

## CHILD-PLACING AGENCIES

### Footnotes

Child and family services, see chapter 234

#### **238.1 Definitions.**

1. For the purpose of this chapter the word "*administrator*" means administrator of the division of child and family services of the department of human services.

2. The word "*person*" or "*agency*" where used in this chapter shall include individuals, institutions, partnerships, voluntary associations, and corporations, other than institutions under the management or control of any division of the department of human services or any administrator thereof.

[C27, 31, 35, § 3661-a58; C39, § **3661.072**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.1]

83 Acts, ch 96, § 157, 159; 84 Acts, ch 1279, § 41; 94 Acts, ch 1046, §8; 96 Acts, ch 1034, § 14

#### **238.2 "Child-placing agency" defined.**

Any agency, public, semipublic, or private, which represents itself as placing children permanently or temporarily in private family homes or as receiving children for such placement, or which actually engages, for gain or otherwise, in such placement, shall be deemed to operate a child-placing agency.

[C27, 31, 35, § 3661-a59; C39, § **3661.073**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.2]

#### **238.3 Authority to license.**

The administrator may grant a license under this chapter for the period specified in section 238.9 for the conduct of any child-placing agency in this state.

[C27, 31, 35, § 3661-a60; C39, § **3661.074**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.3]

2002 Acts, ch 1102, §5

#### **238.4 Granting of license conditional.**

No such license shall be issued unless the person applying shall have shown that the person and the person's agents are properly equipped by training and experience to find and select suitable temporary or permanent homes for children and to supervise such homes when children are placed in them, to the end that the health, morality, and general well-being of children placed by them shall be properly safeguarded.

[C27, 31, 35, § 3661-a61; C39, § **3661.075**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.4]

#### **238.5 License required.**

No person shall conduct a child-placing agency or solicit or receive funds for its support without an unrevoked license issued by the administrator within the twelve months preceding to conduct such agency.

[C27, 31, 35, § 3661-a62; C39, § **3661.076**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.5]

### **238.6 Form of license.**

The license shall state the name of the licensee and the particular premises in which the business may be carried on.

[C27, 31, 35, § 3661-a63; C39, § **3661.077**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.6]

### **238.7 Posting of license.**

Such license shall be kept posted in a conspicuous place on the licensed premises.

[C27, 31, 35, § 3661-a64; C39, § **3661.078**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.7]

### **238.8 Record of license.**

A record of the licenses so issued shall be kept by the administrator.

[C27, 31, 35, § 3661-a65; C39, § **3661.079**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.8]

### **238.9 Term of license.**

A license granted under this chapter shall be valid for three years from the date of issuance unless the license is revoked in accordance with section 238.10.

[C27, 31, 35, § 3661-a66; C39, § **3661.080**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.9]

2002 Acts, ch 1102, §6

### **238.10 Revocation of license.**

The administrator may, after due notice and hearing, revoke the license:

1. In case the person to whom the same is issued violates any provision of this chapter.
2. When in the opinion of the administrator such agency is maintained in such a way as to waste or misuse funds contributed by the public or without due regard to sanitation or hygiene or to the health, comfort, or well-being of the child cared for or placed by the agency.
3. In case of violation by the licensee or the licensee's agents of any law of the state in a manner disclosing moral turpitude or unfitness to maintain such agency.
4. In case any such agency is conducted by a person of ill repute or bad moral character.
5. In case said agency operates in persistent violation of the reasonable regulations of the administrator governing such agencies.

[S13, § 3260-k; C24, § 3663; C27, 31, 35, § 3661-a67; C39, § **3661.081**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.10]

### **238.11 Written charges findings notice.**

Written charges against the licensee shall be served upon the licensee at least ten days before hearing shall be had thereon and a written copy of the findings and decisions of the administrator upon hearing shall be served

upon the licensee in the manner prescribed for the service of original notice in civil actions.

[C27, 31, 35, § 3661-a68; C39, § **3661.082**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.11]

### **Footnotes**

Service of notice, R.C.P. 1.3021.315

### **238.12 Appeal judicial review.**

Any licensee feeling aggrieved by any decision of the administrator revoking the licensee's license may appeal to the council on human services in the manner of form prescribed by such council. The council shall, upon receipt of such an appeal give the licensee reasonable notice and opportunity for a fair hearing before such council or its duly authorized representative or representatives. Following such hearing the council on human services shall take its final action and notify the licensee in writing.

Judicial review of the actions of the council may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

[C27, 31, 35, § 3661-a69; C39, § **3661.083**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.12]

83 Acts, ch 96, § 157, 159; 2003 Acts, ch 44, §114

**238.13 to 238.15** Repealed by 74 Acts, ch 1090, § 211.

### **238.16 Rules and regulations.**

It shall be the duty of the administrator to provide such general regulations and rules for the conduct of all such agencies as shall be necessary to effect the purposes of this chapter and of all other laws of the state relating to children so far as the same are applicable, and to safeguard the well-being of children placed or cared for by such agencies.

[C27, 31, 35, § 3661-a73; C39, § **3661.087**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.16]

### **238.17 Forms for registration and record preservation.**

The administrator shall prescribe forms for the registration and record of persons cared for by any child-placing agency licensed under this chapter and for reports required by said administrator from the agencies.

If, for any reason, a child-placing agency as defined by section 238.2 shall cease to exist, all records of registration and placement and all other records of any kind and character kept by such child-placing agency shall be turned over to the administrator, for preservation, to be kept by the said administrator as a permanent record.

[C27, 31, 35, § 3661-a74; C39, § **3661.088**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.17]

### **238.18 Duty of licensee.**

The licensee shall keep a record and make reports in the form to be prescribed by said administrator.

[C27, 31, 35, § 3661-a75; C39, § **3661.089**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.18]

### **238.19 Inspection generally.**

Authorized employees of the department of inspections and appeals may inspect the premises and conditions of the agency at any time and examine every part of the agency; and may inquire into all matters concerning the agency and the children in the care of the agency.

[S13, § 3260-j; C24, § 3669, 3684; C27, 31, 35, § 3661-a76; C39, § **3661.090**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.19]

90 Acts, ch 1204, §55

### **238.20 Minimum inspection record.**

Authorized employees of the department of inspections and appeals shall visit and inspect the premises of licensed child-placing agencies at least once every six months and make and preserve written reports of the conditions found.

[C27, 31, 35, § 3661-a77; C39, § **3661.091**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.20]

90 Acts, ch 1204, §56

### **238.21 Other inspecting agencies.**

Authorized agents of the local board of health in whose jurisdiction a licensed child-placing agency is located may make inspection of the premises.

[C27, 31, 35, § 3661-a78; C39, § **3661.092**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.21]

90 Acts, ch 1204, §57

### **238.22 Licensee to aid inspection.**

The licensees shall give all reasonable information to such inspectors and afford them every reasonable facility for obtaining pertinent information.

[C27, 31, 35, § 3661-a79; C39, § **3661.093**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.22]

**238.23 Annual report.** Repealed by 2002 Acts, ch 1102, §8.

### **238.24 Information confidential exceptions.**

1. Except as authorized by this section, a person who acquires under this chapter or from the records provided for in this chapter, information relative to any agency or relative to any individual cared for by the agency or relative to any relative of the individual, shall not directly or indirectly disclose the information.

2. Disclosure of information acquired under this chapter or from the records provided for in this chapter is authorized under any of the following circumstances:

*a.* Disclosure made upon inquiry before a court of law, or before some other tribunal, or for the information of the governor, general assembly, medical examiners, administrator, Iowa department of public health, or the local board of health in the jurisdiction where the agency is located.

*b.* Disclosure may be made by the administrator to proper persons as may be in the interest of a child cared

for by the agency or in the interest of the child's parents or foster parents and not inimical to the child, or as may be necessary to protect the interests of the child's prospective foster parents. However, disclosure of termination and adoption records shall be governed by the provisions of sections 600.16 and 600.16A.

c. Disclosure for purposes of statistical analysis performed by duly authorized persons of data collected under this chapter or the publication of the results of such analysis in such manner as will not disclose confidential information.

[C27, 31, 35, § 3661-a81; C39, § **3661.095**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.24]

92 Acts, ch 1196, § 2; 2002 Acts, ch 1102, §7

**238.25 to 238.29** Repealed by 76 Acts, ch 1229, § 38.

**238.30 Reports as to placements.** Repealed by 97 Acts, ch 99, § 10.

### **238.31 Inspection of foster homes.**

The administrator shall be satisfied that each licensed child-placing agency is maintaining proper standards in its work, and said administrator may at any time cause the child and home in which the child has been placed to be visited by the administrator's agents for the purpose of ascertaining whether the home is a suitable one for the child, and may continue to visit and inspect the foster home and the conditions therein as they affect said child.

[C27, 31, 35, § 3661-a88; C39, § **3661.102**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.31]

### **238.32 Authority to agencies.**

Any institution incorporated under the laws of this state or maintained for the purpose of caring for, placing out for adoption, or otherwise improving the condition of unfortunate children may, under the conditions specified in this chapter and when licensed in accordance with the provisions of this chapter:

1. Receive children in need of assistance, or delinquent children who are under eighteen years of age, under commitment from the juvenile court, and control and dispose of them subject to the provisions of chapter 232 and chapter 600A.
2. Receive, control, and dispose of all minor children voluntarily surrendered to such institutions.

[S13, § 254-a22, 3260-b; C24, § 3662; C27, 31, 35, § 3661-a89; C39, § **3661.103**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 238.32]

### **Footnotes**

Transferring legal custody of a child, § 232.102, 232.103

**238.33 through 238.41** Transferred to § 232.158232.166; 85 Acts, ch 173, § 30.

### **238.42 Agreement in child placements.**

Every agency placing a child in a foster home shall enter into a written agreement with the person taking the child, which agreement shall provide that the agency placing the child shall have access at all reasonable

times to such child and to the home in which the child is living, and for the return of the child by the person taking the child whenever, in the opinion of the agency placing such child, or in the opinion of the administrator, the best interests of the child shall require it.

[C27, 31, 35, § 3661-a97; C39, § **3661.111**; C46, 50, 54, 58, 62, 66, § 238.40; C71, 73, 75, 77, 79, 81, § 238.42]

#### **238.43 Exceptions.**

The provisions of section 238.42 shall not apply to children who have been legally adopted.

[C27, 31, 35, § 3661-a98; C39, § **3661.112**; C46, 50, 54, 58, 62, 66, § 238.41; C71, 73, 75, 77, 79, 81, § 238.43]

#### **238.44 Contracts for services liability for costs.**

An agency which enters into a contract with a referral agency to provide child placement services is liable for the costs of services which are paid prior to the provision of services, if the services are not subsequently provided.

94 Acts, ch 1174, §5

#### **238.45 Penalty.**

Every person who violates any of the provisions of this chapter or who intentionally shall make any false statements or reports to the administrator with reference to the matters contained herein, shall be guilty of a fraudulent practice.

[C27, 31, 35, § 3661-a100; C39, § **3661.114**; C46, 50, 54, 58, 62, 66, § 238.43; C71, 73, 75, 77, 79, 81, § 238.45]