

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to the foster home insurance fund and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 158, “Foster Home Insurance Fund,” Iowa Administrative Code, and to adopt a new Chapter 158 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 237.13.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 237.13.

Purpose and Summary

This proposed chapter specifically relates to the Foster Home Insurance Fund established by Iowa Code section 237.13. The fund is established to provide reimbursement for any property damages caused by the acts of a foster child residing in a foster home. As a part of the Red Tape Review process laid out by Executive Order 10, the Department removed restrictive terms, streamlined duplicative information, and revised language to conform to modern procedures and practices.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 8, 2026. A public hearing was held on the following date(s):

- July 28, 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 2504.

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 September 8, 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@hhs.iowa.gov

Public Hearing

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

September 8, 2026
10 to 10:30 a.m.

Microsoft Teams
Meeting ID: 245 818 881 867 66
Passcode: ya9va9uv

September 8, 2026
10 to 10:30 a.m.

Microsoft Teams
Meeting ID: 220 165 244 079 215
Passcode: kH7Py6Xi

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

CHAPTER 158 FOSTER HOME INSURANCE FUND

441—158.1(237) Definitions.

“Foster family home” means the same as defined in Iowa Code section 237.1.

“Personal property” means any movable thing of value that is owned, rented, or leased by a person and not recognized as real property.

“Real property” means anything owned, leased, or rented that is permanently affixed to, or built upon, a piece of land. Real property is best characterized as property that does not move or that is attached to the land.

“Third-party property” means property belonging to any person or entity other than the foster family or foster child.

441—158.2(237) Payments from the foster home insurance fund.

158.2(1) Eligible foster family claims. The foster home insurance fund shall pay the following within the limits defined in Iowa Code section 237.13(1):

- a. Valid and approved claims of a licensed foster family home.
- b. Compensation to licensed foster families for personal or real property damage and auto physical damage as a result of the activities of the family foster care child. Coverage also extends to third-party property damages caused by actions of the family foster care child.

158.2(2) Non-property-based liability, bodily injury, sexual abuse or molestation, auto liability, and professional liability are not covered.

441—158.3(237) Payment limits. The fund is not liable for the first \$150 per claim deductible per family. Each claim is limited to one incident/occurrence. The fund is not liable for damages in excess of \$5,000 for all claims arising out of one or more occurrences during a fiscal year related to a single home.

Claims for losses related to bedbugs or other insect infestations will have an annual sublimit set by the department.

441—158.4(237) Claim procedures. Claims against the fund are filed with the department's approved contractor. Claims shall be filed on the Foster Home Property Fund Notice of Loss form. The decision to approve or deny the claim will be made by the department. The claimant will be notified of the decision within 180 days of the date the claim is received.

158.4(1) *Time frame for filing claims.* Claims shall be submitted within six months of the date of the occurrence.

158.4(2) *Appeals.* Claimants dissatisfied with the decision may request a fair hearing under the provisions of 441—Chapter 2506.

These rules are intended to implement Iowa Code section 237.13.