

CHILD ADVOCACY BOARD[489]

Notice of Intended Action

**Proposing rulemaking related to agency reorganization
and providing an opportunity for public comment**

The Child Advocacy Board hereby proposes to amend Chapter 1, “Purpose and Function,” Chapter 2, “Rules and Operation for the State Board,” Chapter 3, “Local Foster Care Review Boards,” and Chapter 4, “Court Appointed Special Advocate Program,” and rescind Chapter 5, “Public Records and Fair Information Practices,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 237.18.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2023 Iowa Acts, Senate File 514.

Purpose and Summary

The purpose of this proposed rulemaking is to update language in the Board’s rules to reflect the movement of the Child Advocacy Board to the Department of Health and Human Services pursuant to the state government reorganization legislation passed during the 2023 Legislative Session of the Iowa General Assembly.

This rulemaking updates references to the administrator, who will be an employee of the Department of Health and Human Services as of July 1, 2023; updates references to the “Department of Human Services” to be the “Department of Health and Human Services” and rescinds the Public Records and Fair Information Practices chapter from this agency number to remove duplicative uniform rules. The specific rules describing “personally identifiable information” in rule 489—5.14(22) was previously moved to new rule 441—9.17(22).

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on September 12, 2023. Comments should be directed to:

Sarah Reisetter
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.242.6392
Email: compliancerules@idph.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

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. Amend subrule 1.1(1) as follows:

1.1(1) Location. The child advocacy board is located in the Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; telephone (866)448-4608. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, except on state holidays. The child advocacy board is created within the department of ~~inspections and appeals~~ health and human services.

ITEM 2. Amend subrule **1.1(2)**, definitions of “Department” and “Person or court responsible for the child,” as follows:

“*Department*” means the department of health and human services.

“*Person or court responsible for the child*” means the department, including but not limited to the department of health and human services, agency, or individual who is the guardian of a child by court order issued by the juvenile or district court and has the responsibility of the care of the child, or the court having jurisdiction over the child.

ITEM 3. Amend subrule 2.1(1) as follows:

2.1(1) Membership and terms. The child advocacy board is created within the department of ~~inspections and appeals~~ health and human services. The state board consists of nine members appointed by the governor, subject to confirmation by the senate and directly responsible to the governor. One member shall be an active court appointed special advocate volunteer, one member shall be an active member of a local citizen foster care review board, and one member shall be a judicial branch employee or judicial officer appointed from nominees submitted by the judicial branch. The appointment is for a term of four years that begins and ends as provided in Iowa Code section 69.19. Vacancies on the state board shall be filled in the same manner as original appointments are made. An employee of the department of health and human services ~~or of the department of inspections and appeals~~, an employee of a child-placing agency, an employee of an agency with which the department of health and human services contracts for services for children under foster care, a foster parent providing foster care, or an employee of the district court is not eligible to serve on the state board. However, the judicial branch employee or judicial officer appointed from nominees submitted by the judicial branch in accordance with Iowa Code section 237.16(1) shall be eligible to serve on the state board.

ITEM 4. Amend subrule 2.2(1) as follows:

2.2(1) The ~~state board~~ director appoints an administrator for the child advocacy board. The administrator is responsible for the ongoing administration of the state and local boards' activities and of the court appointed special advocate program.

ITEM 5. Amend subrule 3.2(2) as follows:

3.2(2) A person employed by the department of health and human services or the judicial department, an employee of an agency with which the department of health and human services contracts for services for children under foster care, a foster parent providing foster care, or a child-placing agency shall not serve on a local board.

ITEM 6. Amend subrule **4.1(1)**, definition of "Administrator," as follows:

"*Administrator*" means the person selected by the ~~child advocacy board~~ director to lead, direct and manage the staff and programs established by the board.

ITEM 7. Amend paragraph **4.2(3)"g"** as follows:

g. Not be a person employed by the state board, the department of health and human services, the district court, or an agency with which the department of health and human services contracts for services for children.

ITEM 8. Rescind and reserve **489—Chapter 5**.