate adopted a strike-and-replace amendment. Under the amendment, the mental health professional is required to have been in practice for at least five years (full-time) or seven years (part-time) and limits loan repayments to \$8,000 annually and \$40,000 overall. The amendment itself was adopted 29-15; the bill was passed unanimously. It now must be concurred upon by the House before going to the Governor.

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