



Iowa Department of Human Services

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ISSUED BY: Bureau of Child Welfare and Community Services,
Division of Adult, Children and Family Services

SUBJECT: Employees' Manual, Title 17, Chapter E, ***OUT-OF-HOME PLACEMENT
POLICY AND PROCEDURES***, Contents (page 1), revised; and pages 17
through 20, and 117, revised.

Summary

Chapter 17-E is revised to:

- ◆ Add information on when the Department, acting as the guardian, can share confidential information with foster parents. This includes the policy regarding release of social security numbers.
- ◆ Revise the policy on parental decision-making authority.

Effective Date

Upon receipt.

Material Superseded

This material replaces the following pages from Employees' Manual, Title 17, Chapter E:

<u>Page</u>	<u>Date</u>
Contents (page 1)	April 20, 2012
17-20, 117	April 20, 2012

Additional Information

Refer questions about this general letter to your area service administrator.

	<u>Page</u>
Life of the Case Phase: Out-of-Home Placement	1
Placement Outcomes.....	2
Placement Decisions.....	2
Placement Criteria	2
Scope of Chapter	2
Definition of Terms	3
Alternatives to Placement	3
Diligent Search for Parents and Relatives	5
Removing Child From Home	9
Eligibility Criteria	9
Age Limits	10
Residence.....	12
Authority for Placement	12
Voluntary Placement for Children Under Age 18	13
Ex Parte Court Order for Temporary Custody	14
Court-Ordered Supervision.....	16
Transfer of Legal Custody to Department	16
Transfer of Guardianship to Department.....	17
Release of a Foster Child’s Social Security Number When the Department is the Guardian	18
Release of a Foster Child’s Social Security Number When the Department is Not the Guardian.....	18
Placement of an Indian Child	19
Placement of a Child with Mexican Citizenship.....	19
Voluntary Placement for Children Aged 18 or Older	20
Additional Assessments Required	21
Social History	21
Health Assessment.....	22
Life Skills Assessment	24
Selecting Placement Type Needed	24
Relative or Kinship Care.....	26
Shelter Care.....	27
Family Foster Care	30
Foster Group Care.....	31
Psychiatric Medical Institutions for Children	34
Supervised Apartment Living	35
Making the Placement	37
Maintaining Continuity and Placement Stability	38
Breast-Fed Infant	39
Educational Stability.....	39
Out-of-Area Placement	41
Siblings.....	42

Procedure:

The Department's responsibilities as custodian are defined as follows:

- ◆ To maintain or transfer to another the physical possession of the child.
- ◆ To protect, train and discipline the child.
- ◆ To provide food, clothing, housing, and medical care.
- ◆ To consent to emergency medical care, including surgery.
- ◆ To sign a release of medical information to a health professional.

The social work case manager normally exercises the rights and responsibilities of the custodian.

The residual parental rights retained by the child's parents make it imperative that they be involved in all major planning and medical decisions affecting the child. See [Child and Parent Rights and Responsibilities](#).

Transfer of Guardianship to Department

Legal reference: [Iowa Code sections 232.2\(2\), 232.102\(2\), 232.117\(3\), 600A.2, 600A.2B](#)

Policy:

The court may assign guardianship to the Department after the child is adjudicated to be a child in need of assistance, when the child's parents:

- ◆ Are uninvolved,
- ◆ Are not available or are available, and
- ◆ There is no termination of parental rights, and
- ◆ After termination of parental rights.

The guardian is to:

- ◆ Have a permanent self-sustaining relationship with the child,
- ◆ Make important decisions that have a permanent effect on the life and development of that child, and
- ◆ Promote the general welfare of that child.

Procedure:

The Department's responsibilities as guardian are defined as follows:

- ◆ To consent to marriage, enlistment in the armed forces of the United States, or medical, psychiatric, or surgical treatment.
- ◆ To serve as guardian ad litem, unless the interests of the guardian conflict with the interests of the child or another person has been appointed guardian ad litem.

- ◆ To serve as custodian, unless another person has been appointed custodian.
- ◆ To make periodic visitations if the guardian does not have physical possession or custody of the child.
- ◆ To consent to adoption and to make any other decision that the parents could have made when the parent-child relationship existed.
- ◆ To make other decisions involving protection, education, and care and control of the child.

The service area manager, or a designee, exercises the rights and responsibilities of the guardian. The service area manager, social work administrator and social work supervisor are designated by the director to sign consents and releases.

Social workers are **not** designated to sign consents or releases. See 13-D, [*GUARDIANSHIP*](#), for more information regarding consents and releases.

Release of a Foster Child's Social Security Number When the Department is the Guardian

The Department may release the social security number to the foster parents when DHS is the guardian. However, the foster parent will need to get a signed release of information from the Department to allow them to give that social security number to their tax preparer for income tax purposes only.

Release of a Foster Child's Social Security Number When the Department is Not the Guardian

The foster child's parents retain their right to authorize or not authorize the release of their child's social security number to foster parents. Some of the foster child's parents may be claiming their child on their income taxes.

If asked by a foster parent, the worker should facilitate a conversation between the foster parent and the parent to obtain the appropriate release of information. If the foster parent is comfortable pursuing the discussion directly, the worker should ensure the foster parent is aware the parent has the right not to sign the requested release.

Placement of an Indian Child

Legal reference: 125 U.S.C. section 191[a] and [Iowa Code Chapter 232B](#)

Policy:

Placements of Native American children in foster care settings shall be conducted in accordance with the statutory provisions and requirements of the federal and Iowa Indian Child Welfare Acts. See [17-C, Case Planning for Native American Children](#), for requirements.

An Indian tribe has jurisdiction over any child custody proceeding involving an Indian child who resides or is domiciled within the reservation of that tribe. If an Indian child is a ward of a tribal court, the Indian tribe shall retain exclusive jurisdiction regardless of the residence or domicile of the child.

Procedure:

See [17-C\(1\), Case Planning for Native American Children](#), for instructions on identifying Native American ancestry, involving tribal representatives, and making placements. See [17-C\(3\), Topic 9](#), for information on placement hierarchy, protocols, and additional information on the laws and tribal court proceedings.

Placement of a Child with Mexican Citizenship

Legal reference: Vienna Convention on Consular Relations; Consular Convention Agreement between the United States and Mexico

Policy:

When a child taken into state custody is a Mexican national or a multiple-nationality minor, the Department shall involve the Mexican Consulate in case planning for the child.

Procedures:

See [17-C\(1\), Case Planning for Children With Mexican Citizenship](#), for procedures and [17-C\(3\), Topic 12](#), for the content of the Memorandum of Understanding Between the State of Iowa and the United States of Mexico Concerning Child Welfare Cases Involving Mexican National and Multiple Nationality Minors.

Voluntary Placement for Children Aged 18 or Older

Legal reference: [Iowa Code sections 234.1, 234.35\(1\) and 234.35\(3\); 441 IAC 156.20\(1\)"b," 202.1\(234\), and 202.3\(3\)](#)

Policy:

The Department has responsibility for the placement and care of a child 18 years of age or older when it has agreed to provide foster care services for the child on the basis of a signed voluntary placement agreement between the Department and the child or the child's court-appointed guardian.

Voluntary placements of a child aged 18 or older may be granted for six months at a time when the child meets all of the following:

- ◆ Is 18 or 19 years old and has **not** received a high school diploma or a GED;
- ◆ Was in foster care or a state institution immediately before reaching age 18;
- ◆ Has continued in foster care or a state institution since reaching age 18 **or** left foster care at age 18 and voluntarily returned to foster care in order to complete a high school diploma or a GED;
- ◆ Has demonstrated a willingness to participate in case planning and to fulfill responsibilities as defined in the case plan; and
- ◆ Will be placed in foster family care or supervised apartment living in Iowa

Procedure:

1. Complete form 470-0715, *Voluntary Foster Care Placement Agreement*, directly with the child unless the child has a guardian. The service area manager or designee shall approve the agreement before the agreement takes effect.
2. Use form 470-3186, *Request for Approval of Supervised Apartment Placement*, to request that the service area manager or designee waive the requirement for continuous placement for a child who:
 - ◆ Leaves foster care on or after the child's 18th birthday and
 - ◆ Voluntarily returns before the child's 20th birthday in order to complete high school or obtain a GED.
3. Terminate the voluntary placement agreement if the child moves outside Iowa after the placement. When a voluntary placement agreement is terminated, send a copy of the Notice of Decision to the foster care provider.

3. Encourage parents to engage in activities during visits which relate to the child's needs, based on the child's stage of development.
4. Allow the mother of an infant to continue to breastfeed the infant when such contact with the mother is in the best interest of the infant. Drug testing is advisable in making this decision. The opinion of the child's physician is critical in determining the best interest of the child.
5. Encourage other communication, such as phone calls and letters.
6. Encourage attendance at the child's medical appointments and school activities.

Parental Decision-Making Authority

Legal reference: [Iowa Code section 232.2\(47\)](#)

Policy:

Unless parental rights are terminated or parental rights are not terminated and the Department is the guardian, parents shall be encouraged to take as much responsibility as possible for their child.

Procedure:

Whether authorization for a particular action or decision regarding a child in foster care must be obtained from the child's parent or guardian depends on the legal status of the child and the nature of the decision.

Parental responsibilities include, but are not limited to:

- ◆ Preparing the child for the foster care placement;
- ◆ Attending school conferences;
- ◆ Taking the child to the doctor and other appointments;
- ◆ Contributing to the cost of foster care;
- ◆ Keeping the Department informed of any changes in address or telephone number; and
- ◆ Participating in intervention programs geared toward returning the child home or placing the child in a more permanent setting.