

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 234.6 and 2014 Iowa Acts, Senate File 2276, the Department of Human Services amends Chapter 107, “Certification of Adoption Investigators,” Chapter 108, “Licensing and Regulation of Child-Placing Agencies,” and Chapter 200, “Adoption Services,” Iowa Administrative Code.

These amendments are necessary to implement 2014 Iowa Acts, Senate File 2276.

These amendments will require additional record checks to be completed for prospective adoptive applicants working with licensed child-placing adoption agencies or certified adoption investigators. Families who apply to adopt through the Department are already subject to these checks. Child-placing adoption agencies will be required to assess and address during postplacement visits any unique needs a child has and how the family is meeting those needs before the agency recommends finalization of the adoption. These amendments will lengthen the approved time for adoption from one year to two years.

These amendments require national criminal history checks on all adoptive applicants; require child abuse record checks in states where the applicants lived five years prior to requesting application for adoption; clarify record checks for international adoptions; address the unique needs of the child in postplacement reports; lengthen the time of an approved home study from one year to two years; and make technical changes to update Chapters 107, 108 and 200.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1657C** on October 1, 2014. The Department received no comments during the

comment period. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on November 12, 2014.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 234.6 and 2014 Iowa Acts, Senate File 2276.

These amendments will become effective February 1, 2015.

The following amendments are adopted.

ITEM 1. Amend rule **441—107.2(600)**, definition of "Adoption work experience," as follows:

"Adoption work experience" means supervised employment in adoption services. ~~Included is, which includes~~ direct provision of adoption services, developing adoption policies, conducting training related to adoption services, oversight and review of adoption documents and activities, and direct supervision of adoption workers. For employment, of which only a portion of time was spent on adoptions, only the percent of time related to provision of adoption services shall be included as adoption work experience. Only the percent of time related to provision of adoption services shall be considered as adoption work experience when job duties involve activities other than adoption services.

ITEM 2. Amend rule 441—107.8(600) as follows:

441—107.8(600) Investigative services.

107.8(1) Preplacement investigations. When ~~an~~ a certified adoption investigator provides a preplacement investigation of a prospective adoptive family, the investigation shall meet the requirements of Iowa Code section 600.8(1)“a,” including an assessment of the family’s ability to parent a child.

a. No change.

b. The certified adoption investigator shall have on file a written assessment of the family which shall be used to approve or deny a prospective adoptive family. The written assessment (home study) shall include the date the home study was completed, shall be signed by the investigator and the signature notarized. The assessment shall include the following:

(1) and (2) No change.

(3) The attitude towards adoption of ~~significant~~ other people involved with the family in a significant way;

(4) ~~Emotional stability, marital history and assessment of marital relationship, including verification of marriages and divorces, and compatibility of adoptive parent(s)~~
Emotional maturity; marital history, including verification of marriages and divorces; assessment of marital relationship; and compatibility of the adoptive parents;

(5) No change.

(6) Medical, mental, or emotional conditions which would affect the applicant’s ability to parent a child;

(7) Ability to provide for the child’s physical and emotional needs and to respect the child’s cultural and religious identity;

(8) ~~Adjustment~~ Description of biological children and previously adopted children, if any, including their attitudes towards adoption, adjustments in the family and in school relationships with others, and school performance;

(9) No change.

(10) Statements from at least three references provided by the family and other unsolicited references that the investigator may wish to contact;

(11) No change.

(12) Income information, including the family's ability to financially provide for a child;

(13) No change.

(14) History of abuse ~~by~~ involving family members and treatment, including how the abuse was addressed and how that history impacts the applicant's ability to be an adoptive parent;

(15) Assessment of commitment to and capacity to maintain other significant relationships;

(16) Substance use or abuse by ~~family~~ members and of the household, treatment history and current status of treatment; and

(17) Recommendations for ~~type of child;~~ the number, age, sex, characteristics, and special unique needs of children best served by this family; and

(18) The family's ability to anticipate and understand the unique needs of an adopted child as the child gets older and how the family will manage those needs.

~~c. Record checks. The certified adoption investigator shall submit record checks for each applicant and for any other adult living in the home of the applicant to determine~~

~~whether they have founded child abuse reports or criminal convictions. Form 470-0643, Request for Child Abuse Information, and Form 595-1396, Request for Non Law Enforcement Record Check, shall be used for this purpose.~~

~~If there is a record of founded child abuse or a criminal conviction for the applicant, or any other adult living in the home of the applicant, the applicant shall not be approved as an adoptive family, unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of approval.~~

~~EXCEPTION: The person making the investigation shall not approve a prospective applicant and shall not perform an evaluation if the applicant or any other adult living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 600.8(2)“b.” The person making the investigation shall not approve a prospective applicant and shall not perform an evaluation if the applicant or any other adult living in the home of the applicant has committed a crime in another state that would be a forcible felony if the crime would have been committed in Iowa, as set forth in Iowa Code section 600.8(2)“b.”~~

~~The evaluation shall consider the nature and seriousness of the abuse or crime, the time elapsed since the commission of the founded abuse or crime, the circumstances under which the abuse or crime was committed, the degree of rehabilitation, the likelihood that the person will commit the abuse or crime again, and the number of abuses or crimes committed by the person. The person with the founded child abuse or criminal conviction report shall complete and return Form 470-2310, Record Check Evaluation, within ten calendar days of the date on the form to be used to assist in the evaluation. Failure of the person to complete and return Form 470-2310 within the specified time frame shall result~~

~~in denial of approval for adoption.~~

~~(1) If the applicant or any other adult living in the home of the applicant has been convicted of a simple misdemeanor or a serious misdemeanor that occurred five or more years prior to application, the evaluation and decision may be made by the certified adoption investigator. The certified adoption investigator shall notify the applicant of the results of the evaluation using Form 470-2386, Record Check Decision.~~

~~(2) If the applicant or any other adult living in the home of the applicant has a founded child abuse report, has been convicted of an aggravated misdemeanor or felony at any time, or has been convicted of a simple or serious misdemeanor that occurred within five years prior to application, the evaluation shall be initially conducted by the certified adoption investigator.~~

~~1. If the certified adoption investigator determines that the abuse or crime does warrant prohibition of approval, the certified adoption investigator shall notify the applicant of the results of the evaluation using Form 470-2386, Record Check Decision.~~

~~2. If the certified adoption investigator believes that the applicant should be approved despite the abuse or criminal conviction, the certified adoption investigator shall provide copies of the child abuse report or criminal history record, Form 470-2310, Record Check Evaluation, and Form 470-2386, Record Check Decision, to the Department of Human Services, Administrator, Division of Adult, Children and Family Services, Hoover State Office Building, Des Moines, Iowa 50319-0114. Within 30 days the administrator shall determine whether the abuse or crime merits prohibition of approval and shall notify the certified adoption investigator in writing of that decision. The certified adoption investigator shall mail the applicant Form 470-2386, Record Check Decision, when a~~

~~decision is reached regarding the evaluation of an abuse or crime, or when an applicant fails to complete the evaluation form.~~

~~(3) The child abuse and criminal record checks shall be repeated and any founded abuses or convictions of crimes since the last record check shall be evaluated using the same process during the home study update required by Iowa Code section 600.8.~~

c. Record checks. The certified adoption investigator shall perform record checks for each applicant and for the other persons living in the home of the applicant as follows:

(1) The records of the applicants shall be checked:

1. On the Iowa central abuse registry using the Request for Child Abuse

Information form;

2. By the Iowa division of criminal investigation, using the DHS Criminal History

Record Check Form B;

3. On the Iowa sex offender registry;

4. On the child abuse registry of any state where the applicant has lived during the five years prior to the issuance of the investigative report; and

5. For a national criminal history through fingerprinting or another biometric identification-based process accepted by the federal government.

(2) The records of persons aged 14 or older living in the home of the applicant shall be checked:

1. On the Iowa central abuse registry using the Request for Child Abuse

Information form;

2. By the Iowa division of criminal investigation, using the DHS Criminal History

Record Check Form B; and

3. On the Iowa sex offender registry.

(3) Out-of-state child abuse checks and national criminal history checks may be completed on any adult in the home of the applicant if the certified adoption investigator has reason to do so.

(4) The person making the investigation shall not approve a prospective applicant and shall not perform an evaluation if the applicant or any other adult living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 600.8(2)“b.”

(5) The person making the investigation shall not approve a prospective applicant and shall not perform an evaluation if the applicant or any other adult living in the home of the applicant has committed a crime in a state other than Iowa that would be a forcible felony if the crime would have been committed in Iowa, as set forth in Iowa Code section 600.8(2)“b.”

~~d. Home study updates are required if the home study was written more than one year previously, in accordance with Iowa Code section 600.8. The home study update shall consist of completing the following:~~

~~(1) The child abuse and criminal record checks shall be repeated and if there are new founded abuses or conviction of crimes that were not evaluated in the previous home study they shall be evaluated using the process set forth in 107.8(1)“c.”~~

~~(2) One face to face visit shall be conducted with the approved family.~~

~~(3) The information in the approved home study shall be reassessed.~~

~~(4) An updated report of the reassessment and adoptive home study shall be written, dated, signed and notarized and a copy provided to the family.~~

d. Evaluation of record. If there is a record of founded child abuse or a criminal conviction for the applicant or any other adult living in the home of the applicant, the applicant shall not be approved to adopt unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of approval.

(1) The evaluation shall consider the nature and seriousness of the founded child abuse or crime in relation to adoption, the time elapsed since the commission of the founded abuse or crime, the circumstances under which the abuse or crime was committed, the degree of rehabilitation, the likelihood that the person will commit the abuse or crime again, and the number of abuses or crimes committed by the person.

(2) The person with the founded child abuse or criminal conviction report shall complete and return the Record Check Evaluation form within ten calendar days of the date on the form to be used to assist in the evaluation. Failure of the person to complete and return the form within the specified time frame may result in a written denial of approval for adoption.

(3) If the applicant, or any other adult living in the home of the applicant, has been convicted of a simple misdemeanor or a serious misdemeanor that occurred five or more years prior to application, the evaluation and decision may be made by a certified adoption investigator. The certified adoption investigator shall notify the applicant of the results of the evaluation in writing. The notice shall contain information on appeal rights.

(4) If the applicant, or any other person living in the home of the applicant, has a founded child abuse report, has been convicted of an aggravated misdemeanor or felony at any time, or has been convicted of a simple or serious misdemeanor that occurred within five years prior to application, a certified adoption investigator shall initially conduct the

evaluation.

1. If the certified adoption investigator determines that the abuse or crime does warrant prohibition of approval, the certified adoption investigator shall notify the applicant of the results of the evaluation in writing.

2. If the certified adoption investigator determines that the applicant should be approved despite the abuse or criminal conviction, the certified adoption investigator shall provide copies of the child abuse report or criminal history record and the Record Check Evaluation form to the Administrator, Division of Adult, Children and Family Services, Department of Human Services, Hoover State Office Building, Des Moines, Iowa 50319-0114. Within 30 days, the administrator shall determine whether the abuse or crime merits prohibition of approval and shall notify the certified adoption investigator in writing of that decision. The certified adoption investigator shall mail the applicant the department's written decision regarding the evaluation of an abuse or crime.

e. Decision. The certified adoption investigator shall notify the applicant in writing no later than 30 days after completion of the home study of the investigator's decision regarding approval for placement of a child.

(1) If the applicant is denied, the certified adoption investigator shall state the reasons for denial in the written decision.

(2) The certified adoption investigator shall date, sign and notarize the adoptive home study.

(3) The certified adoption investigator shall provide a copy of the home study to the family at the time the written decision is sent.

(4) A home study shall be valid for up to two years from the date signed by the

certified adoption investigator.

f. Denial. The certified adoption investigator shall deny approval of an adoption application when:

(1) The applicant or any other person living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 600.8(2)“b.”

(2) The standards set forth in these rules are not met and cannot be corrected.

(3) The applicant or any person residing in the home has been convicted of a crime, unless an evaluation of the crime has been made by the department, which concludes that the crime does not merit prohibition of approval of an adoption application.

(4) The applicant or any person residing in the home has a record of founded child abuse, unless an evaluation of the founded child abuse has been made by the department, which concluded that the founded child abuse does not merit prohibition of approval of an adoption application.

(5) The applicant has knowingly made false statements or has knowingly concealed information that is material to the investigation.

g. Updates. An update to the home study shall be completed no later than 24 months from the previous home study or previous home study update in order for the home study to remain valid. The home study update shall consist of completion of the following:

(1) The child abuse and criminal history record checks, except for national criminal history checks, shall be repeated. If there are new founded abuses or convictions of crimes that were not evaluated in the previous home study, they shall be evaluated using the process set forth in paragraph 107.8(1)“d.”

(2) One face-to-face visit shall be conducted with the approved family annually.

(3) The information in the approved home study shall be reviewed.

(4) An updated report of the adoptive home study shall be written, dated, signed and notarized and a copy provided to the applicant.

h. Annual visits to the adoptive home. The certified adoption investigator shall complete a minimum of one visit each year in the homes of families approved to adopt by the investigator.

(1) The visit shall include, but not be limited to, assessment of the following areas:

1. Home environment.

2. Persons present at the time of the visit.

3. Changes in the home or household members, or other areas addressed in the home study.

(2) When a person aged 14 or older moves into the home, the investigator shall perform checks on the Iowa central child abuse registry, by the division of criminal investigation, and on the sex offender registry. The record check evaluation process shall be completed if the person has a criminal conviction or founded child abuse report or is on the sex offender registry.

(3) The findings from the visit shall be documented and maintained in the file.

~~—107.8(2) Background information investigation. When an adoption investigator completes a background information investigation on the child to be adopted at the request of the placer, the investigation shall include a complete family medical and mental health history and developmental history of the child to be adopted. A personal interview with each parent of the child must be completed unless a parent's identity or whereabouts is unknown.~~

107.8(2) Background information investigation. When a certified adoption investigator is requested to complete a background information investigation on the child to be adopted, the investigation shall include a complete medical, mental health and criminal history of the family and developmental history of the child to be adopted.

a. A personal interview with each parent of the child must be completed unless a parent's identity or whereabouts is unknown.

b. If a parent's identity or whereabouts is unknown, as much information as possible shall be obtained from the other parent or other sources if available.

c. A copy of the background information shall be provided to prospective adoptive families before placement of the child.

107.8(3) Postplacement ~~investigation~~ supervision. When ~~an~~ a certified adoption investigator completes postplacement supervision, at least three visits to the adoptive family's home and personal observation of the child are required.

a. Postplacement reports ~~are to~~ shall be written after each postplacement visit and copies kept in the permanent family file retained by the investigator.

b. ~~Postplacement supervision should assess the placement in the following areas:~~
Postplacement supervision shall address the unique needs of the child, including but not limited to the following areas:

(1) Integration and interaction of the child with the family.

(2) Changes in the family functioning which may be due to the child's placement.

(3) Social, and emotional ~~and school~~ adjustment of the child.

(4) ~~Changes that have occurred in the family since placement of the child.~~ Child's growth and development since placement with the adoptive family.

~~(5) The family's method of dealing with testing behaviors and discipline. Changes and adjustments that have been made in the family since the child's placement.~~

(6) Family's method of dealing with testing behaviors and discipline.

(7) Behavioral evidence of the degree of bonding that is taking place and the degree to which the child is becoming a permanent member of the adoptive family.

(8) School adjustment of a child who is attending a school.

(9) The behavioral needs of the child.

(10) The psychological and mental health needs of the child.

(11) Services and supports that will assist the family in the future.

c. ~~Home~~ Postplacement visits shall be completed at a minimum as follows:

(1) One no later than 30 days after placement.

(2) One no later than 90 days after placement.

(3) A final visit prior to requesting a consent to adopt, no later than 180 days after placement. ~~Home visits shall be completed as often as necessary if the adoptive family is experiencing problems.~~

(4) Postplacement visits shall be completed as often as necessary if the adoptive family is experiencing problems, and the visits may extend to finalization or beyond 180 days if additional time is needed.

d. ~~A report based on the postplacement visits with recommendations regarding the finalization of the adoption shall be submitted to the court.~~ The certified adoption investigator shall prepare a written report based on observations made during each home visit. Each report shall address the specific needs of the child and the family's ability to meet those needs. The reports shall be used by the certified adoption investigator in making

a written recommendation to the court regarding finalization of the adoption.

107.8(4) Reports of investigations. The certified adoption investigator is authorized to provide reports to the courts concerning the above investigations and reports to the guardian or custodian of the child and the attorney for the adoptive family.

107.8(5) Fees for services. Certified adoption investigators may charge a fee for the services described in subrules 107.8(1), 107.8(2), and 107.8(3). The licensor shall review the amount of fees for services charged to families at the time that the investigator's records are reviewed for recertification. Information shall also be retained regarding fees charged to a family by another party and collected by the investigator.

ITEM 3. Renumber rules **441—107.9(600)** to **441—107.11(600)** as **441—107.10(600)** to **441—107.12(600)**.

ITEM 4. Adopt the following new rule 441—107.9(600):
441—107.9(600) International adoptions postplacement report.

107.9(1) For an adoption based on a decree issued by a foreign jurisdiction within the United States, the certified adoption investigator shall conduct a postplacement investigation and issue a postplacement report as required in 441—subrule 108.9(5).

107.9(2) For an adoption based on a decree issued by a jurisdiction outside the United States, a certified adoption investigator shall conduct a postplacement investigation that consists of a minimum of three face-to-face visits with the minor person and the adoptive parents during the first year after placement with the first such visit to be conducted within 60 days of the placement of the minor person in the adoptive home. Additional visits shall be conducted if required by the jurisdiction that issued the decree.

107.9(3) The postplacement investigation and report under this rule shall include

documentation that any unique needs of the minor person are being met appropriately through the placement.

ITEM 5. Adopt the following **new** definition of “Adoption work experience” in rule **441—108.1(238)**:

“Adoption work experience” means supervised employment in adoption services, which includes direct provision of adoption services, development of adoption policies, provision of training related to adoption services, oversight and review of adoption documents and activities, and direct supervision of adoption workers. Only the percent of time related to provision of adoption services shall be considered as adoption work experience when job duties involve activities other than adoption services.

ITEM 6. Amend rule 441—**108.9(238)** as follows:

441—108.9(238) Adoption services.

108.9(1) Program statement.

a. An agency licensed to place children for adoption shall have a current written program statement which shall include all of the following:

~~a.~~ (1) Types Characteristics of children to be placed.

~~b.~~ (2) Eligibility requirements for adoptive families.

~~c.~~ (3) Services provided during the adoption process.

~~d.~~ (4) Services to the birth parents upon relinquishment.

~~e.~~ (5) Postadoption services to adoptive families, if offered.

~~f.~~ (6) Fees and application costs. Explanation of all fees and any other costs for which the adoptive family is responsible for payment.

~~g.~~ (7) A statement that payment of fees does not ensure adoption approval.

~~h. (8)~~ A statement informing applicants of the right to appeal the agency's decision regarding nonapproval of the family for placement of a child for adoption, or other adverse decisions.

~~b.~~ The program statement shall be made available to referring agencies and to all persons making formal inquiry regarding adoption.

108.9(2) Services to birth families. An agency which offers services to birth parents who are considering relinquishing a child for adoption shall provide ~~a minimum of three hours of counseling, or any additional hours of counseling necessary to assist the parents in making an informed decision regarding their child's adoption, consistent with the child's best interest. The counseling of the birth parents shall begin when the birth parents begin the intake process. This shall be documented in the service plan format.~~ the following:

a. Intake process. When an agency agrees to provide services to the birth parents, intake interviews shall be conducted, including provision of information to the birth parents regarding the adoption process and their rights and role.

(1) When an agency completes a background information investigation report on the child to be adopted, a personal interview with each parent of the child must be completed unless a parent's identity or whereabouts is unknown.

(2) If a parent's identity or whereabouts is unknown, as much information as possible shall be obtained from the other parent or other sources if available.

~~b. Background information. A collection of information about the birth parents and the child shall include, but need not be limited to:~~

~~(1) The child's legal status, or due date if unborn.~~

~~(2) The child's physical description, medical and mental health history,~~

~~developmental information, and other pertinent information necessary for a child study.~~

~~(3) Identification of any specific needs of the child and the type of family to be considered for adoptive placement.~~

~~(4) The birth parents' strengths and needs.~~

~~(5) The involvement of the birth parents and significant others in the child's care.~~

~~(6) The birth family's physical description, medical and mental health history, educational level, any problematic areas including substance and alcohol abuse.~~

~~(7) An affidavit signed by the birth parents regarding wishes for the court to reveal, or not reveal, their names to the child pursuant to Iowa Code chapter 600.~~

~~(8) Any additional information the birth family wishes to have included in the child's adoption record.~~

b. Background information on birth parents. The agency shall obtain as much information as possible about birth parents that includes, but is not limited to:

(1) Birth parents' strengths and needs.

(2) Birth parents' physical description.

(3) Birth parents' and extended family members' medical and mental health history.

(4) Parents' criminal history.

(5) Birth parents' educational level.

(6) An affidavit signed by the birth parents instructing the court to reveal, or not reveal, their names to the child pursuant to Iowa Code chapter 600.

(7) Any additional information the birth parents wish to include in the child's adoption record.

c. Background information for an infant adoption. Information shall be obtained that includes, but is not limited to, the following:

- (1) The child's due date.
- (2) Prenatal care received by the mother during pregnancy.
- (3) Risk factors that may affect the child's health after birth.
- (4) Birth records following the child's birth, if available.

d. Background information on an older child. Information shall be obtained that includes, but is not limited to the following:

- (1) The child's legal status.
- (2) The child's physical description, medical and mental health history, developmental information, and other pertinent information necessary for a child study.
- (3) Identification of any specific and unique needs of the child and the type of family to be considered for adoptive placement.

(4) The involvement of the birth parents and significant others in the child's care.

e. A copy of the background information of the child and birth parents shall be provided to the prospective family before placement of the child.

f. Birth parent counseling. If accepted by the birth parents, the counseling shall be provided after the birth of the child and prior to the signing of a release of custody that meets the requirements of Iowa Code chapter 600A or prior to the filing of a petition for termination of parental rights.

(1) The purpose of the counseling is to:

1. Provide information about options to assist birth parents in making an informed decision regarding release of custody.

2. Assist birth parents in resolving emotional issues related to separation and loss.

(2) Counseling shall be provided to birth parents only by the following persons:

1. Certified adoption investigators.

2. Mental health professionals who have the equivalent of two years of adoption work experience in the direct provision of adoption services.

3. Private agency staff with two years of adoption work experience in the direct provision of adoption services.

4. Department staff with two years of adoption work experience in the direct provision of adoption services.

(3) Forms. All forms used to execute a release of custody shall comply with the requirements of Iowa Code chapters 600 and 600A.

(4) Affidavit and documentation. The person providing the counseling shall complete the Counseling Affidavit to certify that the counselor has provided the birth parent with the requested counseling or that the birth parent has refused counseling. The Counseling Affidavit and documentation that the person providing the counseling is qualified to provide the requested counseling shall be attached to the release of custody. Documentation shall include one of the following:

1. A copy of a professional license, when applicable.

2. A record of all adoption work experience, including dates and location. In addition, the person providing counseling shall provide the names of the counselor's employers and supervisors to enable the court to verify the counselor's adoption work experience.

108.9(3) No change.

108.9(4) Services to adoptive applicants.

a. and b. No change.

c. Adoptive home study. ~~Adoptive home study.~~ The home study consists of a family assessment which shall include at least two face-to-face interviews with the applicant and at least one face-to-face interview with each member of the household. At least one interview shall take place in the applicant's home. The assessment shall include, but need not be limited to, the following:

(1) and (2) No change.

(3) The attitude toward adoption of ~~the significant~~ other people involved with the family in a significant way.

(4) Emotional ~~stability~~ maturity; marital history, including verification of marriages and divorces; assessment of marital relationship; and compatibility of the adoptive parents.

(5) and (6) No change.

(7) Ability to provide for the child's physical and emotional needs and to respect the child's cultural and religious identity.

(8) ~~Adjustment~~ Description of biological and previously adopted children, if any, including their attitudes toward adoption, relationship with others, and school performance.

(9) to (11) No change.

(12) Income information, including the family's ability to financially provide for a child, ~~and a statement as to the need for adoption subsidy for a special needs child, or children.~~

(13) No change.

(14) History of abuse by involving family members and treatment, including how the abuse was addressed and how that history impacts the applicant's ability to be an adoptive parent.

(15) No change.

(16) Substance use or abuse by members of the family household, and treatment history and current status of treatment.

(17) Recommendations for ~~type of child;~~ the number, age, sex, characteristics, and special unique needs of children best parented by this family.

(18) The family's ability to anticipate and understand the unique needs of an adopted child as the child gets older and how the family will manage those needs.

~~d. Record checks. The licensed child placing agency shall submit record checks for each applicant and for anyone who is 14 years of age or older living in the home of the applicant to determine whether they have any founded child abuse reports or criminal convictions or have been placed on the sex offender registry. The licensed child placing agency shall use Form 470-0643, Request for Child Abuse Information, and Form 595-1396, DHS Criminal History Record Check, Form B, for this purpose.~~

~~If there is a record of founded child abuse or a criminal conviction for the applicant, or anyone living in the home of the applicant, the licensed child placing agency shall not approve the applicant as an adoptive family, unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of approval.~~

~~EXCEPTION: The person making the investigation shall not approve a prospective applicant and the department shall not perform an evaluation if the applicant or anyone~~

~~living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 600.8(2)“b.” The person making the investigation shall not approve a prospective applicant and shall not perform an evaluation if the applicant or anyone living in the home of the applicant has committed a crime in another state that would be a forcible felony if the crime would have been committed in Iowa, as set forth in Iowa Code section 600.8(2)“b.”~~

~~The evaluation shall consider the nature and seriousness of the abuse or crime, the time elapsed since the commission of the founded abuse or crime, the circumstances under which the abuse or crime was committed, the degree of rehabilitation, the likelihood that the person will commit the abuse or crime again, and the number of abuses or crimes committed by the person. The person with the criminal conviction or founded child abuse report shall complete and return Form 470-2310, Record Check Evaluation, within ten calendar days of the date on the form to be used to assist in the evaluation. Failure of the person to complete and return Form 470-2310 within the specified time frame shall result in denial of approval for adoption.~~

~~(1) If the applicant, or anyone living in the home of the applicant, has been convicted of a simple misdemeanor or a serious misdemeanor that occurred five or more years prior to application, the evaluation and decision may be made by the licensed child placing agency. The licensed child placing agency shall notify the applicant of the results of the evaluation.~~

~~(2) If the applicant, or anyone living in the home of the applicant, has a founded child abuse report, has been convicted of an aggravated misdemeanor or felony at any time, or has been convicted of a simple or serious misdemeanor that occurred within five years~~

~~prior to application, the licensed child-placing agency shall initially conduct the evaluation.~~

~~1. If the licensed child-placing agency determines that the abuse or crime does warrant prohibition of approval, the licensed child-placing agency shall notify the applicant of the results of the evaluation.~~

~~2. If the child-placing agency believes that the applicant should be approved despite the abuse or criminal conviction, the agency shall provide copies of Form 470-2310, Record Check Evaluation, and Form 470-2386, Record Check Decision, to the Department of Human Services, Administrator, Division of Behavioral, Developmental, and Protective Services, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Within 30 days, the administrator shall determine whether the abuse or crime merits prohibition of approval and shall notify the child-placing agency in writing of that decision.~~

~~The licensed child-placing agency shall also notify the family in writing no later than 30 days after completion of the home study of the agency's decision regarding approval for placement of a child. If the family is denied, the agency shall state the reasons for denial. The agency worker and supervisor shall date and sign the adoptive home study. The agency shall provide a copy of the home study to the family. An agency shall not place a child in an adoptive home before the family is approved, or before a placement agreement is signed by the family and the agency.~~

d. Record checks. The licensed child-placing agency shall perform record checks for each applicant and for the other persons living in the home of the applicant as follows:

(1) The records of the applicants shall be checked:

1. On the Iowa central abuse registry using the Request for Child Abuse

Information form;

2. By the Iowa division of criminal investigation, using the DHS Criminal History

Record Check Form B;

3. On the Iowa sex offender registry;

4. On the child abuse registry of any state where the applicant has lived during the five years prior to the issuance of the investigative report; and

5. For a national criminal history through fingerprinting or another biometric identification-based process accepted by the federal government.

(2) The records of persons aged 14 or older living in the home of the applicant shall be checked:

1. On the Iowa central abuse registry using the Request for Child Abuse

Information form;

2. By the Iowa division of criminal investigation, using the DHS Criminal History

Record Check Form B; and

3. On the Iowa sex offender registry.

(3) Out-of-state child abuse checks and national criminal history checks may be completed on any adult in the home of the applicant if the certified adoption investigator has reason to do so.

(4) The agency shall not approve a prospective applicant and the department shall not perform an evaluation if the applicant or anyone living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 600.8(2)“b.”

(5) The agency shall not approve a prospective applicant and shall not perform an evaluation if the applicant or anyone living in the home of the applicant has committed a

crime in a state other than Iowa that would be a forcible felony if the crime would have been committed in Iowa, as set forth in Iowa Code section 600.8(2)“b.”

~~e. A home study update is required if the adoptive home study was written more than one year previously, in accordance with Iowa Code section 600.8. The preplacement assessment update shall be conducted by completing the following:~~

~~(1) The child abuse and criminal record checks shall be repeated and any abuses or convictions of crimes since the last record check shall be evaluated using the same process.~~

~~(2) A minimum of one home visit shall be conducted with the approved adoptive family.~~

~~(3) The information in the approved adoptive home study shall be reassessed.~~

~~(4) A written report of the assessment and updated adoptive home study shall be completed, dated, signed by the worker and the supervisor, and provided to the adoptive family.~~

e. Evaluation of record. If the applicant or anyone living in the home has record of founded child abuse, a criminal conviction, or placement on the sex offender registry, the applicant shall not be approved to adopt unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of approval.

(1) The evaluation shall consider the nature and seriousness of the founded abuse or crime in relation to adoption, the time elapsed since the commission of the founded abuse or crime, the circumstances under which the abuse or crime was committed, the degree of rehabilitation, the likelihood that the person will commit the abuse or crime again, and the number of abuses or crimes committed by the person.

(2) The person with the criminal conviction or founded child abuse report shall

complete and return the Record Check Evaluation form within 10 calendar days of the date on the form to be used to assist in the evaluation. Failure of the person to complete and return the form within the specified time frame may result in a written denial of approval for adoption.

(3) If the applicant, or anyone living in the home of the applicant, has been convicted of a simple misdemeanor or a serious misdemeanor that occurred five or more years prior to application, the evaluation and decision may be made by the licensed child-placing agency. The licensed child-placing agency shall notify the applicant of the results of the evaluation.

(4) If the applicant, or any person living in the home of the applicant, has a founded child abuse report, has been convicted of an aggravated misdemeanor or felony at any time, or has been convicted of a simple or serious misdemeanor that occurred within five years prior to application, the licensed child-placing agency shall initially conduct the evaluation.

1. If the licensed child-placing agency determines that the abuse or crime does warrant prohibition of approval, the licensed child-placing agency shall notify the applicant of the results of the evaluation in writing. The notice shall contain information on appeal rights.

2. If the child-placing agency determines that the applicant should be approved despite the abuse or criminal conviction, the agency shall provide copies of the Record Check Evaluation form and the written notice to the applicant to the Administrator, Division of Adult, Children and Family Services, Department of Human Services, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Within 30 days, the administrator shall

determine whether the abuse or crime merits prohibition of approval and shall notify the child-placing agency in writing of that decision.

f. Agency decision. The licensed child-placing agency shall notify the applicant in writing no later than 30 days after completion of the home study of the agency's decision regarding approval for placement of a child.

(1) If the applicant is denied approval, the agency shall state the reasons for denial in the written decision.

(2) The agency worker and supervisor shall date and sign the adoptive home study.

(3) The agency shall provide a copy of the home study to the family at the time the written notice is sent.

(4) An agency shall not place a child in an adoptive home before the family is approved, or before a placement agreement is signed by the family and the agency.

(5) A home study shall be valid for up to two years from the date signed by the agency worker and supervisor.

g. Denial. The licensed child-placing agency shall deny approval of an adoption application when:

(1) The applicant or any other person living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 600.8(2)“b.”

(2) The minimum standards set forth in these rules are not met and cannot be corrected.

(3) The applicant or any person residing in the home has been convicted of a crime, unless an evaluation of the crime has been made by the department which concludes that the crime does not merit prohibition of approval.

(4) The applicant or any person residing in the home has a record of founded child abuse, unless an evaluation of the founded child abuse has been made by the department which concluded that the founded child abuse does not merit prohibition of approval.

(5) The application is fraudulent, which means the applicant has knowingly made false statements or has knowingly concealed information that is material to the investigation.

h. Updates. To remain valid, an update to the home study shall be completed no later than 24 months from the previous home study or previous home study update. The update shall be conducted by completion of the following:

(1) The child abuse and criminal history record checks, except for the national criminal history check, shall be repeated. Any abuses or convictions of crimes since the last record check shall be evaluated using the same process.

(2) A minimum of one home visit shall be conducted with the approved adoptive family.

(3) The information in the approved adoptive home study shall be reassessed.

(4) A written report of the assessment and updated adoptive home study shall be completed, dated, signed by the agency worker and the agency supervisor, and provided to the adoptive family.

i. Annual visits to the adoptive home. The agency shall complete a minimum of one visit each year in the homes of families approved to adopt by the agency.

(1) The visit shall include, but not be limited to, assessment of the following areas:

1. Home environment.

2. Persons present at the time of the visit.

3. Changes in the home or household members, or other areas addressed in the home study.

(2) When a person aged 14 or older moves into the home, the agency shall perform checks on the Iowa central abuse registry, by the division of criminal investigation, and on the sex offender registry. The record check evaluation process shall be completed if the person has a criminal conviction or founded child abuse report or is on the sex offender registry.

(3) The findings from the visit shall be documented and maintained in the file.

108.9(5) Services to adoptive families.

a. Preparation of the family includes activities designed to prepare the adoptive family for the placement of a particular child. These activities shall assist the adoptive family in expanding its knowledge and understanding of the child and enhance the family's readiness to accept the child into ~~their~~ the family and encourage ~~their~~ the family's commitment. The activities shall include, but not be limited to:

(1) Providing background information on the child and the birth family, including a child study ~~that includes past experiences such as foster and adoptive placements.~~

(2) Providing information regarding the ~~special~~ unique needs and characteristics of the child.

(3) to (6) No change.

b. No change.

c. Postplacement services include postplacement supervision, support, crisis intervention, and required reports to the court. The postplacement services are provided from the time the child is placed with an approved adoptive family until finalization of the

adoption occurs.

~~(1) A minimum of~~ No fewer than three face-to-face postplacement visits in the family's home are required, ~~or if the family is experiencing problems, as many as are necessary to support the placement. At least two of the visits shall be in the adoptive home.~~

~~(2) At a minimum the first visit shall be completed within 30 days after placement; the second visit within 90 days after placement; and the final visit before granting consent to adopt~~ no later than 180 days after placement.

~~(3) Postplacement visits shall be completed as often as necessary if the adoptive family is experiencing problems, and may extend to finalization or beyond 180 days if additional time is needed.~~

~~Observations made during the home visits shall be recorded in the family's adoption file and used by the agency in making written recommendations to the court regarding finalization of the adoption.~~

~~d. Postplacement supervision, should focus on the following:~~ The agency shall provide postplacement supervision to assess the unique needs of the child including, but not limited to, the following areas:

- (1) Integration and interaction of the child with the family.
- (2) Changes in the family functioning which may be due to the child's placement.
- (3) Social, and emotional adjustment of the child ~~and school adjustment of a child who is attending a school.~~
- (4) Child's growth and development since placement with the adoptive family.
- (5) Changes and adjustments that have ~~occurred~~ been made in the family since the child's placement.

(6) Family's method of dealing with testing behaviors and discipline.

(7) Behavioral evidence of the degree of bonding that is taking place and the degree to which the child is becoming a permanent member of the adoptive family.

(8) School adjustment of a child who is attending a school.

(9) The behavioral needs of the child.

(10) The psychological and mental health needs of the child.

(11) Services and supports that will assist the family in the future.

~~d. e.~~ e. Postadoption services. The agency shall provide postadoption services to adoptive parents and adoptees, or shall refer adoptive parents and adoptees to other community resources for the services.

f. Postplacement reports. The agency worker shall prepare a written report based on observations made during each home visit. Each report shall address the specific needs of the child and the family's ability to meet those needs. The reports shall be used by the agency in making a written recommendation to the court regarding finalization of the adoption.

~~**108.9(6)** Placement of siblings. Preference shall be given to placing children from the same family together. If this is not possible, or is not in the best interest of the children, the reasons shall be documented in the record. Efforts shall be made to provide continued contact between siblings after finalized adoptions if the siblings are not placed together.~~

108.9(6) International adoptions.

a. International adoptions preplacement investigation. Preplacement investigations for the purpose of international adoptions shall meet the requirements of the United States Citizen Immigration Service.

b. International adoptions postplacement report.

(1) For an adoption based on a decree issued by a foreign jurisdiction within the United States, the agency shall conduct a postplacement investigation and issue a postplacement report as required in subrule 108.9(5).

(2) For an adoption based on a decree issued by a jurisdiction outside the United States, an investigator shall conduct a postplacement investigation that consists of a minimum of three face-to-face visits with the minor person and the adoptive parents during the first year after placement with the first such visit to be conducted within 60 days of the placement of the minor person in the adoptive home. Additional visits shall be conducted if required by the jurisdiction that issued the decree.

(3) The postplacement investigation and report under this subrule shall include documentation that any unique needs of the minor person are being met appropriately through the placement.

~~108.9(7) Racial and cultural background. Race, color, or national origin may not be routinely considered in placement selections. Placement decisions shall be made consistent with the best interests and special needs of the child.~~

~~108.9(8)~~ 108.9(7) Religious policy. There shall be a written policy on religious participation for prospective placing parents, adoptive parents, and adoptees. The policy shall be made available to referral sources as well.

~~108.9(9)~~ 108.9(8) Adoption records. The agency shall keep separate records for each prospective, approved, or active adoptive family. Contents of these records shall be as follows:

- a. to j. No change.

~~108.9(10)~~ **108.9(9)** Right to appeal. An adoptive applicant or an adoptive family may appeal an adverse decision made by a licensed agency. The appeal shall be filed with the department within 30 days of the notice of decision to the applicant or family by the licensed agency.

~~108.9(11)~~ **108.9(10)** Disposition of records. When an adoption has occurred, the agency must maintain all records regarding the child, the birth family, and the adoptive family or families, forever. Any subsequent information received following the adoption finalization shall be placed in the adoption record. If the agency closes, all adoption records shall be forwarded to the department.

ITEM 7. Amend rule **441—200.1(600)**, definitions of “Adoption work experience” and “Release of custody services,” as follows:

“Adoption work experience” means supervised employment in adoption services, which includes direct provision of adoption services, development of adoption policies, provision of training related to adoption services, oversight and review of adoption documents and activities, and direct supervision of adoption workers. Only the percent of time related to provision of adoption services shall be considered as adoption work experience ~~for employment of which only a portion of time was spent on adoptions~~ when job duties involve activities other than adoption services.

“Release of custody services” includes providing information regarding options to assist the parents in making permanent plans for their child and counseling regarding ~~resulting~~ personal and emotional issues as described in 441—subrule 108.9(2).

ITEM 8. Amend rule 441—200.2(600) as follows:

441—200.2(600) Release of custody services. This rule applies to all terminations filed

under Iowa Code chapter 600A. The parents shall be offered a minimum of three hours of counseling by a person authorized to provide counseling ~~under the provisions of this rule.~~ in accordance with 441—paragraph 108.9(2)“f.” ~~If accepted, the counseling shall be provided after the birth of the child and prior to the signing of a release of custody that meets the requirements of Iowa Code chapter 600A or prior to the filing of a petition for termination of parental rights.~~

~~**200.2(1) Purpose of counseling.** The purpose of the counseling is to:~~

- ~~a. Provide information about options to assist parents in making an informed decision regarding release of custody.~~
- ~~b. Assist parents in resolving emotional issues related to separation and loss.~~

~~**200.2(2) Requirements for counseling providers.** Counseling to parents shall be provided only by the following persons:~~

- ~~a. Certified adoption investigators.~~
- ~~b. Mental health professionals who have the equivalent of two years of adoption work experience in the direct provision of adoption services.~~
- ~~c. Private agency staff with two years of adoption work experience in the direct provision of adoption services.~~
- ~~d. Department staff with two years of adoption work experience in the direct provision of adoption services.~~

~~**200.2(3) Forms.** A child study shall be completed for all children who are adopted under Iowa Code chapter 600 using the outline RC-0027, Social History Format. All forms used to execute a release of custody shall comply with the requirements of Iowa Code chapters 600 and 600A.~~

~~200.2(4) Affidavit and documentation. The person providing the counseling shall complete Form 470-3164 or 470-3164(S), Counseling Affidavit, certifying that the counselor has provided the biological parent with the requested counseling or that the biological parent has refused counseling. The Counseling Affidavit and documentation that the person providing the counseling is qualified to provide the requested counseling shall be attached to the release of custody. Documentation shall include one of the following:~~

~~a. A copy of a professional license, when applicable.~~

~~b. A record of all adoption work experience including dates and location. In addition, the person providing counseling shall provide the names of employers and supervisors to enable the court to verify the counselor's adoption work experience.~~

ITEM 9. Amend rule 441—200.3(600) as follows:

441—200.3(600) Application. Persons wishing to apply to adopt a child through the department shall use Form 470-0743 or 470-0743(S), complete an Application for Adoption form. An application for adoption shall only be accepted for children who are under the guardianship of the department.

200.3(1) No change.

200.3(2) Procedures. An application for adoption of a special needs child shall be accepted by any department office or by the department's recruitment and retention contractor. Before a home study is completed, applicants shall:

a. Complete Form 470-0743 or 470-0743(S), the Application for Adoption form, and

b. Ensure that Form 470-0720, the Physician's Report for Foster and Adoptive

Parents, form is completed by the applicant's family physician.

ITEM 10. Amend rule 441—200.4(600) as follows:

441—200.4(600) Adoption services. Adoption services shall include: adoptive home study, preparation of child, selection of family, preparation of family, preplacement visits, placement services, and postplacement services.

200.4(1) Adoptive home study. ~~The~~ For applicants who apply to the department to adopt, the recruitment and retention contractor shall prepare an adoptive home study through the following activities:

a. Family assessment. The family assessment shall include a minimum of two face-to-face interviews with the applicants and at least one face-to-face interview with each member of the household. At least one of the interviews shall take place at the applicant's home. The assessment of the prospective adoptive family shall include an evaluation of the family's ability to parent a special needs child or children including the following:

(1) and (2) No change.

(3) The attitude toward adoption of ~~the significant~~ other people involved with the family in a significant way.

(4) ~~Emotional stability, marital history, including verification of marriages and divorces, family relationships and compatibility of the adoptive parents.~~ Emotional maturity; marital history, including verification of marriages and divorces; assessment of marital relationship; and compatibility of the adoptive parents.

(5) and (6) No change.

(7) Willingness to accept a child who has medical problems (such as a child who is at risk of, for HIV or is HIV positive), ~~mental retardation~~ intellectual disabilities, or

emotional or behavioral problems. Ability to provide for the child's physical, medical and emotional needs and respect the child's ethnic and religious identity.

(8) ~~Adjustment of any children in the home, including their attitudes toward adoption, relationships with others, and school performance.~~ Description of biological children and previously adopted children, if any, including their attitudes toward adoption, relationship with others, and school performance.

(9) ~~Disciplinary practices that will be used.~~ Capacity to give and receive affection.

(10) ~~Capacity to give and receive affection.~~ Statements from three references provided by the family and additional references the worker for the recruitment and retention contractor may wish to contact.

(11) ~~Statements from three references provided by the family and additional references the worker may wish to contact.~~ Attitudes of the adoptive applicants toward the birth parents and the reasons the child is available for adoption.

(12) Financial information, including the family's ability to provide for a child and whether there is a need for adoption subsidy for a special needs child or children.

(13) ~~Attitudes of the adoptive applicants toward the birth parents and the reasons the child is available for adoption.~~ Disciplinary practices that will be used.

(14) ~~Commitment to and capacity to maintain significant relationships.~~ History of abuse involving family members, including how the abuse was addressed and how that history impacts the applicant's ability to be an adoptive parent.

(15) ~~Substance use or abuse, if any, by family members, or members of the household, treatment history and current status of treatment.~~ Assessment of, commitment to, and capacity to maintain other significant relationships.

~~(16) History of abuse, if any, by family members, or members of the household, treatment history, current status of treatment and the evaluation of the abuse. Substance use or abuse by members of the household, treatment history and current status of treatment.~~

~~(17) Criminal convictions, if any, by family members, or adults in the household, and the evaluation of the criminal record. Recommendations for the number, age, sex, characteristics, and special needs of a child or children the family can best parent.~~

~~(18) Recommendations for number, age, sex, characteristics, and special needs of a child or children the family can best parent. The family's ability to anticipate and understand the special needs of an adopted child as the child gets older and how the family will manage those needs.~~

b. Record checks. Record checks are required for each applicant and for anyone who is 14 years of age or older living in the home of the applicant to determine whether ~~they~~ any of those persons have founded child abuse reports or criminal convictions or have been placed on the sex offender registry. The department's contractor for the recruitment and retention of resource families shall assist applicants applying through the department in completing required record checks, including fingerprinting.

~~(1) Iowa records. Each applicant and anyone who is 14 years of age or older living in the home of the applicant shall be checked for records with:~~

~~1. The Iowa central abuse registry, using Form 470-0643, Request for Child Abuse Information;~~

~~2. The Iowa division of criminal investigation, using Form 595-1396, DHS Criminal History Record Check, Form B; and~~

~~3. The Iowa sex offender registry.~~

~~(2) Other states' records. Each applicant and any other adult living in the applicant's home shall be checked for records on the child abuse registry of any state where the person has lived during the past five years.~~

~~(3) Federal records. Each applicant shall be fingerprinted for a national criminal history check. Other adults living in the home may be fingerprinted if the department determines that a national criminal history check is warranted.~~

~~(4) If the applicant, or anyone living in the home of the applicant, has a record of founded child abuse, a criminal conviction, or placement on the sex offender registry, the department shall not approve the applicant as an adoptive family, unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of approval. The evaluation shall be conducted according to procedures in 441—subrules 113.13(2) and 113.13(3) for applications for adoption through the department or procedures in 441—subrule 108.9(4) for applications for adoption through a child placing agency.~~

~~(5) The department shall assess fees associated with the record checks to the adoptive applicant unless the family is being studied to adopt a child with special needs.~~

(1) The records of the applicants shall be checked:

1. On the Iowa central abuse registry using the Request for Child Abuse

Information form;

2. By the Iowa division of criminal investigation, using the DHS Criminal History

Record Check Form B;

3. On the Iowa sex offender registry;

4. On the child abuse registry of any state where the applicant has lived during the five years prior to the issuance of the investigative report; and

5. For a national criminal history through fingerprinting or another biometric identification-based process accepted by the federal government.

(2) The records of persons aged 14 or older living in the home of the applicant shall be checked:

1. On the Iowa central abuse registry using the Request for Child Abuse

Information form;

2. By the Iowa division of criminal investigation, using the DHS Criminal History Record Check Form B; and

3. On the Iowa sex offender registry.

(3) Out-of-state child abuse checks and national criminal history checks may be completed on any adult living in the home of the applicant if the department has reason to do so.

(4) The department shall not approve a prospective applicant and shall not perform an evaluation if the applicant or anyone living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 600.8(2)“b.”

(5) The department shall not approve a prospective applicant and shall not perform an evaluation if the applicant or anyone living in the home of the applicant has committed a crime in a state other than Iowa that would be a forcible felony if the crime would have been committed in Iowa, as set forth in Iowa Code section 600.8(2)“b.”

c. Evaluation of record.

(1) If the applicant or anyone living in the home has a record of founded child abuse, a criminal conviction, or placement on the sex offender registry, the applicant shall not be approved to adopt unless an evaluation determines that the abuse or criminal

conviction does not warrant prohibition of approval.

(2) The evaluation shall be conducted according to procedures in 441—subrules 113.13(2) and 113.13(3) for applications for adoption through the department or procedures in 441—paragraph 108.9(4)“e” for applications for adoption through a child-placing agency.

~~e.~~ d. Written report. The worker for the recruitment and retention contractor shall prepare a written report of the family assessment, known as the adoptive home study, using the PS-MAPP family profile format. The worker for the recruitment and retention contractor shall use the home study to recommend to the department to approve or deny a prospective family as an appropriate placement for a child or children. The ~~department-
adoption~~ worker and supervisor for the recruitment and retention contractor shall date and sign the adoptive home study.

(1) The ~~worker~~ department shall notify the family of the decision using ~~Form 470-0745,~~ the Adoption Notice of Decision, and, if form.

(2) If the ~~worker~~ department does not approve the home study, ~~shall state~~ the reasons shall be stated on the notice.

(3) The ~~worker~~ department shall provide the family a copy of the adoptive home study with the notification of approval or denial.

~~d.~~ e. Preplacement assessment and home study update. A preplacement assessment and home study update is required if the adoptive home study was written more than ~~one year~~ two years previously, in accordance with Iowa Code section 600.8, and ~~placement of the child is imminent.~~ The preplacement assessment and home study update shall be conducted by ~~completing~~ completion of the following:

(1) The child abuse and criminal record checks shall be repeated, except for fingerprinting. If there are any founded abuses or convictions of crimes that were not evaluated in the previous home study, they shall be evaluated using the process set forth in ~~200.4(1)“b.”~~ paragraph 200.4(1)“c.”

(2) One face-to-face visit shall be conducted with the approved adoptive family.

(3) The information in the approved adoptive home study shall be reassessed.

(4) An updated written report of the reassessment and adoptive home study shall be written, dated, signed by the worker and the supervisor for the recruitment and retention contractor and a copy provided to the adoptive family.

(5) Families who are dually licensed to provide foster family care shall have their adoption approval date align with their foster home licensing date.

~~e-~~ f. Procedure for foster parent adoptions. When a licensed foster parent applies for approval as an adoptive home, home study activities that have been completed within the previous year as part of a licensing study pursuant to 441—Chapter 113 need not be repeated.

g. Annual visits to the adoptive family home. The recruitment and retention contractor shall complete a minimum of one visit each year in the homes of families approved to adopt.

(1) The visit shall not be waived.

(2) When a person aged 14 or older moves into the home, the agency shall perform checks on the Iowa central abuse registry, by the division of criminal investigation, and on the sex offender registry. The record check evaluation process shall be completed if the person has a criminal conviction or founded abuse report or is on the sex offender registry.

(3) Findings and observations of the visit shall be documented and provided to the department when the update is submitted.

(4) The department shall be notified within 30 days of any deficiencies noted or other concerns discovered that require corrective action.

200.4(2) Preparation of child. The department ~~adoption~~ worker shall conduct specific activities designed to enable a child to make the transition to an adoptive placement or refer the child to the family safety, risk, and permanency services contractor or other professionals. The activities shall include, but ~~are~~ not be limited to:

- a. No change.
- b. ~~Preparation~~ Assisting in the preparation or update of a life book.
- c. and d. No change.
- e. HIV testing of a child by the University of Iowa ~~Hospital~~ Hospitals and Clinics (UIHC) or a local physician when any of the following conditions exist:

(1) to (4) No change.

~~(5) The child received blood products prior to 1986 or the birth parents received blood products prior to 1986, before or during pregnancy.~~

~~(6)~~ (5) There is a lack of medical information regarding the birth parents or the child.

200.4(3) Selection of family. The family that can best meet the needs of the adoptive child shall be selected as follows:

- a. Before preplacement visits occur, a conference shall be held to select an approved family. A minimum of two department social workers and a department supervisor shall be included in the conference. The child's special needs, characteristics,

and anticipated behaviors shall be reviewed in the conference to determine a family that can best meet the needs of the child. Approved families shall also be reviewed in an effort to match the specific family's parenting strengths with a particular child's needs.

b. No change.

200.4(4) Preparation of family. The recruitment and retention contractor and the department ~~adoption worker~~ shall conduct activities designed to ~~assist the adoptive family in expanding its knowledge and understanding of the child or children. These activities should~~ enhance the family's readiness to accept the child or children into ~~their~~ the family and ~~encourage their~~ strengthen the family's commitment to adopt. A referral may be made for family safety, risk, and permanency services if needed. The activities shall include, but ~~are~~ not be limited to:

a. to h. No change.

200.4(5) and **200.4(6)** No change.

200.4(7) Postplacement services. An adoptive family is eligible for postplacement services from the time a child is placed with the family until finalization of the adoption occurs. The department ~~adoption~~ worker shall supervise the placement, provide ongoing support to the child and family, perform crisis intervention, and complete required reports. Assistance with behavioral interventions to strengthen the placement and prevent disruption may be provided through family safety, risk, and permanency services.

a. Postplacement supervision shall focus on the following areas:

(1) No change.

(2) Changes in the family functioning which may be due to the child's placement.

(3) Social and emotional adjustment of the child or children.

(4) ~~School adjustment of the child or children who are attending school. Child's growth and development since placement with the adoptive family.~~

(5) Changes and adjustments that have been made in the family since the child's placement.

(6) Family's method of dealing with testing behaviors and discipline.

(7) ~~Child's growth and development since placement in the family. Behavioral evidence of the degree of bonding that is taking place and the degree to which the child is becoming a permanent member of the adoptive family.~~

(8) ~~Behavioral evidence of the degree of bonding that is taking place and the degree to which the child is becoming a permanent member of the adoptive family. School adjustment of a child who is attending a school.~~

(9) The behavioral needs of the child.

(10) The psychological and mental health needs of the child.

(11) Services and supports that will assist the child and family in the future.

b. At a minimum, the department ~~adoption~~ worker shall make monthly ~~adoptive~~ home visits until the adoption is final. If the family is experiencing problems, the department worker shall make as many visits as are necessary to assess and support the placement.

c. The department ~~adoption~~ worker shall prepare a written report based on the postplacement visits with recommendations regarding the finalization of the adoption and submit the report to the court before the hearing to consider granting a decree of adoption.

200.4(8) No change.

ITEM 11. Amend rule 441—200.8(600) as follows:

441—200.8(600) Interstate placements. Interstate placement of a child into Iowa, or out of Iowa, shall follow interstate placement of child procedures ~~according to~~ in accordance with Iowa Code section ~~238.33~~ sections 232.158 through 232.166.

ITEM 12. Adopt the following **new** paragraph **200.11(3)“h”**:

h. Other areas that may impact the applicant’s ability to meet the needs of a child both at present and in the future.

ITEM 13. Amend rule 441—200.15(600), introductory paragraph, as follows:

441—200.15(600) Requests for information for purposes other than research or treatment. Requests for information from department adoption records for purposes other than research or treatment shall be made to the Department of Human Services, ~~Division of Child and Family Services,~~ Division of Adult, Children and Family Services, Adoption Program, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114.

Information on Proposed Rules

Name of Program Specialist Tracey Parker	Telephone Number 281-8799	E-mail Address tparker@dhs.state.ia.us
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|----|--|
| 1. | Give a brief summary of the rule changes: The rule changes will require national criminal checks on all adoptive applicants; child abuse record checks in states where the applicants lived five years prior; clarify record checks for international adoptions; have the unique needs of the child addressed in post-placement reports; lengthen the time of an approved home study from one year to two years; and technical changes to bring all three chapters up to date. |
| 2. | What is the reason for the Department to request these changes? The rule changes are needed in order to implement SF 2276 |
| 3. | What will be the effect of the rule adoption? (who, what, when, how)? Upon enactment prospective adoptive applicants working with licensed child-placing adoption agencies or certified adoption investigators will be required to have additional record checks completed. Families who apply to adopt through the department are already subject to these checks. Agencies will be required to assess and address during post-placement visits any unique needs a child has and how the family is meeting those needs prior to recommending finalization of the adoption. Families will go from being approved for one year to being approved for up to two years. |
| 4. | Is the change mandated by State or Federal Law? (Cite the authorizing state and federal statutes and federal regulations) Iowa code 234.6 |
| 5. | Will anyone be affected by this rule change? If yes who will be affected and will it be to the person(s) benefit or detriment? Adoption agencies and certified adoption investigators will be affected by having additional requirements for record checks, assessing the child's placement and documentation of that assessment. Agencies and certified adoption investigators see this as a benefit to children and families by having an additional safety check, and assessing that the child's needs are being met thereby avoiding a disrupted adoption in the future. |
| 6. | What are the potential benefits of this rule? Increased safety, more stable permanent placements, and longer duration of home study approval. Families who are adopting privately will save money by not having an update done annually to remain approved to adopt. |
| 7. | What are the potential costs, to the regulated community or the State of Iowa as a whole, of this rule? Families who are adopting privately will incur a small additional cost to have national record checks performed. Agencies may lose revenue by not completing annual home study updates. |

<p>8. Do any other agencies regulate in this area? If so, what agencies and what Administrative Code Sections apply?</p> <p>No</p>
<p>9. What alternatives to direct regulation in this area are available to the agency? Why were other alternatives not used?</p> <p>None. Some agencies were voluntarily having families complete national criminal record checks but there was no authority to do so.</p>
<p>10. Does this rule contain a waiver provision? If not, why?</p> <p>These rules do not provide for waiver in specific situations because prospective adoptive families, licensed child placing agencies and certified adoption investigators may request a waiver under the Department's general rule on exceptions in IAC 441 – 1.8</p>
<p>11. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee)</p> <p>No.</p>

ADMINISTRATIVE RULE FISCAL IMPACT STATEMENT

Date: August 22, 2014

Agency: Human Services

IAC citation: 441 IAC 107, 108 and 200

Agency contact: Tracey Parker

Summary of the rule: The rule changes are needed in order to implement SF 2276 and to make technical changes. The rule changes will require national criminal checks on all adoptive applicants; child abuse record checks in states where the applicants lived five years prior; clarify record checks for international adoptions; have the unique needs of the child addressed in post-placement reports; lengthen the time of an approved home study from one year to two years; and technical changes to bring all three chapters up to date.

Fill in this box if the impact meets these criteria:

- No fiscal impact to the state.
 Fiscal impact of less than \$100,000 annually or \$500,000 over 5 years.
 Fiscal impact cannot be determined.

Brief explanation: The changes regarding record checks, and postplacement services and reports are already being done by DHS.

Fill in the form below if the impact does not fit the criteria above:

Fiscal impact of \$100,000 annually or \$500,000 over 5 years.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	Year 1 (FY)	Year 2 (FY)
Revenue by each source:		
General fund		
Federal funds		
TOTAL REVENUE		
Expenditures:		
General fund		
Federal funds		
TOTAL EXPENDITURES		
NET IMPACT		

This rule is required by state law or federal mandate.

_____ Please identify the state or federal law:

Funding has been provided for the rule change.

_____ Please identify the amount provided and the funding source:

Funding has not been provided for the rule.

_____ Please explain how the agency will pay for the rule change:

Fiscal impact to persons affected by the rule: Families who adopt privately will have some additional costs to have additional record checks completed, but many agencies are already doing national criminal checks. Families who adopt privately will not incur costs for an annual home study update as the home study is valid for two years. Agencies will lose some revenue by not completing annual updates but many are supportive of the two year approvals.

Fiscal impact to counties or other local governments (required by Iowa Code 25B.6): None.

Agency representative preparing estimate: Nancy Mohlis

Telephone number: 281-6017