

HUMAN SERVICES DEPARTMENT[441]

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapters 49, 121, 122, 155, 164, 400, 401, 402, 403, 404, 405, and 406
“Rules Implementing 2026 Iowa Acts, House File 2782
and 2026 Iowa Acts, Senate File 2488”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 216A, 217.41C, 231.80, 234A, and 256I

State or federal law(s) implemented by the rulemaking: 2026 Iowa Acts, House File 2782 and Senate File 2488

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 17, 2026
10 a.m.

Microsoft Teams
Meeting ID: 280 168 583 090 612
Passcode: AR6YG33g

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This proposed rulemaking implements 2026 Iowa Acts, House File 2782 and Senate File 2488, by promulgating and consolidating administrative rules to implement the Department’s programs within its Early Childhood and Family Services (ECFS) system. All references in the proposed rulemaking to Iowa Code chapter 234A are to that chapter as enacted and amended, respectively, by Senate File 2488 and House File 2782.

The proposed rulemaking creates a new Title XIX, “Early Childhood and Family Services,” within agency number [441]. Simultaneously, the proposed rulemaking rescinds and repromulgates under the new Title XIX the following chapters that cover ECFS programs:

- Chapter 49, “Family Development and Self-Sufficiency (FaDSS) Program.”
- Chapter 121, “Early Childhood Iowa Initiative” (ECI Initiative).
- Chapter 164, “More Options for Maternal Supports (MOMS) Program.”

The proposed rulemaking also rescinds Chapter 122, “Fiscal Oversight of the Early Childhood Iowa Initiative,” and combines its content with the repromulgated ECI Initiative chapter.

Chapter 155, “Child Abuse Prevention Program,” is proposed to be rescinded in the rulemaking because the underlying statute, Iowa Code sections 235A.1, 235A.2, and 235A.3, were repealed by section 19 of 2026 Iowa Acts, Senate File 2488. Child abuse prevention is an overarching initiative, and grants to contractors will continue to be awarded by the Department to support child abuse prevention initiatives.

This proposed rulemaking also promulgates four new chapters with the following purposes:

1. Chapter 400 will outline the Department’s ECFS system.
2. Chapter 401 will outline the structure of the newly created ECFS District Advisory Councils.
3. Chapter 403 will describe comprehensive family support, known as the Children at Home program, for which rulemaking was authorized in 2026 Iowa Acts, House File 2782. This program was previously described in 441—Chapter 184. The chapter had no rulemaking authority and covered a program that is no longer in place, so it was rescinded during a Red Tape Review under Executive Order 10.
4. Chapter 406 will describe the data collection and use functions authorized for the ECFS system by section 4 of 2026 Iowa Acts, Senate File 2488.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

● **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs associated with this proposed rulemaking.

● **Classes of persons that will benefit from the proposed rulemaking:**

Families served by the Department’s ECFS initiatives will benefit from having consolidated administrative rules.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

● **Quantitative description of impact:**

Quantitative data regarding the combined programs is not yet available.

● **Qualitative description of impact:**

Families served by the Department’s early ECFS initiatives will benefit from having consolidated administrative rules.

3. Costs to the State:

● **Implementation and enforcement costs borne by the agency or any other agency:**

The Department incurs personnel and other administrative costs associated with the programs outlined in this proposed rulemaking.

● **Anticipated effect on State revenues:**

2026 Iowa Acts, Senate File 2488, transfers any unencumbered or unobligated moneys remaining in the Child Abuse Prevention Program Fund at the close of FY 2026 to the ECFS System Fund created in Iowa Code section 234A.6 as enacted by Senate File 2488. As of September 1, 2026, the balance of the Child Abuse Prevention Program Fund was estimated to be \$717,049.

Senate File 2488 also requires the Department during and after the transfer of the administration of home visiting services to the ECFS system, and contingent upon the receipt of additional federal funds for home visiting services pursuant to the Social Security Act, Title IV-E, to annually redistribute among the ECI areas that made a request to transition the administration of home visiting services the following percentages, up to \$7,000,000, of the additional federal funds received for coordination of early childhood services for children from age zero through age five:

- FY 2028 = 25 percent.
- FY 2029 = 15 percent.
- FY 2030 = 5 percent.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Rulemaking is required by both House File 2782 and Senate File 2488.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

Not applicable.

6. Alternative methods considered by the agency:

• **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

• **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Rulemaking is required by both House File 2782 and Senate File 2488.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

- ITEM 1. Rescind and reserve **441—Chapter 49.**
- ITEM 2. Rescind and reserve **441—Chapter 121.**
- ITEM 3. Rescind and reserve **441—Chapter 122.**
- ITEM 4. Rescind and reserve **441—Chapter 155.**
- ITEM 5. Rescind and reserve **441—Chapter 164.**
- ITEM 6. Adopt the following new **441—Chapter 400:**

TITLE XIX

EARLY CHILDHOOD AND FAMILY SERVICES

CHAPTER 400

EARLY CHILDHOOD AND FAMILY SERVICES SYSTEM

441—400.1(234A) Definitions. For the purposes of Title XIX, the definitions contained in Iowa Code chapter 234A apply in addition to any other definitions contained in the chapters therein.

441—400.2(234A) Core functions. The early childhood and family services (ECFS) system is established by the department pursuant to Iowa Code chapter 234A. The ECFS system will use early intervention and primary prevention strategies to provide equitable statewide access to a continuum of services that fulfill the requirements of Iowa Code section 234A.3.

441—400.3(234A) Service continuum. The ECFS system will include ensuring access to the following continuum of services:

400.3(1) The early childhood Iowa initiative as described in Iowa Code sections 256I.1 through 256I.11.

400.3(2) The HOPES-HFI program established pursuant to Iowa Code section 234A.5.

400.3(3) The comprehensive family support program established pursuant to Iowa Code section 231.80 (children at home).

400.3(4) The pregnancy support services outlined in Iowa Code section 217.41C (more options for maternal supports (MOMS)).

400.3(5) The family development and self-sufficiency (FaDSS) program established in Iowa Code section 216A.107.

These rules are intended to implement Iowa Code chapter 234A.

ITEM 7. Adopt the following new 441—Chapter 401:

CHAPTER 401

EARLY CHILDHOOD AND FAMILY SERVICES DISTRICT ADVISORY COUNCILS

441—401.1(225A) Definitions. For the purpose of this chapter, the following definitions apply:

“Chairperson” means the chairperson of the advisory council who has been elected by a majority of advisory council members.

“Early childhood and family services district advisory council” or *“advisory council”* means the same as defined in Iowa Code section 234A.1.

441—401.2(234A) Appointment.

401.2(1) The members of the advisory council will be appointed by the department in accordance with Iowa Code section 234A.3(2).

401.2(2) The appointments will be for three-year staggered terms that expire on June 30.

401.2(3) Vacancies will be filled in accordance with requirements established in the district contract. Members appointed to fill a vacancy will serve for the balance of the unexpired term.

401.2(4) Absences.

a. Three unexcused absences in a 12-month period constitute grounds for the department to request nomination of an alternate representative to fill the position.

b. Absences may be excused by notification provided to the chairperson prior to the meeting.

c. The chairperson of the advisory council is charged with providing notification of absences to the department.

441—401.3(234A) Officers.

401.3(1) Officers of the advisory council will consist of a chairperson and a vice chairperson who will be elected at the first meeting of each fiscal year.

a. An officer will serve no more than three consecutive terms as chairperson or vice chairperson.

b. A vacancy in the office of chairperson will be filled by elevation of the vice chairperson.

c. A vacancy in the office of vice chairperson will be filled by election at the next meeting after the vacancy occurs.

d. A vacancy must be filled by an individual meeting the same qualifications as the departing advisory council member in accordance with Iowa Code section 234A.3(2).

401.3(2) Duties of officers.

a. The chairperson will:

(1) Preside at all meetings of the advisory council;

(2) Appoint subcommittees as deemed necessary; and

(3) Designate the chairperson of each subcommittee.

b. The vice chairperson will:

(1) Perform the duties of the chairperson if the chairperson is absent or unable to act. When so acting, the vice chairperson will have all the powers of and be subject to all restrictions upon the chairperson.

(2) Perform other duties as may be assigned by the chairperson.

441—401.4(234A) Meetings.

401.4(1) The advisory council will establish a meeting schedule on an annual basis to conduct its business. There will be a minimum of four meetings per year.

401.4(2) A majority of appointed members constitutes a quorum.

401.4(3) When a quorum is present, a position is carried by affirmative vote of the majority of those present. No official business that requires a vote of the membership will be conducted without a quorum present.

441—401.5(234A) Subcommittees. The advisory council may designate one or more subcommittees to perform such duties as may be deemed necessary.

441—401.6(225A) Advisory council composition. The advisory council's composition will be developed and maintained pursuant to Iowa Code chapter 234A.

These rules are intended to implement Iowa Code section 234A.3.

ITEM 8. Adopt the following new 441—Chapter 402:

CHAPTER 402
EARLY CHILDHOOD IOWA INITIATIVE

441—402.1(256I) Definitions. For the purpose of these rules, the following definitions apply:

“Agreement” means a contract between the area boards, state board, department, and state agencies to which funding is allocated.

“Audit” means a financial review by area boards of early childhood Iowa funds. Area boards that receive federal funds shall complete an audit of the funds. The audit must be a single audit if the area board received a total of federal funds from all funding sources in excess of the threshold defined in 2 CFR 200.501(b) as amended to April 1, 2027. Area boards that are not required to conduct a single audit under that threshold may coordinate with the fiscal agent to conduct the required audit. The audit requirements may be found in the online toolkit available on the department website.

“Community partners” means individuals, early childhood service providers, and staff of other programs or agencies who communicate, coordinate and collaborate with an area board.

“Designation” means the status awarded by the state board to an early childhood Iowa area meeting the criteria established by the state board.

“Early childhood Iowa area” or *“area”* means the same as defined in Iowa Code section 256I.1.

“Early childhood Iowa area board” or *“area board”* means the same as defined in Iowa Code section 256I.1.

“Early childhood Iowa fund” means a fund created in the state treasury from which moneys are distributed to early childhood Iowa areas for the purpose of supporting children and their families.

“Early childhood Iowa state board” or *“state board”* means the state of Iowa's early childhood Iowa board as appointed by the governor that meets the membership criteria of citizens and state agency directors as voting members and legislators as nonvoting members.

“Evidence-based” means that a program has completed a randomized control trial conducted by an independent researcher and has demonstrated positive results for children and families. “Evidence-based” may also include research conducted by the program that has been published in a peer-reviewed journal that also demonstrates positive results for children and families. To be evidence-based, the program must include stringent standards for program replication, including

standards for implementation and monitoring to ensure that the program is being operated with fidelity to the original model.

“Indicator” means a measure that indirectly quantifies the achievement of a result.

“Result” means the effect desired for Iowans.

“State agency” means a department of the executive branch, including but not limited to the economic development authority and the departments of education, health and human services, and workforce development.

441—402.2(256I) Early childhood Iowa state board responsibility.

402.2(1) The state board will provide leadership and coordination for the development of Iowa’s early care, health and education system in cooperation with area boards, community partners and other state agencies.

402.2(2) The state board will:

- a.* Develop and implement a process for designating area boards and review the process at the close of each designation cycle.
- b.* Adopt state-level indicators with input from area boards, report on indicators each fiscal year, and compare the data against baseline data and data from prior fiscal years as available. Indicators will measure all result areas of the early care, health and education system.
- c.* Adopt minimum standards to promote equal access to services subject to the authority of the area boards.
- d.* Adopt minimum standards to promote equal access to services subject to the authority of the area and adopt guidelines and standards for services provided under a school ready children grant. All guidelines and standards will be found in the online toolkit available on the department’s official website.
- e.* Further the development of an early childhood integrated data system across state agencies and other partners.
- f.* Develop guidance to identify and improve the quality of services in early care, health and education programs, including evidence-based practices.
- g.* Promote other measures to advance the initiative.

441—402.3(256I) Early childhood Iowa coordination staff. In consultation with the state board, the department will provide fiscal oversight of the early childhood Iowa initiative. The fiscal oversight measures are defined in rule 441—402.5(256I).

441—402.4(256I) Early childhood Iowa areas.

402.4(1) The state board will approve early childhood Iowa area boundaries and the creation of area boards. Minimum criteria for areas and approval of area boards are set forth in Iowa Code sections 256I.6 and 256I.7.

402.4(2) The state board may waive any of the minimum criteria referenced in Iowa Code section 256I.6 if it is determined that exceptional circumstances exist. The state board further defines exceptional circumstances to include when the proposed change of boundaries creates hardship that reduces performance or quality of services within the area. The area board must provide compelling documentation of the hardship and clearly document the impact to performance or quality of services or both.

441—402.5(256I) Fiscal oversight.

402.5(1) In consultation with the state board, the department has adopted policies to oversee the fiscal responsibilities of area boards.

402.5(2) The department will:

- a.* Review the internal controls of all disbursements of early childhood Iowa funding;
- b.* Approve the process for issuing agreements with area boards;

- c. Approve and sign all agreements between the area boards and the state for the purposes of Iowa Code chapter 256I;
 - d. Develop a policy for the disbursement of funds;
 - e. Require an audit, conducted by an independent agency, of the early childhood Iowa funds managed by area boards. The minimum requirements and frequency of audits for the area boards shall be determined and approved by the state board;
 - f. Ensure that all area boards secure liability insurance; and
 - g. Require that area boards submit a contract-monitoring schedule for their funded programs.
- These rules are intended to implement Iowa Code sections 256I.1 through 256I.12.

ITEM 9. Adopt the following **new** 441—Chapter 403:

CHAPTER 403 CHILDREN AT HOME PROGRAM

441—403.1(231) Definitions.

“Comprehensive family support” means the same as defined in Iowa Code section 231.80(1).

“Family” means the same as defined in Iowa Code section 231.80(1).

“Individual with a disability” means the same as defined in Iowa Code section 231.80(1).

“Iowa family support network” or *“IFSN”* means the agency that contracts with the department to maintain a network of service providers to assist eligible families in finding services and supports for individuals.

“Services and support” means the same as defined in Iowa Code section 231.80(1).

441—403.2(231) Eligibility. Eligibility for the comprehensive family support program is outlined in Iowa Code section 231.80(3) and will be determined by the IFSN.

441—403.3(231) Application. A family may apply on an application prescribed by the department. Within 30 days from the date the application is received, the IFSN will provide a notice of eligibility determination pursuant to 441—Chapter 16. Eligibility determinations may be appealed pursuant to rule 441—403.6(231).

441—403.4(231) Contractor selection and duties. Whenever possible, the department will contract with a local agency to serve as the ISFN to implement the children at home program.

403.4(1) Selection. Contractors will be selected through competitive bidding and a demonstrated ability to provide disability-related services and supports.

403.4(2) Duties.

- a. Provide a single entry point for applicants to learn about and connect with a variety of needed services and supports.
- b. Assist families in identifying and applying for services they believe will help meet the needs of their family.
- c. Develop and disseminate information describing the services and supports.
- d. Provide services and support in a timely manner.
- e. Provide short-term care coordination to families, including linkage to needed services and support.
- f. Survey parents annually to determine how the program is helping parents meet the needs of individuals with disabilities and include the survey results in the annual report to the department.
- g. Submit quarterly and annual reports to the department in a manner prescribed by the department.

441—403.5(231) Direct assistance. The IFSN shall develop policies and procedures for providing direct financial assistance for services and supports that cannot be funded through other programs or means. Policies and procedures shall be submitted to and approved by the department.

441—403.6(231) Appeals. A process is available to appeal the department’s or the IFSN’s decisions involving families that apply for the children at home program and are denied services and support under the program. Families and the department shall follow the appeal procedures outlined in 441—Chapter 2506.

These rules are intended to implement Iowa Code section 231.80.

ITEM 10. Adopt the following new 441—Chapter 404:

CHAPTER 404
MORE OPTIONS FOR MATERNAL SUPPORT (MOMS) PROGRAM

441—404.1(217) Definitions.

“*Client*” means an individual receiving the services enumerated in Iowa Code section 217.41C through the program.

“*Pregnancy support services*” means the same as defined in Iowa Code section 217.41C.

“*Program*” means the more options for maternal support (MOMS) program outlined in Iowa Code section 217.41C.

“*Program administrator*” means the department or a nonprofit entity incorporated in this state with a tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code that is awarded a contract by the department to administer the program, including managing a statewide network of providers and other duties outlined in Iowa Code section 217.41C.

“*Provider of pregnancy support services*” or “*provider*” means the same as defined in Iowa Code section 217.41C.

441—404.2(217) Pregnancy support services. Pregnancy support services do not include health care treatment or services for purposes of the Health Insurance Portability and Accountability Act of 1996 as amended to April 1, 2027.

441—404.3(217) Program administrator responsibilities.

404.3(1) If a nonprofit entity is awarded a contract by the department though the request for proposals process to administer the program, that program administrator may assume ownership and oversight of any existing contracts providers have with the department. The program administrator will work with the department to facilitate and execute the contract reassignments.

404.3(2) A program administrator shall:

- a. Prepare and submit an annual program evaluation report in a format prescribed by the department at the end of each contracted year.
- b. Use the results of the evaluation report at a minimum to support and assist providers in the continuous quality improvement process.
- c. Maintain a minimum number of providers, as specified by the department, to include any provider contracts reassigned by the department, if applicable.
- d. Only be eligible to receive reimbursement for services described in its contract and shall not charge additional fees to the department or to providers.

441—404.4(217) Client feedback. The department will create a process for clients to provide confidential feedback regarding their experience with providers.

441—404.5(217) Appeals. An applicant for program administrator, provider, or client who disagrees with a decision of the department may submit an appeal in accordance with 7—Chapter 2506 or 441—Chapter 2506, as applicable.

These rules are intended to implement Iowa Code section 217.41C.

ITEM 11. Adopt the following new 441—Chapter 405:

CHAPTER 405
FAMILY DEVELOPMENT AND SELF-SUFFICIENCY (FaDSS) PROGRAM

441—405.1(216A) Definitions. As used in these rules, unless the context otherwise requires:

“*Applicant*” means a public or private organization that applies for a family development and self-sufficiency grant through the request for proposal process.

“*Contractor*” means an applicant whose proposal is selected by the council and who enters into a contract with the department.

“*Council*” means the council on health and human services.

“*Grant*” means an award approved by the council to fund a family development and self-sufficiency contract.

“*Program*” or “*FaDSS program*” means the family development and self-sufficiency program established pursuant to Iowa Code section 216A.107.

441—405.2(216A) Identification of conditions and criteria for families at risk. The council has identified the following conditions and criteria that may place families at risk of instability or of long-term dependency on the family investment program:

405.2(1) Educational level of head of household.

- a. Head of household has less than a high school education.
- b. Head of household lacks basic literacy skills.

405.2(2) Work experience of head of household.

- a. Head of household has never been employed.
- b. Head of household is currently unemployed.
- c. Head of household has multiple episodes of employment lasting less than one year.

405.2(3) Household composition.

- a. Members are homeless or nearly homeless.
- b. Members outside the nuclear family are in residence.
- c. One or more children in the household were born while the parent received public assistance.
- d. One or more children in the household are identified as having special needs.
- e. Household includes a family member with substantiated substance abuse issues.
- f. Household includes a past or current perpetrator of child abuse or domestic violence.
- g. Household includes a member with a record of incarceration.

405.2(4) Background of head of household.

- a. Head of household was a teenager at birth of first child.
- b. Head of household has a disability or chronic illness (mental or physical).
- c. Head of household is a past or current victim of child abuse or domestic violence.
- d. Head of household grew up in a household with substance abuse.

405.2(5) Public assistance history.

- a. Head of household grew up in a household that received public assistance.
- b. Household has experienced multiple episodes of receipt of public assistance.
- c. Household has been on public assistance for three or more years.

405.2(6) Other conditions. The council has also identified the following conditions that may contribute to instability or long-term dependency:

- a. Lack of employment opportunity.
- b. Lack of available services.
- c. Lack of transportation.

441—405.3(216A) Family referral. Families who meet one or more of the conditions and criteria identified in rule 441—405.2(216A) may be referred to the program by the department, family self-referral, or other sources.

441—405.4(216A) Grant funding. The department will develop requests for proposals for the awarding of grants.

441—405.5(216A) Contractor responsibilities. Contractors will be responsible for providing services in accordance with the policies and procedures set forth in the FaDSS program manual as amended to April 1, 2027, including providing notice of adverse action in accordance with 441—Chapter 16; the grant contract; and any other guidance from the department.

441—405.6(216A) Appeals. Families who disagree with a decision of the department under this chapter may submit an appeal in accordance with 441—Chapter 2506.

These rules are intended to implement Iowa Code section 216A.107.

ITEM 12. Adopt the following **new** 441—Chapter 406:

CHAPTER 406 DATA COLLECTION AND USE

441—406.1(234A) Definition. For the purposes of this chapter:

“*Contractor*” means the community partners, agencies, administrators, and contractors that serve eligible Iowa families under 441—Chapters 402 through 405.

441—406.2(234A) Authority. The director is the principal officer of the state to administer ECFS data reporting. The department will collect and maintain data on all clients served in accordance with Iowa Code chapter 234A and sections 216A.107, 217.41C, 231.80, and 256I.1 through 256I.11.

406.2(1) *Submission of data.* Contractors shall submit to the department the data regarding each individual and family the contractor serves according to the frequency, file layouts, format, and naming conventions prescribed by the department. When a contractor is notified by the department that the data are incomplete or are not compliant with the prescribed file layouts, format, or naming conventions, the contractor must correct the issue within 30 days of the notification.

406.2(2) *Data required.* The data to be submitted are as follows:

- a.* Individual client-level information and family-level information, including a unique identifier, name, address, assessment results, and referral information.
- b.* The state identification number, when applicable.
- c.* Demographic information, including but not limited to date of birth, sex, ethnicity, marital status, education, residential living arrangement, current employment status, monthly income, household income, income sources, type of insurance, insurance carrier, veteran status, guardianship status, source of referral, and diagnosis code in the International Classification of Diseases (ICD) as amended to April 1, 2027.
- d.* Service information, including but not limited to the decision on services, dates of decisions, eligibility termination date and reason for termination of eligibility, service beginning dates, service ending dates, and reason for termination of services if applicable.
- e.* Any other information necessary as determined by the department.

These rules are intended to implement Iowa Code section 234A.4.