

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 441—Chapter 203
“Iowa Adoption Exchange”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 232.119
State or federal law(s) implemented by the rulemaking: Iowa Code section 232.119

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-yyp

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 203 seeks to increase access to adoptive arrangements by creating the Iowa Adoption Exchange, a streamlined system of matching children available for adoption with potential adoptive homes. Matches are managed through a computerized statewide exchange system.

Children under the guardianship of HHS for whom an adoptive home is not available are entered on the exchange within 60 or 90 days of receipt of termination of parental rights. Children under the guardianship of a licensed child-placing agency whose parental rights have been terminated may be registered on the exchange at any time. Approved families wishing to adopt are entered on the exchange by HHS or a licensed child-placing agency.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
Not applicable.
 - Classes of persons that will benefit from the proposed rulemaking:
Iowa families and children seeking adoption 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 2018	SFY 2019	SFY 2020	SFY 2021	SFY 2022	Five-Year Total
Costs	None	None	None	None	None	None
Benefits						
Improved Outcomes for Adopted Children	Qualitative	Qualitative	Qualitative	Qualitative	Qualitative	Qualitative
Net Value	\$0	\$0	\$0	\$0	\$0	\$0

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

- Qualitative description of impact:

The Iowa Adoption Exchange seeks to find loving adoptive families for often the longest-waiting children in the foster care system. Over the last five state fiscal years, 5,400 adoptions have occurred out of Iowa's child welfare/foster care system, averaging over 1,000 each year. The exchange helps to support adoption finalization in Iowa.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:
Not applicable.
- 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 improved outcomes for children in adoptive care. Eliminating the exchange would likely reduce the number of adoptive arrangements available to qualified children seeking adoption. A lack of available 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:

There are no other alternative methods that can accomplish the intended benefit.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:
HHS implements the Iowa Adoption Exchange in accordance with requirements of the Iowa Code.
- Reasons why alternative methods were rejected in favor of the proposed rulemaking:
Not applicable.

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 203 and adopt the following **new** chapter in lieu thereof:

CHAPTER 203
IOWA ADOPTION EXCHANGE

441—203.1(232) Definitions.

“Children who are difficult to place” means “child” as described in 441—subrule 201.3(1), children under state guardianship for whom an adoptive home is not available within 90 days after termination and children as part of a sibling group of more than three children.

“Iowa adoption exchange system” or *“exchange system”* is a computerized system established to facilitate the adoptive placement of children by matching children legally available for adoption and approved families desiring to adopt a child who is difficult to place.

“Recruitment, retention, support and training (RRTS) contract” means the state’s contractor(s) responsible for activities related to licensing foster families and approving adoptive families, providing support services to foster and preadoptive families, conducting preservice and in-service training, and assisting in matching children in need of foster home care.

441—203.2(232) Children to be registered on the exchange system.

203.2(1) All children who are difficult to place shall be registered on the exchange system within 60 days of receipt of the termination of parental rights court order unless a deferral is granted by the adoption program manager.

203.2(2) Licensed child-placing agencies shall register a child whose parental rights have been terminated and who is under their guardianship using one of the following methods:

- If the agency is registering less than four children in a calendar year, the agency shall submit the Waiting Child Enrollment form to the department.
- If the agency registers more than three children in a calendar year, the agency shall access the exchange system and enter the child’s name and data.

441—203.3(232) Families to be registered on the exchange system.

203.3(1) Approved families wishing to adopt a child who is difficult to place shall be registered on the exchange system by the department.

203.3(2) Licensed child-placing agencies and certified adoption investigators shall register an approved family on the exchange using one of the following methods:

- If the licensed child-placing agency is registering less than four families a calendar year, the agency shall submit the Exchange Referral of Family form to the department.
- If the licensed child-placing agency registers more than three children in a calendar year, the agency shall access the exchange system and enter the family’s name and data.
- Certified adoption investigators shall submit the Exchange Referral of Family form to the department.

441—203.4(232) Matching process. Using the computerized exchange system, the department and licensed child-placing agencies shall search for approved families to meet the needs of the available

children. The child's and family's workers shall be contacted for additional information needed to make an informed decision concerning possible adoptive placements.

These rules are intended to implement Iowa Code section 232.119.