

CHILD ADVOCACY BOARD[489]

Adopted and Filed

Rulemaking related to agency reorganization

The Child Advocacy Board hereby amends 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 rescinds Chapter 5, “Public Records and Fair Information Practices,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted 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 rulemaking is to update language in the Board’s rules to reflect the movement of the 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 is an employee of the Department as of July 1, 2023; updates references to the “Department of Human Services” to refer to the “Department of Health and Human Services”; and rescinds the Public Records and Fair Information Practices chapter from this agency’s rules to remove duplicative uniform rules. The specific provisions describing “personally identifiable information” in rule 489—5.14(22) were previously moved to new rule 441—9.17(22).

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 23, 2023, as **ARC 7065C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Board on December 8, 2023.

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.

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).

Effective Date

This rulemaking will become effective on April 10, 2024.

The following rulemaking action is adopted:

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**.

[Filed 2/16/24, effective 4/10/24]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/6/24.