

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rulemaking related to interstate compact on the placement of children
and providing an opportunity for public comment**

The Department of Health and Human Services hereby proposes to rescind Chapter 142, “Interstate Compact on the Placement of Children,” Iowa Administrative Code, and to adopt a new Chapter 142 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 232.158.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 232.158 and Public Law 115-123.

Purpose and Summary

The purpose of this proposed chapter is to provide consistent practice and structure for implementation of Iowa’s participation in the Interstate Compact on the Placement of Children (ICPC). The ICPC is a statutory agreement among all states that provides safety and protection to children in out-of-state placements. Each state adopts and enacts the rules and regulations for the ICPC, which governs policies and procedures states must follow when placing children out of state. The agreement also includes directives on a state’s financial responsibility for the welfare of each child’s placement.

This proposed chapter was reviewed pursuant to Executive Order 10. As a result of this review, the Department made few changes because many of the provisions are required as a condition of participating in the ICPC. The Department was able to reduce the number of restrictive terms in the proposed chapter, however.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on April 1, 2026. A public hearing was held on the following date(s):

- April 21, 2026

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 for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on June 2, 2026. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliance.rules@hhs.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

June 2, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 292 485 993 110 827 Passcode: SZ3ZF7WH
June 2, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 210 627 075 668 02 Passcode: pS9uT6Pb

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

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).

The following rulemaking action is proposed:

ITEM 1. Rescind 441—Chapter 142 and adopt the following **new** chapter in lieu thereof:

CHAPTER 142 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

441—142.1(232) Compact agreement. As a member of the interstate compact on the placement of children, the department will cooperate on interstate aspects of placements preliminary to possible adoptions, placements in foster care where no adoption is contemplated, placements with any parent or relative, and institutional placements of adjudicated children in need of assistance needing special services or programs not available within the state. Any public or private agency instrumental in placement of a child in Iowa or from Iowa and in such public or private agency's custody will go through the interstate compact on placement of children.

441—142.2(232) Compact administrator.

142.2(1) The compact administrator may appoint up to three deputy compact administrators to serve as active members of the association of administrators of the interstate compact on the placement of children and who shall be responsible for day-to-day operation of the interstate compact.

142.2(2) The compact administrator shall be responsible for the administration of the compact between the compact administrator's state and other contracting states.

441—142.3(232) Article III(a) procedures.

142.3(1) All intended placements in Iowa or from Iowa coming under the purview of this compact shall be referred to the department.

142.3(2) All persons involved in the placement of a child into Iowa or from Iowa into another state shall meet all the placement requirements of the receiving state prior to the actual placement.

142.3(3) Supervision of placements made by persons or agencies outside of Iowa shall be provided by a licensed Iowa agency, the department, or an Iowa-certified adoption investigator. Exempted from this provision are:

a. Any agency licensed as a child-placing agency in another state that has its principal place of business in a county directly adjacent to an Iowa border may practice in the Iowa counties contiguous to the out-of-state county.

b. Placement in a facility for treatment that is licensed by the department unless the department specifies that the supervision must be provided by the department for all placements in any particular facility.

441—142.4(232) Article III(c). A child may be placed in Iowa preliminary to adoption only when there has been a preplacement investigation by an authorized person or agency in Iowa, such investigation has been made available to the department, the investigation has been made within the past year, and the sending state intending to place the child has been notified that the home has been approved for an adoptive placement in Iowa.

441—142.5(232) Article V(c). For the purposes of article V(c), “sending state” means “sending agency.”

441—142.6(232) Article VIII(a). For the purpose of article VIII(a), “relative” means stepparent, grandparent, adult brother or sister, or adult uncle or aunt, and “guardian” means any guardian other than that appointed as preliminary to adoption.

441—142.7(232) Applicability. The requirements of this compact shall be in effect for all placements into Iowa from any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and, with the consent of Congress, the government of Canada and any province thereof, or from Iowa to any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and, with the consent of Congress, the government of Canada and any province thereof.

441—142.8(232) NEICE database.

142.8(1) Definitions. For the purpose of this chapter, unless the context otherwise requires:

“*National Electronic Interstate Compact Enterprise system*” or “*NEICE system*” means the national electronic web-based system for administration of the interstate compact on the placement of children made available to states by the American Public Human Services Association through its affiliate, the Association of Administrators of the Interstate Compact on the Placement of Children.

“*Security requirements*” means all policies or system security guidance established by the department and the department of management related to the use of external computer systems for the storage of personally identifiable data elements of applicants for and recipients of department services. Security requirements as defined herein include but are not necessarily limited to completion by the vendor of the then-current cybersecurity framework made available by the National Institute of Standards and Technology, department confirmation that the system has passed the cybersecurity framework analysis, completion by the vendor of an information security risk assessment acceptable to the department, performance by the vendor of a system penetration test acceptable to the department, and an application scan for vulnerabilities, as well as remediation of any vulnerabilities identified.

142.8(2) Department obligation to provide data to the NEICE system.

a. At all times that the NEICE system meets security requirements, the department will place in the system all data elements and information that the system is configured to accept concerning children subject to the interstate compact.

b. Prior to placing personally identifiable data elements in the NEICE system, the department will confirm that the NEICE system complies with all security requirements. If at any time after placement of personally identifiable data in the NEICE system the department determines that the NEICE system fails to meet all security requirements or that personally identifiable data placed in the system by the department has been used or disclosed inappropriately, the department may cease using the NEICE system and may demand that all data provided by the department be removed from the system.

These rules are intended to implement Iowa Code section 232.158.