

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 441—Chapter 200
“Adoption Services”

Iowa Code section(s) or chapter(s) authorizing rulemaking: Iowa Code section 232.119

State or federal law(s) implemented by the rulemaking:

- Iowa Code chapter 600.
- Title IV-E of the Social Security Act (42 U.S.C. Sections 670 through 679b) provides for federal funding for foster care and adoption assistance.
- The Howard Metzenbaum Multiethnic Placement Act of 1994 (MEPA), 42 U.S.C.A. 51151, as amended by the Interethnic Adoption Provision of 1996 (IEP).
- 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 96-272, Adoption Assistance and Child Welfare Act of 1980.
- Public Law 100-294, Child Abuse Prevention, Adoption, and Family Services Act of 1988.
- Public Law 105-89, Adoption and Safe Families Act of 1997 (ASFA), PL 108-145, the Adoption Promotion Act of 2003.
- Public Law 109-239, Safe and Timely Interstate Placement of Foster Children Act of 2006.
- Public Law 109-248, Adam Walsh Child Protection and Safety Act of 2006.
- Public Law 109-288, Child and Family Services Improvement Act of 2006.
- Public Law 110-351, Fostering Connections to Success and Increasing Adoptions Act of 2008.
- Public Law 111-320, CAPTA Reauthorization Act of 2010.
- Public Law 112-34, Child and Family Services Improvement and Innovation Act of 2011.
- Public Law 113-183, Preventing Sex Trafficking and Strengthening Families Act of 2014.
- Public Law 114-95, Every Student Succeeds Act of 2015.
- Public Law 114-22 - Justice for Victims of Trafficking Act of 2015.
- Public Law 115-123 - Bipartisan Budget Act of 2018 (also Family First Prevention Services Act).

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 28, 2023
10 a.m.

meet.google.com/nkg-jzin-yvp

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Department of Health and Human Services (HHS) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Joe Campos
Phone: 515.304.0963
Email: joe.campos@idph.iowa.gov

Purpose and Summary

Proposed Chapter 200 structures adoption services to be provided by HHS to place eligible children in adoptive arrangements that are safe, high quality, and in the best interest of the child. HHS accepts

applications for adoption of children with special needs; application for adoption of a child without special needs is referred to a private child-placing agency, though exception may be made for relatives of children under the guardianship of HHS.

Applicants applying to HHS to adopt must participate in a preplacement assessment and home visit. A child will not be placed in an adoptive home until parental rights of the child’s birth parents have been terminated. Preference is given to placing children from the same birth family together. A relative or other adult with a significant relationship with the child is given priority consideration. Foster parents will be given consideration for a child in their care.

HHS conducts activities designed to prepare the family and the child to make the transition to adoptive placement, including conducting transitional visits between the adoptive family and the child before placement in the home. Additionally, HHS makes monthly supervision visits from the time the child is placed with the family until finalization of the adoption occurs. HHS will not release identifying information from sealed adoption records unless approved to do so by the Director for purposes of treatment or research.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

None were identified.

- Classes of persons that will benefit from the proposed rulemaking:

Families seeking adoption and the children who will be adopted will benefit.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

Figures below are actuals incurred in the fiscal years shown.

Identified Impacts*

	SFY 2023	SFY 2024	SFY 2025	SFY 2026	SFY 2027	Five-Year Total
Costs						
HHS Implementation	-\$123,000	-\$131,000	-\$136,000	-\$138,000	-\$142,000	-\$670,000
Benefits						
Improved Outcomes for Adopted Children	Qualitative	Qualitative	Qualitative	Qualitative	Qualitative	Qualitative
Net Value	-\$123,000	-\$131,000	-\$136,000	-\$138,000	-\$142,000	-\$670,000

*All monetary figures have been rounded to the nearest thousand.

Improved outcomes are realized when children experience timely, stable, and permanent adoptive placements. Per federal regulation, this is measured through timely adoption within 24 months of removal. In 2022, 58 percent of children served by HHS seeking adoptive placement met this metric. This is up from 50 percent in 2018.

- Qualitative description of impact:

Permanency in the form of adoption is important for children to develop healthy secure relationships and serves to reduce the potential stressors that arise from being displaced multiple times. Youth who experience minimized placement changes are more likely to experience fewer school changes, less trauma and distress, decreased mental health complications, less behavioral problems, increased probabilities for academic achievement, and a lasting positive relationship with an adult.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

HHS incurs personnel costs for team members to support the adoption program. These costs are reflected in the figure above, labeled as “HHS Implementation.” Other service delivery costs incurred by the adoption program are reflected in the cost-benefit analysis for 441—Chapters 203 and 204 and are not reflected here.

- Anticipated effect on state revenues:
Not applicable.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The cost-benefit analysis above shows a net value of -\$670,000 over the five years studied and improved outcomes for children in adoptive care. Eliminating adoption services provided by HHS is likely to reduce the number of adoptive arrangements available to qualified children seeking adoption. Without the assessment and home visit services detailed in this chapter, adoptive relationships may be more likely to fail. A lack of available, quality, and adoptive relationships increases the likelihood of adverse impact to the child.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

No less costly or intrusive methods exist.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:
Not applicable.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

HHS implements adoption services in accordance with requirements of the Iowa Code and federal regulations; overall, HHS implements the program as directed and has little flexibility in determining program elements. Activity under this chapter seeks to place eligible children under the guardianship of HHS in adoptive arrangements that are safe, high quality, and in the best interest of the child. The pre- and postadoption services offered to the child and adoptive family under this chapter reinforce and ensure stable and safe placements. A less intrusive method has not been identified to achieve the purpose of this chapter.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking’s compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 200 and adopt the following new chapter in lieu thereof:

TITLE XVI
ALTERNATIVE LIVING

CHAPTER 200
ADOPTION SERVICES

441—200.1(600) Definitions.

“Adoption” means a legal and social process through which a child becomes a member of a family into which the child was not born. Adoption provides the child the same rights, privileges and duties as a birth child.

“Adoption selection” means the process of making adoption placement decisions. The adoption selection committee team, tasked with making the final adoption placement decision, is made up of department of health and human service professionals. These professionals are brought together to review the child(ren)’s needs and the family’s abilities to meet those needs, to make the best adoption match available and to ensure compliance with applicable adoption laws.

“Adoption selection committee team” means department staff members designated to assist in the adoption selection process. The adoption selection committee team consists of the adoption supervisor and a minimum of two adoption workers. The social work administrator (SWA) may elect to be part of the team if there is more than one family seeking to adopt the child and the SWA may select additional department staff to serve as members of the team on a case-by-case basis.

“Adoption service” means a service directed towards children who are legally available for adoption, the birth family, prospective adoptive family, and adoptive family.

“Adoptive family” means an approved person or persons who have a child placed in their home and are being supervised prior to finalizing the adoption; or who have a child in their home who is legally adopted and entitled to the same benefits as a child born into the family.

“Adoptive home study” includes an assessment of the family’s parental attributes and a written report stating approval or nonapproval of the family for adoptive placement of a child or children.

“Child study” includes a written description of the child including strengths and needs; medical, mental, social, educational, placement and court history; a description of the child’s relationships with the birth family, foster family, and significant others; a summary of the child’s understanding and feeling about adoption and recommendations as to the type of family that can best meet the child’s needs.

“Child with special needs” means a child who meets one or more of the criteria set forth at 441—subrule 201.3(1).

“Court-ordered studies” means home studies ordered by a judge for the purpose of determining custody of a child or placement of a child for the purpose of adoption.

“Department” means the Iowa department of health and human services and includes the local offices of the department.

“Family-centered services” means services and other support intended to safely maintain a child with the child’s family or with an adult relative, to safely and in a timely manner return a child to the home of the child’s parent or relative, or to promote achievement of concurrent planning goals by identifying and helping the child secure placement for adoption, with a guardian, or with other alternative permanent family connections. Family-centered services include services adapted to the individual needs of a family regarding the specific services and other support provided to the child’s family and the intensity and duration of service delivery and services intended to preserve a child’s connections to the child’s neighborhood, community, and family and to improve the overall capacity of the child’s family to provide for the needs of the children in the family.

“*Foster family adoption*” means the adoption of a child by a licensed foster family who has cared for the child.

“*Guardianship record*” means a case record regarding a child, established and retained by the department, when the department is named guardian of the child by court order. The purpose of the guardianship record is to collect and maintain information about the child and the birth family, legal documents, and other information that will assist in fulfilling the responsibility of guardian.

“*Life book*” means a compilation of information about the child, including birth information, photographs of the child; placement history, including dates of placement, names of caretakers, reasons for leaving the placement; relationships; school reports; social, medical, mental health developmental history; awards received, important events, letters from significant persons, and other information that the child wishes to include. The life book will assist the child in dealing with separation and loss issues and provide background and genealogy data.

“*Placement services*” includes the activities and travel necessary to plan and carry out the placement of a child or children into the adoptive family.

“*Postadoption services*” includes those services that an adoptive family may access after the adoption is finalized to assist the family in coping with and resolving problems within the family.

“*Postplacement services*” includes the supervision, support and intervention necessary prior to finalization to assist in maintaining the adoptive placement.

“*Preadoptive family*” means an approved adoptive family with a child placed in the home for adoption whose adoption has not been finalized.

“*Preparation of child*” includes activities necessary to ready the child for placement into an adoptive family.

“*Preparation of family*” includes the activities necessary to assist the family in adding an adoptive child as a new member of their family.

“*Preplacement visits*” means contacts, activities, and visits between the child and adoptive family prior to the adoptive placement.

“*Procedendo*” means an order issued by the Iowa Supreme Court returning jurisdiction to the district court after a final appellate decision regarding an appeal.

“*Recruitment and retention contractor*” or “*contractor*” means the entity that contracts with the department statewide to recruit foster and adoptive parents, complete home studies, and perform activities to support and encourage retention of foster and adoptive parents, or any of its subcontractors.

“*Relative*” means an individual related to a child within the fourth degree of consanguinity or affinity, by marriage, or through adoption.

“*Selection of family*” means reviewing approved home studies to match a family’s strengths with a specific child’s needs.

441—200.2(600) Application. Persons wishing to apply to adopt a child through the department shall complete an Application for Adoption form. An application for adoption shall only be accepted for children who are under the guardianship of the department.

200.2(1) Limitations. The department and its contractor shall accept only applications for adoption of a special needs child. The department shall refer adoption applications for children without special needs to private child-placing agencies. Exceptions to this rule may be made for:

- a. Relatives of a child under the guardianship of the department; or
- b. Foster parents with whom the child has a significant relationship.

200.2(2) Procedures. Before a home study is completed, applicants shall:

- a. Complete the Application for Adoption form, and
- b. Ensure that the Physician’s Report for Foster and Adoptive Parents form is completed by the applicant’s family physician.

441—200.3(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.

200.3(1) Adoptive home study. For applicants who apply to the department to adopt, the 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) Motivation for adoption and whether the family has biological children, adopted children or children in foster care currently placed in the home.

(2) Family's and extended family's attitude toward accepting an adopted child and plans for discussing adoption with the child.

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

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

(5) Ability to cope with problems, stress, frustrations, crises, separation, and loss.

(6) Medical, mental, and emotional conditions that may affect the applicant's ability to parent a child; treatment history; status of treatment; and the evaluation of the treatment. Applicants and all household members must disclose any past or current mental health or substance abuse issues, or both. The department may require further documentation, evaluation, or both, to determine the suitability of the home.

(7) Willingness to accept a child who has medical problems (such as a child who is at risk for a communicable disease), intellectual disabilities, or emotional or behavioral problems. Ability to provide for the child's physical, medical, and emotional needs and commit to support a child's overall well-being.

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

(9) Capacity to give and receive affection.

(10) Statements from three references provided by the family and additional references the contractor may wish to contact.

(11) 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.

(13) Disciplinary practices that will be used.

(14) 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) Assessment of, commitment to, and capacity to maintain other significant relationships.

(16) Recommendations for the number, age, sex, characteristics, and special needs of a child or children the family can best parent.

(17) 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 any of those persons have founded child abuse reports, dependent adult abuse reports or criminal convictions or have been placed on the sex offender registry.

(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 HHS 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 HHS Criminal History Record Check Form B; and

3. On the Iowa sex offender registry.

(3) Out-of-state child abuse checks, dependent adult 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, dependent adult 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.

d. Written report. The contractor shall prepare a written report of the family assessment, known as the adoptive home study, which shall be used to make recommendations on appropriate placement.

(1) The department shall notify the family of the decision using the Adoption Notice of Decision form.

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

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

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 two years previously, in accordance with Iowa Code section 600.8. The preplacement assessment and home study update shall be conducted by completion of the following:

(1) The child abuse, dependent adult 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 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 supervisor for the 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.

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 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.

200.3(2) Preparation of child. The department shall conduct specific activities designed to enable a child to make the transition to an adoptive placement or refer the child to the family-centered services contractor or other professionals. The activities shall include, but not be limited to:

a. Counseling regarding issues of separation, loss, grief, guilt, anger and adjustment to an adoptive family.

b. Assisting in the preparation or update of a life book.

c. 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.

d. Any appropriate evaluations or testing.

200.3(3) Adoption selection process. When the department is appointed guardian of a child(ren) following the termination of parental rights, the department has both the duty and the authority to select an adoptive placement for that child(ren). To fulfill this duty, the department must hold a conference during which the department selects an adoptive family for an identified child(ren). At the conference, known as an adoption selection staffing, each interested family with an approved adoption or interstate compact home study will be considered. The adoption selection committee will determine which family will be able to best meet the needs of the child(ren) going forward. The adoption selection process will value the best interest of the child(ren) above all else.

a. The selection committee will consider placement priority as outlined in Iowa Code section 232.117 and will consider the following:

(1) The adoptive family selected for a child or sibling group must be based on a thorough assessment of each child's current and potential developmental, medical, emotional, and educational needs.

(2) The child(ren)'s need for family connections will be prioritized. Separation of siblings should be avoided. When separation is necessary to protect the safety and well-being of one or more children in the sibling group, all reasonable efforts must be made to select a placement likely to maintain contact between siblings if such contact is in the best interests of each sibling.

(3) The adoptive family selected will be able to nurture and accept the child(ren) as a fully integrated member(s) of the family.

(4) Race, color, or national origin may not be considered in placement selections except when an Indian child is being placed pursuant to Iowa Code section 232.7 or chapter 232B.

(5) Placement decisions shall be made consistent with the best interests and special needs of the child, including the adoptive family's capacity and commitment to holistically supporting the child's development and well-being.

(6) A relative who is within the fourth degree of consanguinity shall be given consideration for selection as the adoptive family for a child who is legally available for adoption if the child has a significant relationship with the relative or the child is aged 14 or older and elects adoption by the relative.

(7) Foster parents shall be given consideration for selection as the adoptive family for a child in the foster parents' care who is legally available for adoption if the child has been in the foster parents' care for six months or longer or the child has a significant relationship with the family.

b. The adoption selection committee team should strive to complete the adoption selection process in 60 days or less absent special circumstances.

c. Upon reaching a decision, the adoption selection committee team staff will notify families of the decision made by the adoption selection committee team and will send placement notification to the family not selected within two business days of the date all parties were initially notified, using the Adoption Notice of Decision form.

d. The selection of an adoptive family is not an appealable issue since a child continues to be under the guardianship of the department until an adoption is finalized.

200.3(4) Preparation of family. The contractor and the department shall conduct activities designed to enhance the family's readiness to accept the child or children into the family and strengthen the family's commitment to adopt. A referral may be made for family-centered services if needed. The activities shall include, but not be limited to:

a. Completion of required preservice training and the self-study course, "Universal Precautions in Foster and Adoptive Family Homes," before placement of a child. These training requirements apply to families who are adopting special needs children who are under the guardianship of the department.

(1) Relatives who have cared for a related child for at least six months and who have been selected to adopt that related child may have their participation in the preservice training waived by the service area manager or designee.

(2) The department may waive the preservice training requirement in whole or in part when the department finds that:

1. The applicant has completed relevant training or has a combination of relevant training and experience that is an acceptable equivalent to all or a portion of the required preservice training; or

2. There is good cause for the waiver based upon the circumstances of the child and the applicant.

(3) Applicants must retake the preservice training if the adoption approval process is not completed within 24 months after the preservice training is initially completed.

b. Discussion with family members regarding problems resulting from a child's separation, loss, grief, and anger due to the loss of the birth parents.

c. Provision of background information on the child and birth family, including a child study that includes experiences such as foster and adoption placements and other pertinent information and the child's life book.

d. Provision of information regarding the child's special needs and behavior patterns.

e. Provision of a description of the child's medical needs, including whether or not the child has a communicable disease.

f. Discussion of the impact that adding a new member or members to the family may have on all current family members.

g. Explanation of the state's subsidized adoption program.

h. Provision of information regarding the community resources that are available to assist the family, such as parent support groups, community supports including Medicaid funded supports and post adoption supports.

200.3(5) Preplacement visits. The department shall plan, conduct and assess the transitional visits between the adoptive family and the child or children before the adoptive placement of the child in the home.

200.3(6) Placement services. Placement services include the activities necessary to plan and carry out the placement of a child or children into the adoptive family.

Before placement of a child, the Agreement of Placement for Adoption form shall be signed by all parties.

200.3(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 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-centered services.

a. Postplacement supervision shall focus on the following areas:

(1) Integration and interaction of the child or children 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 or children.

(4) 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) 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 child and family in the future.

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

c. The department 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.

200.3(8) Postadoption services. The department's contractor shall provide postadoption services to families that are eligible for the department's adoption subsidy program in accordance with the contract. The goal of these services is to prevent adoption dissolution. The family may obtain additional support through community resources or support groups.

441—200.4(600) Termination of parental rights. The department shall not place a child in an approved adoptive home until parental rights of the child's birth parents have been terminated and guardianship assigned to the department. This would not apply to families and children participating in tribal customary adoption. If one or both birth parents are deceased, the worker shall provide the court with verification of the birth parents' death and the death shall be stated in the guardianship order. When the termination of parental rights is appealed by a birth parent, an adoptive placement may be made if the adoptive parents sign an adoptive placement agreement that includes an acknowledgment of the conditions of the placement should termination be overturned. However, the adoption may not be finalized until the appeal is withdrawn or a final decision regarding the appeal is reached and a procedendo issued.

441—200.5(600) Interstate placements. Interstate placement of a child into Iowa, or out of Iowa, shall follow interstate placement of child procedures in accordance with Iowa Code sections 232.158 through 232.166.

441—200.6(600) Requests for home studies.

200.6(1) Court-ordered. Court-ordered home studies for adoption of a child or children under the authority of the department shall be completed by the department's contractor.

200.6(2) Interstate compact. Requests for an adoptive home study through the interstate compact process shall be completed by the department's contractor.

441—200.7(600) Reasons for denial.

200.7(1) An individual or family shall be denied approval of an adoptive home study for any of the following reasons unless an evaluation determines that denial is improper:

- a.* Founded child abuse report or dependent adult abuse report.
- b.* Criminal conviction.
- c.* Documented concerns. Concerns may be documented in one or more of the following areas:
 - (1) Motivation to adopt.
 - (2) Child-rearing ability and practices.
 - (3) Emotional stability.
 - (4) Physical or mental health.
 - (5) Interpersonal relationships.
 - (6) Finances.
 - (7) Marital relationship.

(8) Other areas that may impact the applicant's ability to meet the needs of a child both at present and in the future.

d. Substance abuse. Verified substance use or abuse that prevents the family from adequately caring for the child shall mean denial of approval.

e. Lack of cooperation. If the individual or family fails to cooperate in providing the information needed to complete the preplacement assessment or home study, the application shall be denied.

200.7(2) Prospective adoptive families may appeal denial of approval of their home study.

441—200.8(600) Removal of child from preadoptive family. When the department determines that it is in the child's best interest to be removed from a preadoptive family, a Letter of Removal form shall be mailed to the family prior to removal. Removal of a child from a preadoptive family is not an appealable action.

441—200.9(600) Consents. A request for consent to the adoption shall be submitted to the guardian for a child who is under the guardianship of the department and for whom finalizing an adoption is recommended. If the adoption is in the best interest of the child, the department shall sign a Consent to Adoption form, prior to a court hearing finalizing the adoption.

A consent to adopt may be rescinded by the department, by signing a Rescinding the Consent to Adoption form for any of the following reasons:

1. At the request of the adoptive family.
2. A founded child abuse report, dependent adult abuse report, accusation of child abuse, or dependent adult abuse pending determination of the report.
3. Conviction of a crime, or accusation of a crime, pending a court decision regarding the crime.
4. At the request of a child who is aged 14 or over and has reversed the decision regarding the adoption.
5. Other verified indications that the adoption is not in the best interest of the child.

441—200.10(600) Requests for access to information for research or treatment.

200.10(1) Requests. Any person seeking access to the department's sealed adoption records for the purpose or purposes set forth in Iowa Code section 600.16(1) "c" or Iowa Code section 600.24(2) shall submit a request in writing to the department. Each request shall contain sufficient facts to establish that the information sought is necessary for conducting a legitimate medical research project, or for treating a patient in a medical facility.

200.10(2) Process. Upon receipt of a request for information sought in conducting a research project, the director or a designee shall review the request for information and make a decision to approve, or deny, the request based on the research to be conducted, the benefits of the research, the methodology, and the confidentiality measures to be followed. Upon a request for information for treating a patient in a medical facility, a decision regarding approval or denial shall be made by the director or designee based on the written information provided by a physician or the medical facility making the request. A requester shall be notified in writing of approval or denial and, if denied, reasons for denial given.

441—200.11(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 on the department's website.

200.11(1) The department shall not release identifying information from sealed adoption records. Adult adoptees, adoptive parents, birth parents, siblings or descendants of an adopted person, or legal representatives of any of the above shall be provided:

- a.* An adoption packet containing a sample affidavit for filing with the court,
- b.* Directions for filing the affidavit,
- c.* A list of county clerks of court,
- d.* The address of the bureau of vital statistics, and

e. Instructions on how to obtain the name of the Iowa county where the adoption was finalized, if necessary.

200.11(2) An adopted person who was a resident of the Annie Wittenmeyer Home (Iowa Soldier's and Sailor's Home) may receive nonidentifying information from Annie Wittenmeyer records if the information is available.

These rules are intended to implement Iowa Code chapter 600.