ARC 0703D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to licensing and regulation of child foster care facilities and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 112, "Licensing and Regulation of Child Foster Care Facilities," Iowa Administrative Code, and to adopt a new Chapter 112 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 237.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 237 and section 232.69.

Purpose and Summary

This chapter was reviewed as part of the Red Tape Review process laid out by Executive Order 10. Through the review, restrictive terms were removed, duplicative information was streamlined, and language was changed to be in line with modern procedures and practices. This proposed chapter relates to licensing procedures for all child foster care facilities authorized by Iowa Code chapter 237.

The reference to 441—subrule 117.1(3) in rule 441—112.10(237) is to that subrule as published in **RA 26-331**, IAB 10/14/26.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 16, 2026. A public hearing was held on the following date(s):

- October 6, 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 December 1, 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: compliancerules@hhs.iowa.gov

Public Hearing

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

December 1, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 225 217 179 078 528 Passcode: Rw3KT9yE
December 1, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 263 899 623 991 883 Passcode: qy9g7WW7

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

CHAPTER 112
LICENSING AND REGULATION OF CHILD FOSTER CARE FACILITIES

441—112.1(237) Definitions.

"Applicant" means any one of the following:

1. For a foster family home license, the applicant is the person or persons applying.
2. For a proprietary facility, the applicant is the owner or designee of the facility.
3. For facilities having a board of directors, the applicant may be the president of the board or the board's designee.

"Foster family home" means a home in which an individual person or persons or a married couple who wishes to provide or is providing, for a period exceeding 24 consecutive hours, board, room, and care for a child in a single-family living unit.

"Group facility" means any of the following types of facilities:

1. "Community residential facility" means a facility that provides care for children who are considered unable to live in a family situation due to social, emotional or physical disabilities but are capable of interacting in a community environment with a minimum amount of supervision. The facility provides 24-hour care, including board and room. Community resources are used for education, recreation, medical, social and rehabilitation services. The facility is responsible for planning the daily activities of the children, discipline, guidance, peer relationships, and recreational programs.

2. "Comprehensive residential facility" means a facility that provides care and treatment for children who are unable to live in a family situation due to social, emotional, or physical disabilities and who require varying degrees of supervision as indicated in the individual service plan. Care includes room and board. Services include the internal capacity for individual, family, and group treatment. These services and others provided to the child shall be under the administrative control of the facility. Community resources may be used for medical, recreational, and educational needs.

3. “Residential facility for children with an intellectual disability or brain injury” means any residential facility that serves children with an intellectual disability as defined in Iowa Code section 222.2(5).

441—112.2(237) Application for license.

112.2(1) *Right to apply.* Any adult individual or agency has the right to apply for a license.

a. Foster family care. A person wishing to apply to be a foster parent shall contact the department’s recruitment and retention contractor to request an application packet. This procedure also applies to:

(1) Persons wishing to care for children placed through any public or private agency.

(2) A relative who is caring for a child directly placed by the child’s parents, guardians, or another relative and who wishes to be licensed as a foster parent.

b. Group care. A person wishing to apply for a group care license may contact the department for an application or access an application through the department’s website.

112.2(2) *Decision to operate a facility.*

a. When an applicant has reached a decision to operate a foster family home, the applicant shall complete the Foster Family Home License Application form.

b. When an applicant has reached a decision to operate a group facility, the applicant shall complete the Application for License or Certificate of Approval form.

112.2(3) *Withdrawal of an application.* The applicant shall report the withdrawal of an application promptly to the department.

112.2(4) *Evaluation of the application.* Each application will be evaluated by the department to ensure that all standards are met.

a. Before it results in adverse action, a founded abuse report on a director, a sole proprietor involved in the facility’s operation, or any facility staff or foster parent applicant will be evaluated by the department to determine if the abuse merits prohibition of employment or licensure.

b. The department will evaluate all founded child abuse on a case-by-case basis. Considerations will include but not be limited to:

(1) The facility’s response (e.g., immediate termination of involved staff).

(2) Whether the abuse was an isolated incident or is symptomatic of a broader, systemic problem.

112.2(5) *Reports and information.* Requested reports and information relevant to the licensing determination shall be furnished to the department by the applicant.

112.2(6) *Applications for renewal.*

a. The department will send the licensee an application for renewal 90 days before the license expires. Applications for license renewal shall be made on the form prescribed by the department.

b. Applications for renewal shall be made at least 30 days but no more than 90 days before the license expires.

c. The department will approve or deny an application for license renewal through the same process as that used for the original application.

112.2(7) *Notification.*

a. Foster family homes.

(1) The department will notify an applicant of the approval or denial of an initial license within 140 days of the date that the applicant begins the required preservice training. When preservice training is waived, the department will notify the applicant of approval or denial within 120 days of the date that the training waiver is granted.

(2) The department will notify a licensee of the approval or denial of license renewal within 90 days of reapplication.

b. Foster group facilities. The department will notify a foster group facility of approval or denial of a license within 90 days of application or reapplication.

441—112.3(237) License.

112.3(1) A new license shall be obtained each time the licensee moves or the facility is remodeled.

112.3(2) A new license shall be requested when the facility wishes to be licensed for a different number of children.

112.3(3) When corrective action is completed on or before the date specified on a provisional or renewal license, a full license will be issued for the remainder of the licensure term.

112.3(4) When the corrective action is not completed by the date specified on a provisional or renewal license, a full license will be denied.

112.3(5) The department will issue the Certificate of License form without cost to any foster family that meets the standards. The department will issue the Certificate of License form without cost to any group facility that meets the standards. The department may offer consultation to assist applicants in meeting the standards.

112.3(6) A foster family home license will be approved for a term of one year for the first and second years of licensure. Thereafter, the license will be approved for a term of two years unless it is determined by the department that a one-year license will be issued.

112.3(7) A group facility license will be approved for a term of one to three years according to the following criteria:

a. A one-year license may be approved for all new facilities that meet licensure standards.

b. A one- to two-year license may be approved when it is determined:

(1) Some health or safety concerns have been identified; or

(2) Some complaints against a facility have been substantiated; or

(3) Deficiencies have been identified.

c. A three-year license may be approved when:

(1) No health or safety deficiencies have been identified;

(2) There have either been no substantiated complaints against the facility or, if substantiated, complaints have been determined not to be serious or severe; and

(3) A facility has no founded incidents of child abuse by facility staff.

441—112.4(237) Denial.

112.4(1) The department will deny the license application:

a. When the minimum standards are not met and a provisional license is inappropriate or disapproved by the department.

b. For just cause.

c. When the applicant, as a sole proprietor or a foster family home parent; any person residing in the foster family home other than a foster child; or any facility staff has been convicted of a crime unless an evaluation of the crime has been made by the department that concludes that the crime does not merit prohibition of employment or licensure.

d. When the applicant, as a sole proprietor or foster family home parent; any person residing in the foster family home other than a foster child; or any facility staff has a record of founded child abuse unless an evaluation of the founded abuse has been made by the department that concludes that the abuse does not merit prohibition of employment or licensure.

e. When the application is fraudulent, which means that the applicant has knowingly made fraudulent statements or has knowingly concealed information.

112.4(2) Reapplications shall be denied:

a. For the same reasons as original applications.

b. For the same reasons as listed in the grounds for revocation.

c. When the foster family applicant's license has been denied or revoked within the 12 months before the date of reapplication. Denial for this reason does not require a licensing study.

d. If the foster family refuses to engage as a resource to a foster child's birth parents when engagement can be done in a way that does not put the foster family or the foster child at risk of harm.

441—112.5(237) Revocation.

112.5(1) *Mandatory.* The department will revoke the license for the following reasons unless an exception as set forth in subrule 112.5(3) applies:

a. When the facility is misusing funds furnished by the department.

b. When the facility is operating without due regard to the health, sanitation, hygiene, comfort, or well-being of the children in the facility.

c. When the director or sole proprietor involved in the operation of the facility, or foster parent, any person residing in the foster home other than a foster child, or any facility staff has been convicted of a crime unless an evaluation of the crime has been made by the department that concludes that the crime does not merit prohibition of employment or licensure.

d. When there is a founded abuse report on a foster family home parent, any person residing in a foster family home other than a foster child, a director or sole proprietor who is involved in the facility's operation, or any facility staff unless an evaluation of the founded abuse has been made by the department that concludes that the abuse does not merit prohibition of employment or licensure.

112.5(2) *Optional.* Licenses may be revoked for any of the following reasons unless an exception as set forth in subrule 112.5(3) applies:

a. When moving to a new home, the foster family fails to notify the department and the recruitment and retention contractor within seven working days of the move to a new home.

b. The foster family or facility fails to meet any or all requirements of the placement agreement.

c. The child foster care facility fails to continue to comply with all of the licensing requirements in both law and regulation.

d. The foster family or the staff of a licensed group facility refuses to cooperate with an unannounced visit.

112.5(3) *Exceptions.* The license for a foster family home will not be revoked when there are 30 or fewer days until the date the license expires.

a. The foster family home will be advised in writing that a reapplication may be denied and the reasons for the possible denial.

b. The foster family home license may be suspended immediately at the discretion of the department.

441—112.6(237) Provisional license.

112.6(1) *Time frame for provisional licenses.* The department may issue a provisional license for not more than one year when a licensee's facility does not meet the requirements of this chapter.

112.6(2) *Written report.* The department will provide a report identifying the reasons for the provisional license and the standards that have not been met.

112.6(3) *Corrective action plan.* The facility shall furnish the licensing agency with a plan of action to correct deficiencies listed that resulted in the provisional license. The plan shall give specific dates upon which the corrective action will be completed.

441—112.7(237) Adverse actions. Notice of adverse actions shall be given pursuant to 441—Chapter 16 and the right to appeal the licensing decision shall be given to applicants and licensees in accordance with 441—Chapter 2506. Any issues of placement or payment are independent of the licensing decision and right of appeal.

441—112.8(237) Suspension.

112.8(1) *Types of suspension.* There are two types of suspension of a license.

a. Emergency suspensions are to prevent persons from providing foster care by suspending their license until it is revoked or denied.

b. Time-limited suspensions are to prevent persons from providing foster care by suspending their license until a deficiency in the home or facility is corrected.

112.8(2) *Requirements for emergency suspension.* The emergency suspension of a license by the department will occur only when all of the following conditions exist:

a. The licensee fails to meet licensing requirements.

b. There are sufficient grounds for revocation or denial of the license.

c. The health, safety, and welfare of any child placed in the home or facility requires immediate action.

d. The existence of the condition requiring suspension is documented in the licensee's record.

112.8(3) *Requirements for time-limited suspensions.* The time-limited suspension of a license by the department will occur only when all of the following conditions exist:

a. The licensee fails to meet licensing requirements.

b. The health, safety, and welfare of any child placed in the home or facility requires immediate action.

c. The existence of the condition requiring suspension is documented in the licensee's record.

d. The condition requiring the suspension can be corrected by the licensee to meet licensing requirements.

e. If the conditions were corrected, a full license would be issued.

f. The licensee signs a written statement acknowledging the existence of the condition, citing the law or rule violated, and making a commitment to correct the condition within a specific time period, not to exceed the period of the license.

112.8(4) *Effective period of suspensions.* A suspension will be effective on the date the notice is received by the licensee and will remain in effect until one of the following occurs:

a. The department withdraws the suspension due to a change in conditions in the home or facility.

b. The court orders the license reinstated.

c. The action is reversed by a final decision in accordance with 441—Chapter 2506.

d. For emergency suspensions, a revocation or denial becomes effective and the license is rescinded.

e. The licensing period expires.

f. For time-limited suspensions, the period of suspension ends.

112.8(5) *Method and content of notice.* The notice of suspension will be issued in writing and will include the following:

a. The condition requiring the suspension.

b. The specific law or rule violated.

c. The type of suspension.

d. For an emergency suspension, the adverse action being sought by the department.

e. For a time-limited suspension, the duration of the suspension.

112.8(6) *Right to appeal suspension.* The licensee has the right to appeal the suspension of the license, but initiation of an appeal does not alter the suspension.

441—112.9(232) Mandatory reporting of child abuse and training.

112.9(1) *Mandatory reporters.* All classes of persons described in Iowa Code section 232.69 who, in the scope of professional practice or in their employment responsibilities, examine, attend, counsel, or treat a child and reasonably believe a child has suffered abuse shall make a report in accordance with Iowa Code sections 232.69 and 232.70 whenever the provider reasonably believes a child for whom the provider is providing foster care has suffered abuse.

112.9(2) *Required training.* Mandatory reporters shall receive training relating to the identification and reporting of child abuse as required by Iowa Code section 232.69.

112.9(3) *Training documentation.* Each licensee shall develop and maintain a written record for each mandatory reporter in order to document the content and amount of training.

441—112.10(237) Required training on the reasonable and prudent parent standard. Each group facility shall have an on-site official authorized to apply the reasonable and prudent parent standard. Within one year of being identified as an authorized on-site official, each authorized official shall complete the same department-approved training on the reasonable and prudent parent standard in the same manner as required for prospective foster parents and referenced in 441—subrule 117.1(3).

441—112.11(237) Record checks. Record checks are required for any entity being considered for licensure or employment by a licensee on a facility campus where children reside to determine whether an applicant has any founded child abuse reports or criminal convictions or has been placed on a sex offender registry.

These rules are intended to implement Iowa Code chapter 237 and section 232.69.