ARC 0704D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to licensing and regulation of foster family homes and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 113, "Licensing and Regulation of Foster Family Homes," Iowa Administrative Code, and to adopt a new Chapter 113 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 237.3 and 2026 Iowa Acts, House File 2526.

State or Federal Law Implemented

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

Purpose and Summary

This proposed 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 specifically relates to the licensing and regulation of foster family homes. This rulemaking also implements 2026 Iowa Acts, House File 2526, which protects foster parent address confidentiality by prohibiting the disclosure of that information without the written consent of the foster parents.

In addition to the Red Tape Review, this proposed chapter was reviewed by the Department's Foster Care Redesign Team, which made the following recommendations:

- In paragraph 113.4(3)"d," change the maximum age for which video or surveillance cameras are allowed in the bedrooms of younger foster children from three years to five years. The team believes this will assist foster parents in ensuring the safety of younger foster children, while still protecting the privacy of older foster children.
- Remove the annual testing requirement from subparagraph 113.5(3)"d"(2) for private water supplies when the family has made ongoing arrangements for the use of safe, potable water. Rural families with well water may not qualify to be licensed foster parents due to the currently high restrictions the rules have on well water. The team recommends eliminating these restrictions by allowing families to provide an alternative arrangement, typically bottled water instead of annual testing.
- Being mindful of the changes made in 2026 Iowa Acts, Senate File 2096, remove medication management and face-to-face CPR and first aid from the list of preservice trainings required in subrule 113.7(1). Foster parent applicants should be able to follow doctors' and pharmacists' directions for medication administration. While they will still be available if the Department determines it is necessary, CPR and first aid training have been removed from the proposed subrule.

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

CHAPTER 113
LICENSING AND REGULATION OF FOSTER FAMILY HOMES

441—113.1(237) Definitions.

"Age- or developmentally appropriate activities" means activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are

determined to be developmentally appropriate for a child based on the development of cognitive, emotional, physical, and behavioral capacities. In the case of a specific child, "age- or developmentally appropriate activities" means activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

"Child," for the purposes of this chapter, means the child or children who are in foster care.

"Corporal punishment" means the intentional physical punishment of the child(ren).

"Foster family home" means an individual person or 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.

"Kinship caregiver" means a relative or a fictive kin, as defined in rule 441—125.1(237), who is providing care for a child.

"Public water supply system" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances.

"Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child and encourage the emotional and developmental growth of a child and that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural, and social activities. For the purposes of this definition, "caregiver" means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution (including group homes, residential treatment, shelters, or other congregate care settings) in which a child in foster care has been placed.

"Recruitment and retention contractor" means the entity or any of its subcontractors that contracts with the department statewide to recruit foster and adoptive parents, complete home studies, and perform activities to support and encourage retention of foster and adoptive parents.

"Relative" means an individual related to the child within the fourth degree of consanguinity or affinity, by marriage, or through adoption. "Relative" can include the parent of a sibling of the child.

"Social work administrator" means the department employee responsible for supervising the social work staff within a department service area and for implementing service policies and procedures of the department.

"Variance" means meeting a licensing standard through alternative means.

"Waiver" means waiving the licensing standard entirely. A waiver may only be granted for non-safety licensing standards for a kinship caregiver.

441—113.2(237) Licensing procedure.

113.2(1) *Application.* Applications for an initial license to operate a foster family home shall be submitted to the department. In addition to the application form, the applicant shall submit the following during the licensing process:

a. A Non-Law Enforcement Record Check Request form for each person living in the home who is 14 years of age or older.

b. A health report for resource families, if requested.

c. A foster care private water supply survey, if applicable.

d. A drawing of the floor plan of the family's home. The drawing can be completed by the applicant or the recruitment and retention provider.

e. If licensed to drive, a copy of the applicant's driver's license.

113.2(2) *Orientation.* Applicants shall attend an orientation provided by the recruitment and retention contractor or approved agency.

113.2(3) *Record checks.* Local record checks shall be completed before a license is issued.

113.2(4) *Home study.* The worker for the recruitment and retention contractor shall complete a family home study.

a. Family home study process. Information for the home study is gathered primarily through the required preservice training curriculum. Tribal agencies may also be involved in conducting home studies for American Indian and Alaska Native children. A home study that is received from another

state or an Indian tribe will be treated as meeting the requirements imposed by the department for the completion of a home study pursuant to the requirements of 42 U.S.C. Section 671(a)(26)(B) as amended to August 1, 2026.

(1) The worker shall hold at least three face-to-face interviews with the applicant, with one of the interviews taking place in the applicant's home.

(2) The worker shall hold at least one face-to-face interview with each member of the household in the applicant's home to observe family functioning and to assess the family's capacity to meet the needs of the child in foster care. The worker will determine whether to interview or just observe each household member based on the household member's age and development.

(3) A physical inspection of the home is required. The worker shall use a resource family survey report to complete the physical inspection of the home to verify compliance with the licensing and regulation standards in this chapter.

b. Family assessment topics. The assessment of the prospective foster family shall evaluate the family's ability to parent the special needs of the child. The assessment shall include the following:

(1) The applicant's motivation for foster care and whether the family has biological, adopted, or foster children.

(2) The attitude of the family and the extended family toward accepting the child.

(3) The applicant's ability to cope with problems, stress, frustrations, crisis, separation, and loss.

(4) Medical, mental, and emotional conditions that may affect the applicant's ability to parent the child. Applicants and all household members must disclose any past or current mental health or substance use issues or both, if requested. The department may require further documentation or evaluation or both to determine the suitability of the home.

(5) Any household members who are children must be up to date on immunizations jointly recommended by the American Academy of Pediatrics, the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, or the American Academy of Family Physicians unless the immunization is contrary to the children's health as documented by a licensed health care professional.

(6) An evaluation of the applicant's willingness to accept a child who has medical problems, such as a communicable disease; an intellectual disability; or emotional or behavioral problems. The applicant shall complete a form prescribed by the department to indicate choices about caring for any child who has or is at risk for a communicable disease and other medical problems.

(7) The applicant's ability to provide for the child's physical, medical, and emotional needs; respect the child's ethnic and religious identity; and support the child's overall well-being.

(8) The safety of the child in relation to any animals that live on the applicant's property.

(9) The adjustment of any child in the home, including their attitudes toward foster care and adoption, relationships with others, and school performance.

(10) An assessment of the applicant's disciplinary techniques and practices.

(11) The applicant's financial information and ability to provide for the child.

(12) The applicant's attitude toward the birth parents and siblings of the child placed in foster care.

(13) The applicant's commitment to and capacity to maintain significant relationships of the child in foster care and work with the child's parents when the permanency goal is reunification.

(14) Any criminal convictions of family members or adults in the household and the evaluation of the criminal record.

c. Written report. The recruitment and retention contractor shall prepare a written report of the family assessment using a resource parent initial home study (home study). The home study shall include a recommendation for the number, age, sex, characteristics, and special needs of the child the family can best parent and any other pertinent information in making the licensing recommendation. The report shall not contain the applicant's address. The home study shall be maintained in the foster family record.

113.2(5) *Decision.* The department will use the home study to approve or deny a prospective family as an appropriate placement for the child. The department worker shall notify the family of the licensing decision in writing.

a. Upon approval, the department will issue the applicant a foster family home license. The license will indicate the licensed capacity for the number of children approved for placement in the foster family home.

b. If the department worker does not approve the home study, the notice will state the reasons for that decision. A license denial may be appealed as described in 441—subrule 112.8(6).

441—113.3(237) Provisions pertaining to the license. On a case-by-case basis, the department or area social work administrator may waive any non-safety licensing standard for a kinship caregiver or grant a variance for any standard for a non-kinship caregiver in this chapter unless:

1. The requirement is set in state or federal law; or
2. The waiver or variance could have a negative impact on the safety and well-being of the child placed in the foster family home.

113.3(1) *Number of children.* A foster family home may care for up to five children unless a variance is approved as described in this rule. The license capacity will be based on the number of the foster family's biological and adoptive children and any relative placements. The license will be issued for at least one child. Any child who has reached the age of 18 and remains eligible for foster family care will be included in the license capacity. Any variance to this rule must:

a. Be approved by the department.

b. Be documented in the licensing record with reasons given for granting the variance.

c. Meet one of the following criteria:

(1) The foster parents have three or more children in the home and have shown the ability to parent a large number of children. A licensing variance may be approved at initial or renewal licensure to allow the placement of up to three children as set forth in the chart below:

Number of Children in the Home (birth/ relative/adoptive placements)	Maximum License Capacity:	
	Without variance	With variance
0 children	5	Not applicable
1 child	4	Not applicable
2 children	3	Not applicable
3 children	2	3
4 children	1	3
5 or more children	Not applicable	3

(2) A variance beyond the maximum capacity of the foster home license is needed for the placement of a specific child in foster family care. A child-specific variance will end when that child leaves the placement or any other change brings the family into licensed capacity. Unless a variance is needed for the placement of a sibling of the child already in the home, or to keep siblings together, the maximum number of children in the home shall not exceed eight. On a case-by-case basis, if it is determined the foster parents have shown the parenting skills and have the social support system to meet the children's needs for parenting more than eight children, the social work administrator shall approve the foster parents to parent more than eight children. A foster family may have both a licensing and a child-specific variance concurrently.

d. All other licensing requirements, including but not limited to parenting ability and available bedroom space must be met before a foster home can be approved for a variance.

113.3(2) *Employees of the department as foster parents.* Employees of the department may be licensed as foster family home parents unless they are engaged in the administration or provision of foster care services. Employees engaged in the administration or provision of foster care services include:

a. Social workers or youth service workers or the social workers' or youth service workers' supervisors involved in programs for children in state institutions.

b. Foster care service workers or foster care licensing staff or the foster care service workers' or foster care licensing staff's supervisors employed by the department.

c. Other staff engaged in foster care placements, such as child protective staff or adoption workers.

d. Department staff responsible for the development of policies and procedures relating to foster care licensing and placement.

113.3(3) *Limits on foster family home licensure.* A licensed foster family home shall not be permitted to be a licensed comprehensive residential facility, community residential facility, or licensed child care center.

441—113.4(237) Physical standards.

113.4(1) *General standards.* The foster home shall be safe, clean, well-ventilated, properly lighted, properly heated, and free from vermin and rodents to ensure the well-being of the child residing in the home.

113.4(2) *Grounds.* There shall be safe outdoor space provided according to the age and developmental needs of the child for active play. The area available shall be documented in the case record.

a. The child shall be adequately supervised and protected against any potential hazards, including nearby traffic, bodies of water, railroads, waste material, and contaminated water. The foster parent shall provide environmental protections, such as door alarms, baby monitors, fences, and foliage barriers as necessary to promote a safe environment.

b. The applicant's home must meet the following standards concerning swimming pools, hot tubs and spas:

(1) Swimming pools must have a barrier on all sides at least four feet high.

(2) An aboveground or in-ground swimming pool that is not fenced shall be covered whenever the pool is not in use. Swimming pools must have their methods of access through the barrier equipped with a safety device, such as a bolt lock.

(3) Swimming pools must be equipped with a lifesaving device, such as a ring buoy.

(4) If the swimming pool cannot be emptied after each use, the pool must have a working pump and filtering system.

(5) Hot tubs and spas must have safety covers that have reasonable barriers in place when not in use.

c. The foster parent or other adult shall provide reasonable supervision according to the age and swimming abilities of the child when the child is using the pool.

113.4(3) *Bedrooms for a child placed in the home.*

a. Bedrooms shall either have been constructed for the purpose of providing sleeping accommodation or remodeled for sleeping to provide proper heat and ventilation. Bedroom additions to a home shall meet building code requirements. All bedrooms used by the child shall have:

(1) Permanent walls;

(2) A door that closes;

(3) An unobstructed, operable window that opens from the inside that is large enough to allow for an unrestricted exit by the child;

(4) A closet, wardrobe, armoire, or dresser for the child's clothes; and

(5) A standard bed. For infants and toddlers who cannot safely use a standard bed, a crib or crib-like furniture that has a waterproof mattress covering and sufficient bedding to enable the child to rest comfortably and that meets the current standards or recommendations from the U.S. Consumer Product Safety Commission. The provider shall follow safe sleep practices as recommended by the American Academy of Pediatrics for infants under the age of one. Safe infant sleep practices shall conform to the following standards:

1. Infants shall always be placed on their backs for sleep.

2. Infants shall be placed on a firm mattress with a tight-fitting sheet that meets U.S. Consumer Product Safety Commission federal standards.

3. Infants shall not be allowed to sleep on a bed, sofa, air mattress or other soft surface. No child shall be allowed to sleep on any item not designed for sleeping. This is not referring to a child in a car seat in a car.

4. No toys, soft objects, stuffed animals, pillows, bumper pads, blankets, or loose bedding shall be allowed in the sleeping area with the infant.

5. No co-sleeping or sharing of a single bed shall be allowed.

6. If an alternate sleeping position is needed for an infant, a signed authorization with a statement of a medical reason is required and shall be submitted by a physician, advanced registered nurse practitioner, or physician associate.

b. The minimum bedroom area per child shall be 30 square feet. However, the department may approve a waiver of this non-safety licensing standard for kinship foster caregivers or a variance when approval is in the best interest of a specific child placed or to be placed in the home. Such approvals shall:

(1) Be in writing;

(2) Contain the name and birth date of the child for whom the approval is issued; and

(3) Be reviewed at each license renewal.

c. When bedrooms meet only minimum requirements, the home shall provide additional room in other parts of the home for study and play.

d. Except for baby video monitors for the child from birth to five years of age used in the child's bedroom, video or surveillance cameras are not allowed in the child's bedrooms or bathrooms.

e. Bedrooms belowground shall:

(1) Be free from excessive dampness, noxious gases, and objectionable odors;

(2) Have access to at least one direct exit to the outside from the level belowground and one inside stairway exit from the level belowground;

(3) Have an egress window with a clear opening area with an opening height and width that is accessible for an adult to enter or exit;

(4) Have provisions, such as a ladder or steps, to ensure that the child can safely reach the window;

(5) Have a finished ceiling such as drywall or a drop ceiling; and

(6) Have a covered floor.

113.4(4) *Physical care standards for a child.*

a. Grouping children in bedrooms shall take into consideration the age and sex of the child, including the individual child's need for privacy.

(1) Any child over five years of age shall not share a bedroom with a child of the opposite sex.

(2) The child shall not share a bed with any other child. The social work administrator may approve a waiver of this policy for kinship caregivers or a variance for non-kinship caregivers.

b. Any child two years of age or older shall be provided bedroom space other than in the foster parents' bedroom. Any child under the age of two may share a bedroom with the foster parent in an individual crib.

c. There shall be a plan for isolating a healthy child from a child who is ill or suspected of having a contagious disease.

d. The foster home shall provide food with good nutritional content and in sufficient quantity to meet the individual needs of the child.

e. Personal care items must be provided for youth, and these items must reflect the individual, cultural, racial, and ethnic needs of the youth living in the foster home.

f. Bedding shall be clean, odor-free, and free of urine and feces.

g. Foster parents shall follow universal precautions to reduce exposure to blood-borne pathogens and other infectious materials when providing care to any child placed in the foster parents' physical custody.

h. Smoking and vaping shall be prohibited in the foster home or any vehicle when the child is present.

113.4(5) *Artificial lighting.* Adequate artificial lighting fixtures shall be provided for study in areas where the child will be studying.

113.4(6) *Bathroom facilities.*

a. Bathroom facilities shall have at least one toilet, sink, and tub or shower in safe operating condition.

b. Bathroom facilities shall have natural or artificial ventilation.

113.4(7) *Heating system.*

a. The heating system shall have a capacity to maintain a minimum temperature of approximately 65 degrees Fahrenheit in the bedrooms with the door closed.

b. Fireplaces and water heaters shall be vented to the outside atmosphere. The temperature of any water heaters must be set in accordance with the manufacturer's recommendations. Kerosene heaters and gas-fired space heaters shall not be used to heat any space in the home.

113.4(8) *Ventilation.* Ventilation shall be provided in all rooms where the child eats, sleeps, and plays either by windows that can be opened or by mechanical venting systems. Windows and doors used for ventilation shall be screened.

113.4(9) *Phone.* A working phone or access to a working phone shall be provided within the living space.

441—113.5(237) Sanitation, water, and waste disposal.

113.5(1) *Food preparation and storage.* Food preparation areas shall be clean, and the home shall have kitchen facilities with a sink, refrigerator, stove, and oven in safe operating condition.

113.5(2) *Public water supply.* The water supply is approved when the water is obtained from a public water supply system.

113.5(3) *Private water supply.* Prior to initial licensure and prior to each license renewal, each privately operated water supply shall be tested and evaluated for obvious deficiencies.

a. As part of the evaluation, water samples must be collected and submitted by the licensing worker or health sanitarian to a certified hygienic laboratory and analyzed for coliform bacteria. In order for a foster family home to be licensed for the care of any children under two years of age, the nitrate (NO^3) content must be analyzed and be within an acceptable range for safe consumption.

b. When the water supply is obtained from more than one well, proof of the quality of the water from each well is required.

c. When the water sample result shows the water is potable, the license may be granted.

d. When the water sample is not approved, no foster family home license will be issued until the foster parents provide a written statement that the child will be provided potable water, including where the water will be obtained and how it will be transported and stored.

(1) The statement shall be provided to the department using a Provisions for Alternate Water Supply form.

(2) When the family has made ongoing alternative arrangements for the use of safe, potable water, annual testing of the water may be waived.

113.5(4) *Sewage treatment.* Foster homes, wherever possible, shall be connected to public sewer systems. Private sewage disposal systems shall be designed, constructed and maintained so that no unsanitary or nuisance conditions exist, such as surface discharge of raw or partially treated sewage or failure of the sewer lines to convey sewage properly.

113.5(5) *Garbage storage and disposal.* A sufficient number of covered garbage and rubbish containers shall be provided to properly store all material between collections. Containers shall be watertight, and rodent-proof and shall be maintained in a sanitary condition.

113.5(6) *Rodent and insect infestation.* The home shall prevent or eliminate rodent and insect infestation.

441—113.6(237) Safety.

113.6(1) *Fire protection for bedrooms.* Any floor of a house, including the basement, shall be equipped with the following:

a. At least one Underwriter's Laboratory (UL)-approved smoke detector. On floors that are used for sleeping, the smoke detector shall be in a location where sleeping areas can be alerted. For any deaf or hard-of-hearing child, the foster parent shall install a smoke detector in the child's bedroom that will use an alternative means of waking the child.

b. Hallways and stairways free of debris and clutter to allow unrestricted access to an exit.

c. A working carbon monoxide detector in all homes with:

(1) Gas appliances, furnaces, fireplaces, or other gas equipment; and

(2) Attached garages.

113.6(2) *Combustion hazards.* Combustible materials shall be kept away from heat sources, including stoves, electrical panels, space heaters, and hot water heaters.

a. Explosives and flammable substances, including matches and lighters, shall be stored securely and be inaccessible to the child.

b. The home shall have at least one operable 2A-10BC-rated or ABC-rated fire extinguisher.

113.6(3) *Safety plan.* The family shall have an emergency safety plan to be used for fire, tornado, blizzard, flood, other natural or manmade disasters, accidents, medical issues, and other life-threatening situations for the child in out-of-home placements. The safety plans shall state the action that the foster parents and the child are to take in each situation that may occur.

a. The safety plans for a fire and a tornado shall be reviewed with the child at the time of placement. Fire and tornado plans shall be practiced with the child within one week of placement and no less than annually thereafter.

b. In a disaster requiring evacuation of the foster home, the foster parents shall notify the department of the evacuation and the address and telephone number of the foster parents' temporary residence within 24 hours after evacuation.

c. The safety plans shall include a designated meeting place.

d. Applicants must maintain a comprehensive list of emergency telephone numbers.

113.6(4) *Medications, first aid and poisonous substances.* All prescription medication shall be administered as prescribed.

a. All over-the-counter medications shall be administered according to label directions or as directed by a physician.

b. Applicants must prevent the child's access to all medications, poisonous materials, cleaning supplies, other hazardous materials and alcoholic beverages as appropriate for the child's age and development.

c. Applicants must maintain first aid supplies.

113.6(5) *Weapons.* All weapons, firearms, and ammunition shall be inaccessible to a child of any age.

a. The following weapons must be stored in an inoperative condition and in a locked area inaccessible to the child:

(1) Firearms;

(2) Air guns;

(3) BB guns;

(4) Hunting slingshots; and

(5) Any other projectile weapons.

b. All ammunition, arrows or projectiles for such weapons shall be maintained in a locked place separate from the firearms.

c. The weapons, firearms, and ammunition storage units shall not share the same key or matching security code. If a key is used, the key shall be stored in a place inaccessible to the child.

d. Any motor vehicles used to transport the child shall not contain a loaded gun, and any ammunition in the vehicle shall be kept in a separate, locked container.

e. Foster parents who are also law enforcement officials and can document that their jurisdiction requires them to have ready and immediate access to their weapons may be exempt from these weapon requirements provided they adopt and follow a safety plan approved by the department.

113.6(6) *Transporting the child.* Foster parents will ensure that if a privately owned vehicle owned by the applicants, family, or friends is used to transport the child, it must be inspected (if applicable under state law), registered, and insured and meet all applicable state or tribal requirements to be an operable vehicle on the road.

a. The driver will have a valid Iowa driver's license.

b. Safety restraints will be used that are appropriate to the child's age, height, and weight.

c. Any motor vehicles used to transport the child shall be smoke-free when the child is being transported.

d. Foster parents will have access to reliable public transportation if they do not have access to a reliable, registered, and insured vehicle.

113.6(7) *Supervision.* The foster parents shall provide reasonable and prudent supervision of the child to ensure the child's safety.

a. Foster parents shall adequately supervise the child while the child is using any potentially hazardous or dangerous objects or equipment. In order for the child to participate in age- or developmentally appropriate activities, the foster parent would apply the reasonable and prudent parent standard.

b. Foster parents shall use reasonable and prudent supervision of the child when the child is using the internet or other social media.

113.6(8) *Household pets.* Pet vaccinations should follow state and county requirements.

a. At the time of the initial home study and any time thereafter, foster parents shall report an animal's history of aggression toward people and inform the department of the animal's aggression toward people within 24 hours of an occurrence.

b. Foster parents who have pets or animals with any history of aggression shall have a written plan that addresses strategies to reduce the risk of aggression by the foster parents' pets or animals with which the child will have contact.

c. Animal waste will be contained and disposed of on a routine basis.

113.6(9) *Liability.* Foster parents who apply the reasonable and prudent parent standard reasonably and in good faith in regard to the child placed in the foster parents' home shall have immunity from civil or criminal liability that might otherwise be incurred or imposed. This subrule does not remove or limit any existing liability protection afforded under any other law.

441—113.7(237) Foster parent training.

113.7(1) *Preservice training.* All foster parent applicants shall complete the following training before licensure and the placement of the child in the foster parent applicants' home:

a. Orientation pursuant to rule 441—117.2(237);

b. Preservice training pursuant to rule 441—117.1(237) that shall include:

(1) Mandatory reporter training on child abuse identification;

(2) The reasonable and prudent parent standard training;

(3) Lessons teaching foster parents how to support a child's overall well-being and emotional needs; and

c. Mandatory reporter training on child abuse identification and reporting before initial licensure and every three years thereafter as required.

113.7(2) *In-service training.* All licensed foster parents shall complete agency-approved in-service training annually.

441—113.8(237) Involvement of kin.

113.8(1) *Support by foster parents.* Foster parents shall support the involvement of biological or adoptive parents and other relatives of the child unless this involvement is evaluated and documented by the department to be detrimental to the child's well-being.

113.8(2) *Nature of involvement.* The extent and nature of the involvement of the biological or adoptive parents and other relatives shall be determined by the caseworker in consultation with the foster parents, biological or adoptive parents, and others involved with the child and family.

113.8(3) *Cultural connections.* Throughout the provision of care, the foster family shall actively ensure that the child stays connected to the child's kin, culture, and community as required in the child's case permanency plan.

441—113.9(237) Information on the child placed in the home.

113.9(1) *Information about the child.* Foster parents shall maintain a file of information on the child placed in the home. This file shall be provided to the department or the child's parent or guardian when the child leaves the placement. The file shall contain:

a. The names and addresses of all doctors, mental health professionals, and dentists who have treated the child; current medications prescribed, including over-the-counter medications; a medication log; the type of medical, dental, vision, and mental health treatments received; and hearing examinations received while the child is in the foster home.

b. School reports including report cards and pictures.

c. Date the child left the placement.

d. Name, address, and telephone number of the person to whom the child is discharged.

113.9(2) *Confidentiality.* Foster parents shall maintain confidentiality regarding the child in placement except as required to comply with rules on mandatory reporting of child abuse and with the child's case permanency plan. Foster parents shall not without parent or guardian and department consent post pictures or information concerning the child on any internet website or social media platform.

441—113.10(237) Health of foster family.

113.10(1) *Health report required.* The foster parents shall furnish the licensing agency with a health report on the family, if requested. The request may include information on any family members, including foster parents, any minor child who resides in the home, and adult household members. An updated report shall be provided upon request of the department licensing worker or the recruitment and retention contractor.

113.10(2) *Contents of report.* This report shall include a statement from an impartial health practitioner that there are no physical or mental health problems that would be a hazard to the child placed in the home and a statement that the foster parents' health would not prevent needed care from being provided to the child.

113.10(3) *Whooping cough vaccine.* All adult household members who are caregivers must have up-to-date whooping cough vaccines.

113.10(4) *Exemption from whooping cough vaccine.* Nothing in this rule shall be construed to require the whooping cough vaccine for adult household members who are a member of a church or religious belief that discourages or prohibits vaccinations. In such instance, a statement from the household member shall be incorporated into the health record.

113.10(5) *Capability for caring for the child.* If there is evidence that the foster parent is unable to provide necessary care for the child, the department licensing worker, the recruitment and retention contractor, or the physician may require additional medical and mental health reports, including a substance abuse evaluation.

441—113.11(237) Characteristics of foster parents.

113.11(1) *Age.* Foster parents shall be at least 18 years of age. The age of foster parents shall be considered as it affects the foster parents' ability to care for a specific child and function in a parental role.

113.11(2) *Income and resources.* The foster family shall have sufficient income and resources to provide adequately for the family's own needs.

113.11(3) *Religious considerations.* The foster parent shall respect the child's religious background, affiliation and religious or moral beliefs.

113.11(4) *Requirements of foster parents.* Foster parents shall be stable; responsible; physically able to care for the type of child placed; and mature individuals who are not unsuited by reason of substance abuse, lewd or lascivious behavior, or other conduct likely to be detrimental to the physical or mental health or moral development of the child. Foster parents shall exercise good judgment in caring for the child and have a capacity to accept agency supervision.

113.11(5) *Personal characteristics.* The foster parents shall:

a. Provide evidence of relationship stability.

b. Have realistic expectations of the child.

c. Have time available to parent the child.

d. Be able to communicate with the licensing agency and other service providers.

e. Have functional literacy and a level of reading, writing and calculation skills, such as having the ability to read labels on medications in order to properly administer them.

f. Be able to accept and deal with acting out behavior with realistic expectations and good judgment.

g. Include the child in normal family life.

h. Have the ability to be accepting and loving toward the child entering the home.

i. Be able to support the case permanency plan for the child and be willing to cooperate with visits, transportation, or other activities that support the child's connection to and reunification with the child's family.

j. Ensure that all family members are aware of having the child in the home.

k. Articulate the foster parents' strengths, concerns and limitations that are essential to the department's matching the child with foster parents appropriately.

113.11(6) *Determination of characteristics.* The areas discussed in subrules 113.11(4) and 113.11(5) shall be evaluated through observation of the family and interviews with family members and documented in a foster home study, or in the foster family record when explored after licensure and prior to renewal. Any additional areas that the family or worker identifies as a possibility for creating problems shall also be documented in the foster family record.

441—113.12(237) Record checks. Record checks are required for each foster parent applicant and for anyone who is 14 years of age or older living in the home of the applicant. The purpose of the record checks is to determine whether any of these persons has any founded child abuse or dependent adult abuse reports or criminal convictions or has been placed on the sex offender registry.

113.12(1) *Procedure.* The department's contractor for the recruitment and retention of resource families shall assist applicants in completing required record checks, including fingerprinting.

a. Iowa records. Each foster parent applicant and anyone who is 14 years of age or older living in the home of the applicant shall be checked for records with:

(1) The Iowa central abuse registry;

(2) The Iowa division of criminal investigation;

(3) The Iowa sex offender registry; and

(4) Iowa Courts Online.

b. Other records.

(1) Each foster parent applicant and any other adult living in the household shall also be checked for records on the child abuse registry of any state where the person has lived during the past five years.

(2) Each foster parent applicant shall also be fingerprinted for a national criminal history check. Fingerprinting, for the purpose of a national criminal history check, is required on all other adult household members at the time of initial application. When warranted, the department may require fingerprinting for a national criminal history check on adult household members who move in after initial application.

113.12(2) *Evaluation of record.* If the applicant or anyone living in the home has a record of founded child or dependent adult abuse, a criminal conviction, or placement on the sex offender registry, the department will not license the applicant as a foster family unless an evaluation determines that the founded child or dependent adult abuse or criminal conviction does not warrant prohibition of license.

a. Exclusion. An evaluation shall not be performed if the person has been convicted of:

(1) A felony offense as set forth in Iowa Code section 237.8(2)*"a"*(3); or

(2) A crime in another state that would be a felony as set forth in Iowa Code section 237.8(2)*"a"*(3).

b. Scope. The evaluation shall consider the nature and seriousness of the founded child or dependent adult abuse or crime in relation to:

(1) The position sought or held;

(2) The time elapsed since the abuse or crime was committed;

(3) The circumstances under which the founded child or dependent adult abuse or crime was committed;

(4) The degree of rehabilitation;

(5) The likelihood that the person will commit the founded child or dependent adult abuse or crime again; and

(6) The number of abuses or crimes committed by the person.

c. Evaluation form. The person with the founded child or dependent adult abuse or criminal conviction report shall complete and return the Record Check Evaluation form within ten calendar days of the date of receipt to be used to assist in the evaluation. Failure of the person to complete and return the form within the specified time frame shall result in denial of licensure.

113.12(3) *Evaluation decision.* Centralized service area staff or their designee will conduct the evaluation and make the decision. The department will inform the subject of the decision in writing and describe the basis of the decision. The department will notify the person on whom the evaluation was completed:

a. Within 30 days of receipt of the completed Record Check Evaluation form; or

b. When the person whose record is being evaluated fails to complete the Record Check Evaluation form within the time frame specified.

113.12(4) *License renewal.* Foster parents applying for an annual or biennial license renewal shall be subject to the same checks as new applicants, except for fingerprinting. The department will evaluate only abuses and convictions of crimes that occurred since the last record check. The evaluation will be conducted using the same process.

441—113.13(237) Reference checks.

113.13(1) At least three additional unsolicited references will be checked for all foster family home applicants in addition to a minimum of three references provided by the applicant. Required references shall include a minimum of one relative and one nonrelative.

113.13(2) Responses of references will be documented in the applicant's record.

113.13(3) Information received from references may be discussed with the applicant at the discretion of the worker. The reference will be so informed.

113.13(4) Reference checks will include only those areas related to the applicant's ability to care for children and should include discussion of the following areas:

a. How long and in what capacity the reference has known the applicant.

b. Personal qualities of the applicant, including the general character, ability to get along with others, ability to deal with the child's problem behavior, ability to give affection and care, discussion of use of drugs and alcohol, and questions regarding personal difficulties that could be detrimental to the child.

c. Relationship stability.

d. How the applicant handles anger, problems, crisis situations, discipline, and disappointments.

e. Any areas of general concern not previously mentioned.

f. Whether or not the reference would feel comfortable leaving the child in the applicant's home for a period of time.

g. Recommendations regarding licensing.

113.13(5) When warranted, additional references may be sought after licensure.

441—113.14(237) Unannounced visits.

113.14(1) The department's recruitment and retention contractor shall make unannounced visits during periods of the day when the child and foster parents would normally be at home and awake unless there has been a specific complaint about the family and care of the child.

113.14(2) The unannounced visit shall include, at a minimum, the assessment of the following areas:

a. Home environment.

b. Who was present at the time of the visit.

c. Interaction between the child and foster family and their child(ren).

d. The child's perception of the foster parents, other child(ren) and adults in the home; behavioral expectations of foster parents; discipline used by foster parents; religious training; school; contact with natural parents; and purpose of placement in foster care.

e. The foster parents' view of the child, the child's problem, placement worker's involvement, plan for the child, involvement of biological parents, and additional services that either the child or foster parents need.

f. Any previously or currently cited deficiencies, corrective action plans and progress.

g. Any previous or current concerns from department workers.

h. Discussion of placements during the licensing year and, if none, the reason why.

i. Progress on completing training in the foster parents' training plan.

j. Awareness of the foster parents' license capacity and compliance.

k. Recommended action.

113.14(3) An unannounced visit to the foster home:

a. Shall be completed annually;

b. Shall not be waived; and

c. Shall not occur in conjunction with license renewal.

113.14(4) The findings from the unannounced visit shall be documented on a progress note.

a. The report shall be sent to the department licensing worker and the foster parents within two weeks after the visit.

b. A copy of the report shall be retained in the foster parents' record.

113.14(5) Actions after the unannounced visit.

a. When deficiencies are cited that do not appear likely to cause immediate physical or mental harm to the child, an additional visit may be scheduled. The department licensing worker and the recruitment and retention contractor shall discuss the deficiencies with the foster parents and make plans for improving the deficiencies.

b. When the reported deficiencies raise questions of concern as to the quality of care provided, the recruitment and retention contractor shall:

(1) Report deficiencies to the department licensing worker and to the placement worker for any child currently placed in the home;

(2) Hold a meeting with the department licensing worker and the foster parents to discuss deficiencies and the plans for improving the deficiencies and then complete a written corrective action plan as to how the foster parents intend to address the deficiencies.

c. When the reported deficiencies appear likely to cause immediate physical or mental harm to the child, the department will immediately:

(1) Direct the placement worker to determine if the child should be removed, and

(2) Direct the licensing worker to complete a review of the foster home to determine if the family should continue to be licensed, should receive a provisional license, or should have the license revoked.

113.14(6) When the foster parents refuse to make a written commitment to improve the deficiencies, the department licensing worker shall conduct a complete review of the foster home to determine if the license should be revoked.

441—113.15(237) Planned activities and personal effects.

113.15(1) *Daily routine.* The daily routine shall promote good health and provide an opportunity for activity suitable for the child with time for rest and play.

113.15(2) *Clothing.*

a. Any child should have the child's own clothing.

b. Any child shall have training and help in selection and proper care of clothing.

c. Clothing shall be suited to the existing climate and seasonal conditions.

d. Clothing shall be becoming, of proper size, and culturally appropriate.

e. There shall be an adequate supply of clothing to permit laundering, cleaning and repair.

f. There shall be adequate closet and drawer space for the child to permit access to the child's clothing.

113.15(3) *Educational opportunity.* Every child shall be given the opportunity to complete high school or vocational training in accordance with the child's case permanency plan. The foster parent shall be an advocate for the child by working with the child's school.

113.15(4) *Religion and culture.* Each child shall be given an opportunity, in consultation with the child's parents, to participate in the child's cultural and religious customs. The child shall not be required to participate in religious training or observances contrary to the wishes of the biological or adoptive family or the religious beliefs of the child.

113.15(5) *Community participation.* Every child shall be given the opportunity to develop healthy social relationships through participation in neighborhood, school and other community and group activities. The child shall have the opportunity to invite friends to the foster home and to visit the homes of friends.

113.15(6) *Work assignments.* Work assignments shall be in keeping with the child's age and development.

a. Exploitation of the child is prohibited. No child shall be permitted to do any hazardous tasks or to engage in any work that is in violation of the child labor laws of the state.

b. The child shall have the opportunity to learn to assume some responsibility for self and for household duties in accordance with the child's age, health and ability. However, assigned tasks shall not deprive the child of school, sleep, play or study periods.

441—113.16(237) Medical examinations and health care of the child.

113.16(1) *Medical and dental care.* Foster parents shall keep the child's department case manager informed of any medical and dental appointments and treatments prescribed for the child.

a. Foster parents should attempt to contact the child's parents to engage them in the process of accessing routine medical and dental care for their child unless parental rights have been terminated.

b. In case of an emergency or urgent situation requiring medical care and treatment of an acute illness, disease or condition of the child, when a delay or inability to access parental or department consent for medical care or treatment would endanger the health or physical well-being of the child, the foster parents can provide consent for medical care and treatment.

113.16(2) *Exemption from medical care.* Nothing in this rule shall be construed to require medical treatment or immunization for a minor child of any person who is a member of a church or religious tradition that prohibits medical treatment for disease. In such instance, an official statement from the organization and a notarized statement from the parents shall be incorporated in the record. In potentially life-threatening situations, the child's care shall be referred to appropriate medical and legal authorities.

441—113.17(237) Training and discipline of the child.

113.17(1) *Foster parents' methods of training and discipline.* The home study evaluation of each foster parent applicant shall include a discussion and a written report of the foster parents' methods of training and discipline. Discipline shall be designed to help the child develop self-control, self-esteem, and respect for the rights of others.

113.17(2) *Restrictions on training and discipline.* Training and discipline of the child shall be handled with kindness and understanding.

a. The child shall not be locked in a room, closet, box, or other contained area.

b. The child shall not be deprived of food as punishment or for any other reason.

c. The child shall not be subjected to verbal abuse, threats, or derogatory remarks about the child or the child's family.

d. Corporal punishment shall not be used and is prohibited.

e. Restraints shall not be used as a form of discipline.

(1) Reasonable physical force may be used to restrain the child only in order to prevent injury to the child, injury to others, the destruction of property, or extremely disruptive behavior.

(2) Upon approval of the department, the foster parent may use restraints only in accordance with the written plan of a licensed mental health professional who is working with the child and the foster parents.

113.17(3) *Reports of mistreatment.* Reports of mistreatment coming to the attention of the department licensing worker and caseworker for the child will be investigated promptly and referred to the proper authorities when necessary.

441—113.18(237) Emergency care and release of the child.

113.18(1) *Supervision and arrangements for emergency care.*

a. Foster parents shall provide supervision of the child in preadoptive placement as dictated by the individual child's specific needs.

b. In case of emergency requiring the foster parents' temporary absence from the home, arrangements shall be made with other licensed foster parents or with designated, responsible persons for the care of the child during the period of absence. The child's placement worker shall be notified of all emergency absences of the foster parents.

113.18(2) *Release of child.* The foster parents shall release the child only to the agency, parent or guardian from whom the child was received for care, or the person specifically designated by the agency, parent, or guardian.

441—113.19(237) Changes in foster family home. Foster parents shall notify the department and the recruitment and retention contractor within seven working days of:

113.19(1) Any change in the number of persons living in the home (except for the child placed in the home);

113.19(2) A move to a new home; or

113.19(3) Any circumstances in the home that could negatively affect the health, safety or welfare of the child in the family's care.

441—113.20(237) Foster parents' address disclosure. The foster parents' address shall not be released by the department or contracting agency without written release from the foster parents.

These rules are intended to implement Iowa Code chapter 237.