

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to the Iowa Adoption Exchange

The Department of Health and Human Services (Department) hereby rescinds Chapter 203, Iowa Adoption Exchange, Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 232.119.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 232.119.

Purpose and Summary

This rule chapter 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 the Department 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 the Department or a licensed child-placing agency.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 24, 2024, as **ARC 7368C**.

Two virtual public hearings were held on February 14, 2024, at 11:30 a.m., and February 26, 2024, at 12 p.m. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Health and Human Services Council on May 9, 2024.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department of Health and Human Services for a waiver of the discretionary provisions, if any, pursuant to 441—6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on July 17, 2024.

The following rulemaking action is adopted:

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, training and support (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:

a. 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.

b. 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:

a. 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.

b. 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.

c. 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.