Child Welfare

PERMANENT PLACEMENT POLICY
# Life of the Case Phase: Permanent Placement

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## Adoption Policy Statements

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Life of the Case Phase: Permanent Placement

The overall goal for adoption and guardianship services is to secure permanent families for children who cannot live with their birth families due to the termination of their birth parents’ rights or other reasons.

Outcomes

- Child safety
- Permanency
- Child and family well-being
- Appropriate type, level, and intensity of services

Decisions

- Termination of parental rights
- Approval of resource family
- Specialized and targeted recruitment
- Selection and approval of adoption placement
- Negotiation and approval of subsidy agreement
- Consent to adoption finalization
- Withdrawal of consent to adoption

Criteria

- Legal basis
- Child’s needs and capacities
- Resource family’s needs and capacities
Scope of Chapter

This chapter includes “high level” statements that summarize the essence of the state and federal laws, federal regulations, state administrative rules, and Department-required practice associated with management of an adoption case. These policies apply in addition to the general policies given in the case planning and case management chapters.

The administrative rule and state law references are linked to the actual state rule or law chapter. The chapter ends with a table that identifies the topic of the policy and the applicable legal references.

Unless otherwise specified, links to “Procedure” in this chapter refer to Chapter 17-F(1), which describes state procedures for carrying out the general case management processes for adoption cases.

Unless otherwise specified, links to “Practice Guidance” refer to Chapter 17-F(2), which provides background information to support the procedures or policy and the programmatic rationale for the actions that are required during the permanent placement phase.

Legal Basis

Federal laws governing adoption services include:

♦ Title IV-E of the Social Security Act (42 US Code sections 670 through 679b) provides for federal funding for foster care and adoption assistance.


♦ Public Law, 95-608, Indian Child Welfare Act of 1978, Policy Sec. 4(4), 101(a), (b), and (c), 102(a), 102(d), 103(a), 105(b), 201.


♦ Public Law 105-89, the Adoption and Safe Families Act of 1997 (ASFA), which requires accountability by states to keep children safe and healthy and to establish permanency as quickly as possible.

♦ Public Law 109-239, the Safe and Timely Interstate Placement of Foster Children Act of 2006.
Title 17: Child Welfare
Chapter F: Permanent Placement Policy
Life of the Case Phase: Permanent Placement
March 28, 2008

Legal Basis

Title 45 of the Code of Federal Regulations, Parts 1355 and 1356, implement Title IV-E of the Social Security Act. The regulations regarding Medicaid are found in Title 42 of the Code of Federal Regulations, Parts 440 and 441.

The establishment, purpose, and general duties of the Department are governed by Iowa Code Chapter 217. Specific references to adoption are found in the Iowa Code Chapters 600 and 600A.

Department administrative rules governing adoption are found in 441 Iowa Administrative Code, Chapter 200. Rules on adoption subsidy are in Chapter 201. Rules on the Iowa Adoption Exchange are found in Chapter 203.

Adoption Policy Statements

Link to Procedure
Link to Practice Guidance

Transition From Foster Care to Adoption

Policy Statement: The adoption unit shall be notified as soon as the decision is reached to pursue voluntary surrender or termination of parental rights. The foster care worker and the assigned adoption worker shall work collaboratively to ensure that the child is placed in a permanent home, as soon as possible.

Child’s Special Needs

Law: Public Law 96-272
Rule: 441 Iowa Administrative Code 201.3(1)
Policy Statement: The foster care and adoption worker shall work together to determine and document the special needs of children who are available for adoption, so that each child:

♦ Receives the needed supports and services,
♦ Is matched and placed with a family that can best meet those needs, and
♦ Receives needed benefits that are available through the adoption subsidy program.
Finding an Adoptive Home

**Policy Statement:** Unless the process of finding an adoptive home has been initiated through concurrent planning, the adoption worker shall begin the process of locating an adoptive home when the termination of parental rights is filed and adoption is the permanency goal.

**Indian Child Welfare Act**

**Law:** Indian Child Welfare Act of 1978 (Public Law 95-608) Policy Sec. 201

**Policy Statement:** The provisions of the Indian Child Welfare Act must be adhered to when the Department is working with a child of Native American origin who needs a permanent placement.

**Registration of Child on Iowa Adoption Exchange System**

**Law:** Iowa Code section 232.119

**Rule:** 441 Iowa Administrative Code 203.1(232); 203.2(232)

**Policy Statement:** Special needs children under state guardianship shall be registered on the Iowa adoption exchange system within 60 days of the termination of parental rights court order, unless deferred by the adoption program manager.

**Photo Listing of Child**

**Rule:** 441 Iowa Administrative Code 203.2(232)

**Policy Statement:** If an adoptive home is not available within 90 days after termination of parental rights, the child shall be photo listed on the national electronic exchange, AdoptUsKids.

**Adoptive Family Approval Process**

**Rule:** 441 Iowa Administrative Code 200.3(600)

**Policy Statement:** The Department accepts applications from persons wishing to adopt a child with special needs through the Department. Applicants wishing to adopt non-special needs children shall be referred to a private child-placing agency.
Record Checks

Law: Iowa Code section 600.8(3)"b“(1),(2)
Rule: 441 Iowa Administrative Code 200.4(1)
Policy Statement: Persons interested in adopting a child must have record checks and fingerprint checks completed before approval as an adoptive home.

PS-MAPP

Rule: 441 Iowa Administrative Code 200.4(4)
Policy Statement: Prospective adoptive families must complete 30 hours of PS-MAPP training as part of the preparation process for adoption.

Adoptive Home Study/Family Assessment

Rule: 441 Iowa Administrative Code 200.4(1)
Policy Statement: Persons interested in adopting a child must have an adoptive home study completed before the placement of a child into the home. The home study shall include an assessment of the family and a written report recommending approval or non-approval for the family to be considered as an adoptive placement for a child or children.

Adoptive Home Study/Written Report

Rule: 441 Iowa Administrative Code 200.4(1)
Policy Statement: A report of the Family Assessment component of the Adoptive Home Study shall be written and approved before the family receives an adoptive placement.

Registration of Family

Law: 441 Iowa Administrative Code 203.3(232)
Policy Statement: Approved families who wish to adopt a child with special needs or a sibling group shall be registered on the IAES upon completion of the home study. Approved families shall be assisted in registering on the national adoption exchange.
Adoptive Home Study Update/Preplacement Assessment

**Law:** Iowa Code section 600.8  
**Rule:** 441 Iowa Administrative Code 200.4(1)  
**Policy Statement:** A preplacement assessment and home study update is required if the adoptive home study was written more than one year previously and placement of the child is imminent.

Selection of Family

**Rule:** 441 Iowa Administrative Code 200.3(1), 200.4(3)  
**Policy Statement:** Adoptive families shall be selected that best meet the needs of the child or children identified for placement. The needs of the child shall be documented in the Background Report Part 1 and Part 2 and other relevant documents such as medical reports, psychological reports, and school reports.

MEPA/IEP

**Law:** Howard Metzenbaum Multiethnic Placement Act of 1994 (MEPA), as amended by the Interethnic Adoption Provision of 1996 (IEP)  
**Policy Statement:** Denial or delay of placement for adoption because of the child’s or the adoptive parent’s race, color, or national origin is prohibited.

Adoption Support Services

**Rule:** 441 Iowa Administrative Code 200.4(600)  
**Policy Statement:** Adoption services may be provided directly by Department staff or by the Department’s contractors for recruitment and retention of resource families or family safety, risk, and permanency services. The components of adoption services are:

- Adoptive home study
- Adoptive home study update
- Preplacement services
- Postplacement services
- Preplacement or postplacement group services
- Postadoption (finalization) services
Contract Requirements and Management

Rule: 441 Iowa Administrative Code 150.3(234), 157.4(600)
Policy Statement: State contractors that provide adoption services must be licensed as a child placing agency and shall comply with Departmental rules governing adoption services and contracts.

Preplacement Services

Preparation of Child

Rule: 441 Iowa Administrative Code 200.4(2)
Policy Statement: Children shall be provided with services that will help them deal with past issues of abuse and neglect so that they can successfully transition into an adoptive home. These activities shall include, but are not limited to:

♦ Counseling regarding issues of separation and loss, and adjustment to an adoptive family.
♦ Preparation or update of a life book.
♦ Provision of age-appropriate information regarding community resources available, such as children’s support groups to assist the child in the transition and integration into the adoptive family.

HIV Protocol

Law: Iowa Code Chapter 141A
Policy Statement: Department staff that work with children infected with the HIV virus shall follow the Department’s HIV protocols that address:

♦ Universal precautions for infection control
♦ Confidentiality of HIV-related information
♦ Guidelines for HIV testing of children in foster care
♦ Procedures for placement of HIV infected children
**Preparation of Family**

**Law:** [Iowa Code Chapter 600](#)

**Rule:** [441 Iowa Administrative Code 200.4(4)](#)

**Policy Statement:** The family shall be provided information and guidance to increase their knowledge and understanding of the needs of waiting children, and support in assessing their readiness to accept a child and make a permanent commitment to the child. Activities shall include but are not limited to:

- Counseling with the family members
- Providing background information on the child
- Providing information regarding the child’s special needs and anticipated behaviors
- Discussing the impact that adding a new member to the family may have on current family members
- Informing the family of community resources that are available to assist the family such as parent support groups

**Preplacement Activities**

**Rule:** [441 Iowa Administrative Code 200.4(5), 200.4(6)](#)

**Policy Statement:** Before a child is placed with an adoptive family, the worker shall facilitate preplacement visits and other activities necessary to promote the child’s smooth transition into the adoptive home.

**Placement and Postplacement Services**

**Law:** [Iowa Code Chapter 600](#)

**Rule:** [441 Iowa Administrative Code 200.4(7)](#)

**Policy Statement:** To ensure the stability of the placement, supervision, support, and crisis intervention shall be provided to the adoptive family and child. Preplacement and postplacement services may be provided to families to provide information or training to support the stability of the placement. These services shall begin when the child enters the home and continue until adoption finalization.
**Removal of Child**

**Rule:** 441 Iowa Administrative Code 200.12(600)

**Policy Statement:** As the child’s guardian, the Department may remove a child from a preadoptive family when it is determined that this action is in the best interest of the child.

**Adoption Finalization**

**Law:** Iowa Code Chapter 600

**Rule:** 441 Iowa Administrative Code 200.13(600)

**Policy Statement:** Once an adoptive placement is made, the Department shall proceed in a timely manner to complete all activities necessary to finalize the adoption.

**Post-Finalization Services**

**Policy Statement:** The Department’s contractor for the recruitment and retention of resource families shall provide postadoption support services to families that are eligible for Department’s adoption subsidy program. The goal of postadoption services is to prevent adoption dissolutions.

**Death of a Child Before Finalization**

**Law:** Iowa Code section 600.12(a)

**Policy Statement:** Unless objections are brought to the court, the court may waive any procedures or requirements related to the adoption, proceed to the adoption hearing, and issue a final adoption decree in the following situations:

♦ The child to be adopted dies following the termination of parental rights but before the filing of an adoption petition

♦ The child to be adopted dies after the adoption petition has been filed, but before the adoption finalization

**Fees for Court-Ordered Services**

**Rule:** 441 Iowa Administrative Code 200.7(600)

**Policy Statement:** When the court orders the Department to provide adoption services to an individual or family a fee for the cost of service based on a sliding fee schedule shall be used.
Adoption Fee Schedule

Rule: 441 Iowa Administrative Code 200.7(1)

Policy Statement: The fee assessed for providing adoption services shall be based on a reasonable fee for providing the service, median income as determined by the U.S. Department of Health and Human Services, and the family’s gross income and household size. Fee schedules shall be revised whenever the median income is redetermined. The Department shall compile fee schedules for:

♦ Preplacement assessment and adoptive home studies
♦ Postplacement supervision and reports
♦ Reassessment and adoptive home study updates
♦ Any supplemental reports including court-ordered home studies for adoption or custody

Waiver of Fees

Rule: 441 Iowa Administrative Code 200.7(4)

Policy Statement: The fees for adoption services shall be waived when:

♦ A family, including a current or former foster family, wishes to adopt a child with special needs.

♦ A relative within the fourth degree of consanguinity wishes to adopt an easy-to-place child for whom the Department has guardianship.

Closing a Department Case

Law: Iowa Code section 600.16A

Policy Statement: After an adoption is completed, all records pertaining to the termination and to the adoption are not to be open to inspection. The identity of the birth parents of an adopted child shall not be revealed except under specific circumstances.

Requests for Information From Sealed Adoption Records

Rule: 441 Iowa Administrative Code 200.14(600), 200.15(600)

Policy Statement: Iowa state law does not give the Department authorization to release identifying information from sealed adoption records. The identity of the birth parents of an adopted child shall not be revealed.
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Adoption Subsidy Policy Statements

Link to Procedure
Link to Practice Guidance

Application for Subsidy

Rule: 441 Iowa Administrative Code 201.4(600)
Policy Statement: Application for subsidy shall be made at the time of the adoptive placement of the child or at any time in the adoptive process before finalization of the adoption.

Subsidy Referrals From Child-Placing Agency

Law: Iowa Code section 600.20
Rule: 441 Iowa Administrative Code 201.4(1)
Policy Statement: Adoption subsidy is available for a special needs child who was under the guardianship of a private child-placing agency licensed to do business in Iowa immediately before adoption.

Application After Finalization

Rule: 441 Iowa Administrative Code 201.4(4), ACYF PIQ 88-06
Policy Statement: An application for subsidy cannot be taken after a child is adopted, except when one of the following occurs:

♦ Facts determining the child’s eligibility were not presented before the finalizing of the adoption.

♦ The child enters the country, is adopted, meets the special needs criteria, and requests subsidy for nonrecurring expenses.

Eligibility for Adoption Subsidy

Need for Subsidy to Ensure Adoption

Rule: 441 Iowa Administrative Code 201.3(1)
Policy Statement: It must be documented that the child cannot be placed in an appropriate adoptive home without a subsidy and the child is determined to be a child with special needs.
**Determining Eligibility**

*Rule:* [441 Iowa Administrative Code 201.4(600)]

*Policy Statement:* Applications for presubsidy or subsidy must be reviewed, and a decision regarding disposition must be reached, within 30 days of application.

**Child Living with FIP Group**

*Rule:* [441 Iowa Administrative Code 41.5(2), 41.7(6)“x”; 45 CFR 206.10(a)(i)(vii)]

*Policy Statement:* A child shall not concurrently receive subsidized adoption maintenance payments and FIP. A child who receives subsidized adoption maintenance payments shall be excluded from the FIP eligible group, unless the child’s exclusion would reduce benefits to the family. Neither shall the child receive a grant from a public assistance program in another state.

**Denial of Application**

*Rule:* [441 Iowa Administrative Code 201.3(4)]

*Policy Statement:* The Department determines whether a child meets eligibility requirements. If the child does not meet one or more of the criteria under determining eligibility, the child is not eligible.

**Negotiating Subsidy Payments**

*Rule:* [441 Iowa Administrative Code 201.5(2)]

*Policy Statement:* Other services (federal, state, local governmental, and private assistance programs) available to the adoptive family free of charge to meet the need of the child shall be explored and used before subsidy funds are expended.

**Maintenance Subsidy**

*Rule:* [441 Iowa Administrative Code 201.5(7),(9); 201.6(2),(8)]

*Policy Statement:* A maintenance subsidy may be provided to enable the adoption of the child. The maximum monthly maintenance subsidy payment shall be the foster family care rate according to the age and special needs of the child.
Special Services Subsidy

Law:  Iowa Code sections 600.17, 600.18, and 600.19
Rule:  441 Iowa Administrative Code 201.5(9)
Policy Statement:  If justified by a child’s needs and the family’s circumstances, a special services subsidy may be authorized for the costs of:

♦ Expenses related to preplacement visits
♦ Supplies and equipment as required by the child’s special needs
♦ Nonrecurring expenses necessary to finalize the adoption
♦ Outpatient counseling or therapy services
♦ Medical expenses not covered by Medicaid
♦ Child care, in limited circumstances

Approval of Subsidy

Rule:  441 Iowa Administrative Code 201.4(3)
Policy Statement:  A subsidy application can be approved when it has been documented that a child meets the definition of a child with special needs and the terms of the adoption subsidy agreement have been negotiated with the adoptive parents.

Ongoing Case Responsibility

Setting Up a New Presubsidy or Subsidy Case

Rule:  441 Iowa Administrative Code 201.5(1)
Policy Statement:  When a child to be adopted is determined to have special needs a presubsidy or subsidy amount should be negotiated between the Department and the adoptive parents based on the needs of the child and the family’s circumstances.

Subsidy Case Record

Law:  Iowa Code Chapter 600
Rule:  441 Iowa Administrative Code Chapter 9
Policy Statement:  A separate subsidy case record shall be opened and maintained for a child receiving subsidies or a child who is covered by a future needs subsidy agreement.  Subsidized adoption records are confidential and must be stored in a locked cabinet.
**Subsidy Case Review**

**Law:**  [Iowa Code Chapter 600](#)

**Rule:**  [441 Iowa Administrative Code 201.2(600), 201.3(5), 201.5(1),(7)](#)

**Policy Statement:** An adoptive family may request a review of the subsidy agreement whenever there is a change in the child’s or family’s circumstances. To determine a youth’s eligibility for subsidy beyond the age of 18 and through the age of 21 (due to the youth’s physical or mental disability), a subsidy review shall be conducted when the youth reaches the age of 17 1/2.

**Transfer of Cases**

**Policy Statement:** Responsibility for a subsidy case may change when a family lives or moves out of a Department service area, but it is not automatic. The transfer shall be determined by factors such as the family’s location, the timing of a move in relation to the adoption process and case responsibility for the child.

**Termination of Subsidy**

**Rule:**  [441 Iowa Administrative Code 201.7(600)](#)

**Policy Statement:** The subsidy agreement shall terminate when any of the following occur:

♦ The adoptive child no longer meets the definition of child.

♦ The adoptive child marries.

♦ The adoptive parents are no longer using the maintenance payments to support the child.

♦ The child, or the parents of the child (one parent in a single-parent family and both in a two-parent family) dies.

♦ The terms of the agreement reach conclusion.

♦ The adoptive family requests termination of the subsidy

♦ The adoptive parents are no longer legally responsible for the child (i.e., the family is no longer the child’s legal guardian).
**Reinstatement of Subsidy**

**Rule:** 441 Iowa Administrative Code 201.8(600)

**Policy Statement:** The subsidy shall be reinstated when the reason for termination no longer exists and the subsidy was terminated because:

♦ The adoptive parents are no longer using the maintenance payments to support the child.

♦ The adoptive family requests termination of the subsidy.

♦ The adoptive parents are no longer legally responsible for the child (i.e., the family is no longer the child’s legal guardian).
## Summary of Adoption Subsidy References

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GENERAL LETTER NO. 17-F-1

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

SUBJECT: Employees’ Manual, Title 17, Chapter D, PERMANENT PLACEMENT POLICY, Title page, new; Contents (pages 1 and 2), new; and pages 1 through 18, new.

Summary

Employees’ Manual Chapter 13-C, ADOPTION SERVICES, and Chapter 13-C(1), ADOPTION SUBSIDY, have been redesigned into policy, procedure, and practice guidance subchapters reflecting the phase in the life of a child welfare case pertinent to permanent placement. The new permanent placement chapters are:

♦ 17-F, PERMANENT PLACEMENT POLICY, which contains succinct, “high level” statements that summarize the essence of the associated laws, rules, and Department-required practice. The administrative rule and state law references are linked to the actual state rule or law chapter.

♦ 17-F(1), PERMANENT PLACEMENT PROCEDURES, which tells what the Department service worker should do in the logical order of when and how to do the work.

♦ 17-F(2), PERMANENT PLACEMENT PRACTICE GUIDANCE, which provides background information to support the procedures or policy and the clinical or programmatic rationale for the actions that are required.

♦ 17-F(3), ADDITIONAL PERMANENT PLACEMENT INFORMATION, which contains information that is lengthy or used only in specific situations. These topics may be accessed through hypertext links in the policy, procedure, or guidance chapters.

Hypertext links in all of the chapters connect to the other permanent placement chapters, additional information on a topic, or a specific form or tool. These instructions are in addition to the general instructions given in the case planning and case management chapters.
Policy Changes

Policy changes reflected in the chapter include:

♦ Iowa KidsNet is now providing adoption services that were previously provided by Department staff. Iowa KidsNet is the agency that holds the statewide contract for recruitment and retention of foster and adoptive families. Iowa KidsNet is responsible for orientation, record checks, training, home studies, and support of adoptive families.

♦ Adoption services are no longer purchased through Purchase of Social Services Agency Contracts. These services have been incorporated into the statewide competitive bidding processes for recruitment and retention of foster and adoptive families and for family safety, risk, and permanency services.

Effective Date

Upon receipt.

Material Superseded

None.

Additional Information

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