

CHAPTER 234
CHILD AND FAMILY SERVICES

Referred to in §252B.3, 252B.14, 252C.1, 252D.1, 252D.8, 252D.16, 252D.16A, 252E.1, 252E.1A, 252E.16, 252H.2, 252H.4, 252H.21, 252I.2, 252J.1, 598.21C, 598.21G, 598.22, 598.22A, 598.22B, 598.23A, 600.11

Table with 4 columns: Section Number, Section Title, Section Number, Section Title. Includes subchapters I through VI and various service categories like General Provisions, Foster Care Expense, Marriage Initiative Grant Fund, etc.

SUBCHAPTER I
GENERAL PROVISIONS

234.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Child" means either a person less than eighteen years of age or a person eighteen, nineteen, or twenty years of age who meets all of the following conditions:

a. The person was placed by court order issued pursuant to chapter 232 in foster care or in an institution listed in section 218.1 and either of the following situations apply to the person:

(1) After reaching eighteen years of age, the person has remained continuously and voluntarily under the care of an individual, as defined in section 237.1, licensed to provide foster care pursuant to chapter 237 or in a supervised apartment living arrangement, in this state.

(2) The person aged out of foster care after reaching eighteen years of age and subsequently voluntarily applied for placement with an individual, as defined in section 237.1, licensed to provide foster care pursuant to chapter 237 or for placement in a supervised apartment living arrangement, in this state.

b. The person has demonstrated a willingness to participate in case planning and to complete the responsibilities prescribed in the person’s case permanency plan.

c. The department has made an application for the person for adult services upon a determination that it is likely the person will need or be eligible for services or other support from the adult services system.

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

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

4. “Director” means the director of health and human services.

5. “Food programs” means the supplemental nutrition assistance program and donated foods programs authorized by federal law under the United States department of agriculture.

6. “Supplemental nutrition assistance program” or “SNAP” means benefits provided by the federal program administered through 7 C.F.R. pts. 270 – 283, as amended.

[C71, 73, 75, 77, 79, 81, S81, §234.1; 81 Acts, ch 7, §11]

83 Acts, ch 96, §160; 86 Acts, ch 1245, §1419; 92 Acts, ch 1229, §20; 93 Acts, ch 54, §3; 2008 Acts, ch 1073, §1; 2009 Acts, ch 41, §263; 2022 Acts, ch 1096, §2; 2023 Acts, ch 19, §669; 2023 Acts, ch 112, §56

Referred to in §217.36, 235.1, 237.1, 238.1, 252.14, 425.15
Section amended

234.2 Division created. Repealed by 2023 Acts, ch 19, §1357.

234.3 Child welfare advisory committee. Repealed by 2010 Acts, ch 1031, §393.

234.4 Education of children in departmental programs.

If the department has custody or has other responsibility for a child based upon the child’s involvement in a departmental program involving foster care, preadoption or adoption, or subsidized guardianship placement and the child is subject to the compulsory attendance law under [chapter 299](#), the department shall fulfill the responsibilities outlined in [section 299.1](#) and other responsibilities under federal and state law regarding the child’s school attendance. As part of fulfilling the responsibilities described in [this section](#), if the department has custody or other responsibility for placement and care of a child and the child transfers to a different school during or immediately preceding the period of custody or other responsibility, within the first six weeks of the transfer date the department shall assess the student’s degree of success in adjusting to the different school.

2009 Acts, ch 120, §4; 2023 Acts, ch 19, §670
Section amended

234.5 Reserved.

234.6 Powers and duties of the director.

1. The director shall administer the family investment program, state supplementary assistance, food programs, child welfare, and emergency relief, family and adult service programs, and any other form of public assistance and institutions that are placed under the director’s administration. The director shall perform duties, formulate and adopt rules as necessary, and outline policies, dictate procedure, and delegate powers as necessary for competent and efficient administration. Subject to restrictions that may be imposed by the council, the director may abolish, alter, consolidate, or establish subunits and abolish or change existing subunits. The director may employ necessary personnel and determine their compensation; may allocate or reallocate functions and duties among subunits; and may adopt rules relating to the employment of personnel and the allocation of their functions and duties among the various subunits as required for competent and efficient administration. The director shall do all of the following:

a. Cooperate with the social security administration created by the Social Security Act and codified at 42 U.S.C. §901, or other agency of the federal government for public assistance, in such reasonable manner as may be necessary to qualify for federal aid, including the making of such reports in such form and containing such information as the social security administration, from time to time, may require, and to comply with such regulations as such

social security administration, from time to time, may find necessary to assure the correctness and verification of such reports.

b. Furnish information to acquaint the public generally with the operation of the federal Acts under the director's jurisdiction.

c. With the approval of the governor, the director of the department of management, and the director of the department of administrative services, establish an administrative fund from the funds under the director's control and management and from the administrative fund pay the expenses of operating the department's duties under [this chapter](#).

d. Notwithstanding any provisions to the contrary in [chapter 239B](#) relating to the consideration of income and resources of claimants for assistance, and with the consent and approval of the council, adopt rules necessary to qualify for federal aid in the assistance programs administered by the director.

e. Use funds available to the department, subject to any limitations placed on the use of the funds by the legislation appropriating the funds, to provide to or purchase, for eligible families and individuals, services including but not limited to the following:

(1) Child care for children or adult day services, in facilities which are licensed or are approved as meeting standards for licensure.

(2) Foster care, including foster family care, group homes, and institutions.

(3) Family-centered services, as defined in [section 232.102A, subsection 1](#), paragraph "b".

(4) Family planning.

(5) Protective services.

(6) Services or support provided to a child with an intellectual disability or other developmental disability or to the child's family.

(7) Transportation services.

(8) Any services, not otherwise enumerated in this paragraph "e", authorized by or pursuant to the United States Social Security Act of 1934, as amended.

f. Administer the food programs authorized by federal law, and recommend rules necessary in the administration of those programs for adoption pursuant to [chapter 17A](#).

g. Provide consulting and technical services to the director of the department of education, or the director's designee, upon request, relating to prekindergarten, kindergarten, and before and after school programming and facilities.

h. Recommend rules for their adoption by the council for before and after school child care programs, conducted within and by or contracted for by school districts, that are appropriate for the ages of the children who receive services under the programs.

2. The department may use the funds available to purchase services of all kinds from public or private agencies to provide for the needs of children, including but not limited to psychiatric services, supervision, specialized group, foster homes, and institutional care.

3. In determining the reimbursement rate for services purchased by the department from a person or agency, the department shall not include private moneys contributed to the person or agency unless the moneys are contributed for services provided to a specific individual.

[C39, §3661.007; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §234.6]

[88 Acts, ch 1134, §56; 89 Acts, ch 206, §2; 92 Acts, ch 1229, §21 – 23; 93 Acts, ch 97, §28; 97 Acts, ch 41, §32; 99 Acts, ch 111, §5, 7; 99 Acts, ch 192, §28; 2001 Acts, ch 64, §5; 2003 Acts, ch 145, §286; 2007 Acts, ch 172, §10; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1019, §92; 2013 Acts, ch 90, §60; 2015 Acts, ch 29, §114; 2016 Acts, ch 1073, §84; 2017 Acts, ch 29, §55, 56; 2017 Acts, ch 54, §75; 2022 Acts, ch 1098, §82; 2023 Acts, ch 19, §671](#)

Referred to in [§234.38](#)
Section amended

234.7 Department duties.

1. The department shall comply with the provision associated with child foster care licensees under [chapter 237](#) that requires that a child's foster parent be included in, and be provided timely notice of, planning and review activities associated with the child, including but not limited to permanency planning and placement review meetings, which shall include discussion of the child's rehabilitative treatment needs.

2. a. The department shall submit a waiver request to the United States department of

health and human services as necessary to provide coverage under the medical assistance program for children who are described by both of the following:

(1) The child needs behavioral health care services and qualifies for the care level provided by a psychiatric medical institution for children licensed under [chapter 135H](#).

(2) The child is in need of treatment to cure or alleviate serious mental illness or disorder, or emotional damage as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others and whose parent, guardian, or custodian is unable to provide such treatment.

b. The waiver request shall provide for appropriately addressing the needs of children described in paragraph “a” by implementing any of the following options: using a wraparound services approach, renegotiating the medical assistance program contract provisions for behavioral health services, or applying another approach for appropriately meeting the children’s needs.

c. If federal approval of the waiver request is not received, the department shall submit options to the governor and general assembly to meet the needs of such children through a state-funded program.

[95 Acts, ch 182, §14; 2005 Acts, ch 117, §3; 2008 Acts, ch 1032, §38; 2011 Acts, ch 34, §60; 2023 Acts, ch 19, §672](#)

Section amended

234.8 Fees for child welfare services.

The department may charge a fee for child welfare services to a person liable for the cost of the services. The fee shall not exceed the reasonable cost of the services. The fee shall be based upon the person’s ability to pay and consideration of the fee’s impact upon the liable person’s family and the goals identified in the case permanency plan. The department may assess the liable person for the fee and the means of recovery shall include a setoff against an amount owed by a state agency to the person assessed pursuant to [section 421.65](#). In addition the department may establish an administrative process to recover the assessment through automatic income withholding. The department shall adopt rules pursuant to [chapter 17A](#) to implement the provisions of [this section](#). [This section](#) does not apply to court-ordered services provided to juveniles which are a charge upon the state pursuant to [section 232.141](#) and services for which the department has established a support obligation pursuant to [section 234.39](#).

[92 Acts, ch 1229, §24; 2003 Acts, ch 145, §216; 2020 Acts, ch 1064, §10, 28; 2020 Acts, ch 1118, §73, 74; 2023 Acts, ch 19, §673](#)

2020 amendment to this section is effective on the date of rules adopted by the department of revenue to implement 2020 Acts, ch 1064, see 2020 Acts, ch 1064, §28; 2020 Acts, ch 1118, §73, 74; the Code editor received notice that the system designed to implement the setoff procedures established in 2020 Acts, ch 1064, and the accompanying rules, will be operational on November 13, 2023; rules governing transition, see 2020 Acts, ch 1118, §72

See Code editor’s note on simple harmonization at the beginning of this Code volume

Section amended

234.9 through 234.11 Reserved.

234.12 Department to provide food programs.

1. The department may enter into agreements with agencies of the federal government as necessary to make available to the people of this state any federal food programs which may, under federal laws and regulations, be implemented in this state. Each program shall be implemented in every county in the state, or in each county where implementation is permitted by federal laws and regulations.

2. The provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, §115, shall not apply to an applicant for or recipient of supplemental nutrition assistance program benefits in this state. However, the department may apply contingent eligibility requirements as provided under state law and allowed under federal law.

3. Upon request by the department, the department of inspections, appeals, and licensing

shall conduct investigations into possible fraudulent practices, as described in [section 234.13](#), relating to food programs administered by the department.

[C79, 81, §234.12]

[90 Acts, ch 1204, §48](#); [97 Acts, ch 41, §1](#); [2017 Acts, ch 54, §76](#); [2023 Acts, ch 19, §674, 1933](#)

See Code editor's note on simple harmonization at the beginning of this Code volume
Section amended

234.12A Electronic benefits transfer program.

1. The department shall maintain an electronic benefits transfer program utilizing electronic funds transfer systems for the supplemental nutrition assistance program. The electronic benefits transfer program implemented under [this section](#) shall not require a retailer to make cash disbursements or to provide, purchase, or upgrade electronic funds transfer system equipment as a condition of participation in the program.

2. A point-of-sale terminal which is used only for purchases from a retailer by electronic benefits transfer utilizing electronic funds transfer systems is not a satellite terminal as defined in [section 527.2](#).

3. For the purposes of [this section](#), “retailer” means a business authorized by the United States department of agriculture to accept supplemental nutrition assistance program benefits.

[98 Acts, ch 1066, §1](#); [98 Acts, ch 1218, §75](#); [2001 Acts, ch 191, §39](#); [2005 Acts, ch 175, §104](#); [2008 Acts, ch 1073, §2, 3](#); [2009 Acts, ch 182, §130](#); [2023 Acts, ch 19, §675](#)

Section amended

234.13 Fraudulent practices relating to food programs.

For the purposes of [this section](#), unless the context otherwise requires, “*benefit transfer instrument*” means a supplemental nutrition assistance program coupon, authorization-to-purchase card, or electronic benefits transfer card. A person commits a fraudulent practice if that person does any of the following:

1. With intent to gain financial assistance to which that person is not entitled, knowingly makes or causes to be made a false statement or representation or knowingly fails to report to an employee of the department any change in income, resources or other circumstances affecting that person's entitlement to such financial assistance.

2. As a beneficiary of the food programs, transfers any supplemental nutrition assistance program benefit transfer instrument to any other individual with intent that the benefit transfer instrument be used for the benefit of someone other than persons within the beneficiary's supplemental nutrition assistance program household as certified by the department.

3. Knowingly acquires, uses, or attempts to use any supplemental nutrition assistance program benefit transfer instrument which was not issued for the benefit of that person's supplemental nutrition assistance program household by the department, or by an agency administering food programs in another state.

4. Acquires, alters, transfers, or redeems a supplemental nutrition assistance benefit transfer instrument or possesses a benefit transfer instrument, knowing that the benefit transfer instrument has been received, transferred, or used in violation of [this section](#) or the provisions of the federal supplemental nutrition assistance program under 7 U.S.C. ch. 51 or the federal regulations issued pursuant to that chapter.

[C79, 81, §234.13; [82 Acts, ch 1260, §120](#)]

[96 Acts, ch 1106, §15](#); [2023 Acts, ch 19, §676](#)

Referred to in [§234.12, 423.3](#)

Fraudulent practices, see [§714.8 - 714.14](#)

Section amended

234.14 Federal grants.

The state treasurer may receive federal funds made available for carrying out any of the activities and functions of the department under [this chapter](#), and all such funds are appropriated for expenditure upon authorization of the director.

[C39, §3661.015; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §234.14]

[2023 Acts, ch 19, §677](#)

Section amended

234.15 through 234.20 Reserved.

SUBCHAPTER II

FAMILY PLANNING SERVICES

234.21 Services to be offered.

The department may offer, provide to, or purchase family planning and birth control services for every eligible applicant or recipient of services or any financial assistance from the department, or who is receiving federal supplementary security income as defined in [section 249.1](#).

[C66, 71, 73, 75, 77, 79, 81, §234.21]

[2023 Acts, ch 19, §678](#)

Section amended

234.22 Extent of services.

The family planning and birth control services may include interviews with trained personnel; distribution of literature; referral to a licensed physician or physician assistant for consultation, examination, tests, medical treatment, and prescriptions; and, to the extent so prescribed, the distribution of rhythm charts, drugs, medical preparations, contraceptive devices, and similar products.

[C66, 71, 73, 75, 77, 79, 81, §234.22]

[2022 Acts, ch 1066, §37; 2023 Acts, ch 19, §679](#)

Section amended

234.23 Charge for services.

In making provision for and offering such services, the department may charge persons to whom family planning and birth control services are rendered a fee sufficient to reimburse the department all or any portion of the costs of the services rendered.

[C66, 71, 73, 75, 77, 79, 81, §234.23]

[2023 Acts, ch 19, §680](#)

Section amended

234.24 Services may be refused.

The refusal of any person to accept family planning and birth control services shall in no way affect the right of such person to receive public assistance or any other public benefit and every person to whom such services are offered shall be so advised initially both orally and in writing. Employees engaged in the administration of [this section](#) shall recognize that the right to make decisions concerning family planning and birth control is a fundamental personal right of the individual and nothing in [this subchapter](#) shall in any way abridge such individual right, nor shall any individual be required to state the individual's reason for refusing the offer of family planning and birth control services.

[C66, 71, 73, 75, 77, 79, 81, §234.24]

[2014 Acts, ch 1026, §143](#)

234.25 Language to be used.

In all cases where the recipient does not speak or read the English language, the services shall not be given unless the interviews shall be conducted in, and all literature shall be written in, a language which the recipient understands.

[C66, 71, 73, 75, 77, 79, 81, §234.25]

234.26 Construction.

[This subchapter](#) shall be liberally construed to protect the rights of all individuals to pursue their religious beliefs and to follow the dictates of their own consciences, and to prevent the imposition upon any individual of practices offensive to the individual's moral standards.

[C66, 71, 73, 75, 77, 79, 81, §234.26]

[2014 Acts, ch 1026, §143](#)

234.27 Policy.

The general assembly hereby finds, determines, and declares that [this subchapter](#) is necessary for the immediate preservation of the public peace, health, and safety.

[C66, 71, 73, 75, 77, 79, 81, §234.27]

[2014 Acts, ch 1026, §143](#)

234.28 Obscenity laws not applicable.

The provisions of [chapter 728](#) do not apply to services provided under the terms of [this subchapter](#).

[C66, 71, 73, 75, 77, 79, 81, §234.28]

[2014 Acts, ch 1026, §143](#)

234.29 through 234.34 Reserved.

SUBCHAPTER III

FOSTER CARE EXPENSE

234.35 When state to pay foster care costs.

1. The department is responsible for paying the cost of foster care for a child, according to rates established pursuant to [section 234.38](#), under any of the following circumstances:

- a. When a court has committed the child to the director or the director's designee.
- b. When a court has transferred legal custody of the child to the department.
- c. When the department has agreed to provide foster care services for the child for a period of not more than ninety days on the basis of a signed placement agreement between the department and the child's parent or guardian.
- d. When the child has been placed in emergency care for a period of not more than thirty days upon approval of the director or the director's designee.
- e. When a court has entered an order transferring the legal custody of the child to a foster care placement pursuant to [section 232.46](#), [section 232.52](#), [subsection 2](#), paragraph "d", or [section 232.102](#), [subsection 1](#). However, payment shall not be made for a group foster care placement unless the group foster care meets requirements as established by the department by rule.
- f. When the department has agreed to provide foster care services for a child who is eighteen years of age or older on the basis of a signed placement agreement between the department and the child or the person acting on behalf of the child.
- g. When the department has agreed to provide foster care services for the child on the basis of a signed placement agreement initiated before July 1, 1992, between the department and the child's parent or guardian.
- h. When the child is placed in shelter care pursuant to [section 232.20](#), [subsection 1](#), or [section 232.21](#).

2. Except as provided under [section 234.38](#) for direct payment of foster parents, payment

for foster care costs shall be limited to foster care providers with whom the department has a contract in force.

3. Payment for foster care services provided to a child who is eighteen years of age or older shall be limited to the following:

a. Family foster care or supervised apartment living arrangements.

b. For a child who is at imminent risk of becoming homeless or failing to graduate from high school or to obtain a general education development diploma, if the services are in the child's best interest, funding is available for the services, and an appropriate alternative service is unavailable.

[C75, 77, 79, 81, §234.35]

90 Acts, ch 1270, §42, 43; 92 Acts, ch 1229, §25; 93 Acts, ch 172, §37, 56; 2003 Acts, ch 117, §9; 2003 Acts, ch 175, §37; 2004 Acts, ch 1116, §15; 2011 Acts, ch 34, §61; 2014 Acts, ch 1141, §75; 2022 Acts, ch 1096, §3, 4; 2022 Acts, ch 1098, §83 – 87; 2023 Acts, ch 19, §681

Referred to in §225C.49, 233A.7, 234.37, 234.38, 234.39, 234.46, 237.15

See Iowa Acts for special provisions relating to foster care payments in a given fiscal year Allocation for shelter care and the child welfare emergency services contracting implemented to provide for or prevent the need for shelter care; 2017 Acts, ch 174, §57; 2018 Acts, ch 1165, §28; 2019 Acts, ch 85, §19, 51; 2020 Acts, ch 1121, §1; 2021 Acts, ch 182, §19, 47; 2022 Acts, ch 1131, §19, 45; 2023 Acts, ch 112, §19, 43

Section amended

234.36 Reserved.

234.37 Department may establish accounts for certain children.

The department may establish an account in the name of any child committed to the director or the director's designee, or whose legal custody has been transferred to the department, or who is voluntarily placed in foster care pursuant to [section 234.35](#). Any money which the child receives from the United States government or any private source shall be placed in the child's account, unless a guardian of the child's property has been appointed and demands the money, in which case it shall be paid to the guardian. The account shall be maintained by the department as trustee for the child in an interest-bearing account at a reputable bank or savings association, except that if the child is residing at an institution administered by the department a limited amount of the child's funds may be maintained in a separate account, which need not be interest bearing, in the child's name at the institution. Any money held in an account in the child's name or in trust for the child under [this section](#) may be used, at the discretion of the department and subject to restrictions lawfully imposed by the United States government or other source from which the child receives the funds, for the purchase of personal incidentals, desires and comforts of the child. All of the money held for a child by the department under [this section](#) and not used in the child's behalf as authorized by law shall be promptly paid to the child or the child's parent or legal guardian upon termination of the commitment of the child to the director or the director's designee, or upon transfer or cessation of legal custody of the child by the department.

[C75, 77, 79, 81, §234.37]

2012 Acts, ch 1017, §58; 2023 Acts, ch 19, §682

Referred to in §233A.10

Section amended

234.38 Foster care reimbursement rates.

The department shall make reimbursement payments directly to foster parents for services provided to children pursuant to [section 234.6, subsection 1](#), paragraph "e", subparagraph (2), or [section 234.35](#). In any fiscal year, the reimbursement rate shall be based upon sixty-five percent of the United States department of agriculture estimate of the cost to raise a child in the calendar year immediately preceding the fiscal year. The department may pay an additional stipend for a child with special needs.

[C75, 77, 79, 81, §234.38]

90 Acts, ch 1270, §44; 92 Acts, ch 1229, §26; 92 Acts, ch 1247, §46; 92 Acts, 1st Ex, ch 1004, §4; 2016 Acts, ch 1073, §190; 2023 Acts, ch 19, §683

Referred to in §234.35

Section amended

234.39 Responsibility for cost of services.

1. It is the intent of [this chapter](#) that an individual receiving foster care services and the individual's parents or guardians shall have primary responsibility for paying the cost of the care and services. The support obligation established and adopted under [this section](#) shall be consistent with the limitations on legal liability established under [sections 222.78](#) and [230.15](#), and by any other statute limiting legal responsibility for support which may be imposed on a person for the cost of care and services provided by the department. The department shall notify an individual's parents or guardians, at the time of the placement of an individual in foster care, of the responsibility for paying the cost of care and services. Support obligations shall be established as follows:

a. For an individual to whom [section 234.35, subsection 1](#), is applicable, a dispositional order of the juvenile court requiring the provision of foster care, or an administrative order entered pursuant to [chapter 252C](#), or any order establishing paternity and support for a child in foster care, shall establish, after notice and a reasonable opportunity to be heard is provided to a parent or guardian, the amount of the parent's or guardian's support obligation for the cost of foster care provided by the department. The amount of the parent's or guardian's support obligation and the amount of support debt accrued and accruing shall be established in accordance with the child support guidelines prescribed under [section 598.21B](#). However, the court, or the department in establishing support by administrative order, may deviate from the prescribed obligation after considering a recommendation by the department for expenses related to goals and objectives of a case permanency plan as defined under [section 237.15](#), and upon written findings of fact which specify the reason for deviation and the prescribed guidelines amount. Any order for support shall direct the payment of the support obligation to the collection services center for the use of the department's foster care services. The order shall be filed with the clerk of the district court in which the responsible parent or guardian resides and has the same force and effect as a judgment when entered in the judgment docket and lien index. The collection services center shall disburse the payments pursuant to the order and record the disbursements. If payments are not made as ordered, child support services may certify a default to the court and the court may, on its own motion, proceed under [section 598.22](#) or [598.23](#) or child support services may enforce the judgment as allowed by law. An order entered under this paragraph may be modified only in accordance with the guidelines prescribed under [section 598.21C](#), or under [chapter 252H](#).

b. For an individual who is served by the department under [section 234.35](#), and is not subject to a dispositional order of the juvenile court requiring the provision of foster care, the department shall determine the obligation of the individual's parent or guardian pursuant to [chapter 252C](#) and in accordance with the child support guidelines prescribed under [section 598.21B](#). However, the department may adjust the prescribed obligation for expenses related to goals and objectives of a case permanency plan as defined under [section 237.15](#). An obligation determined under this paragraph may be modified only in accordance with conditions under [section 598.21C](#), or under [chapter 252H](#).

2. A person entitled to periodic support payments pursuant to an order or judgment entered in any action for support, who also is or has a child receiving foster care services, is deemed to have assigned to the department current and accruing support payments attributable to the child effective as of the date the child enters foster care placement, to the extent of expenditure of foster care funds. The department shall notify the clerk of the district court when a child entitled to support payments is receiving foster care services pursuant to [chapter 234](#). Upon notification by the department that a child entitled to periodic support payments is receiving foster care services, the clerk of the district court shall make a notation of the automatic assignment in the judgment docket and lien index. The notation constitutes constructive notice of assignment. The clerk of court shall furnish the department with copies of all orders and decrees awarding support when the child is receiving foster care services. At the time the child ceases to receive foster care services, the assignment of support shall be automatically terminated. Unpaid support accrued under the assignment of support rights during the time that the child was in foster care remains due to the department up to the amount of unreimbursed foster care funds expended. The department shall notify the clerk of court of the automatic termination of the assignment.

Unless otherwise specified in the support order, an equal and proportionate share of any child support awarded shall be presumed to be payable on behalf of each child subject to the order or judgment for purposes of an assignment under [this section](#).

3. The support debt for the costs of services, for which a support obligation is established pursuant to [this section](#), which accrues prior to the establishment of the support debt, shall be collected, at a maximum, in the amount which is the amount of accrued support debt for the three months preceding the earlier of the following:

a. The provision by child support services of the initial notice to the parent or guardian of the amount of the support obligation.

b. The date that the written request for a court hearing is received by child support services as provided in [section 252C.3](#) or [252F.3](#).

4. If the department makes a subsidized guardianship payment for a child, the payment shall be considered a foster care payment for purposes of child support services. All provisions of this and other sections, and of rules and orders adopted or entered pursuant to those sections, including for the establishment of a paternity or support order, for the amount of a support obligation, for the modification or adjustment of a support obligation, for the assignment of support, and for enforcement shall apply as if the child were receiving foster care services, or were in foster care placement, or as if foster care funds were being expended for the child. [This subsection](#) shall apply regardless of the date of placement in foster care or subsidized guardianship or the date of entry of an order, and foster care and subsidized guardianship shall be considered the same for purposes of child support services.

[C75, 77, 79, 81, §234.39]

[83 Acts, ch 96, §160; 83 Acts, ch 153, §3; 89 Acts, ch 166, §1; 90 Acts, ch 1270, §45; 92 Acts, ch 1195, §303, 304; 92 Acts, ch 1229, §27; 94 Acts, ch 1171, §8; 95 Acts, ch 52, §1; 96 Acts, ch 1213, §36, 37; 97 Acts, ch 175, §227; 99 Acts, ch 127, §1; 2005 Acts, ch 69, §1; 2016 Acts, ch 1011, §40; 2023 Acts, ch 19, §684](#)

Referred to in [§232.4, 232.78, 234.8, 252A.13, 598.21C, 598.34, 600B.38](#)

Section amended

234.40 Corporal punishment.

The department shall adopt rules prohibiting corporal punishment of foster children by foster parents licensed by the department. The rules shall allow foster parents to use reasonable physical force to restrain a foster child in order to prevent injury to the foster child, injury to others, the destruction of property, or extremely disruptive behavior. For the purposes of [this section](#), “corporal punishment” means the intentional physical punishment of a foster child. A foster parent’s physical contact with the body of a foster child shall not be considered corporal punishment if the contact is reasonable and necessary under the circumstances and is not designed or intended to cause pain or if the foster parent uses reasonable force, as defined under [section 704.1](#).

[C79, 81, §234.40]

[92 Acts, ch 1241, §71; 2023 Acts, ch 19, §685](#)

Referred to in [§232.71B](#)

Section amended

234.41 Tort actions.

A foster parent licensed by the department stands in the same relationship to the foster parent’s minor foster child, for purposes of tort actions by or on behalf of the foster child against the foster parent, as a biological parent to the biological parent’s minor child who resides at home. [This section](#) does not apply to a foster parent whose malicious, willful and wanton conduct causes injury or damage to a foster child or exposes the foster child to a danger caused by violation of a statute or the rules of the department.

[C79, 81, §234.41]

[94 Acts, ch 1046, §4; 2023 Acts, ch 19, §686](#)

Section amended

234.42 through 234.44 Reserved.

SUBCHAPTER IV
MARRIAGE INITIATIVE GRANT FUND

234.45 Iowa marriage initiative grant fund.

1. An Iowa marriage initiative grant fund is established in the state treasury under the authority of the department. The grant fund shall consist of moneys appropriated to the fund and notwithstanding [section 8.33](#) such moneys shall not revert to the fund from which appropriated at the close of the fiscal year but shall remain in the Iowa marriage initiative grant fund. Moneys credited to the fund shall be used as directed in appropriations made by the general assembly for funding of services to support marriage and to encourage the formation and maintenance of two-parent families that are secure and nurturing.

2. It is the intent of the general assembly to credit to the Iowa marriage initiative grant fund, federal moneys provided to the state for the express purpose of supporting marriage or two-parent families.

[2001 Acts, ch 191, §37; 2023 Acts, ch 19, §687](#)

Section amended

SUBCHAPTER V
PREPARATION FOR ADULT LIVING PROGRAM

234.46 Preparation for adult living program.

1. For the purposes of [this section](#), “*young adult*” means a person who is described by all of the following conditions:

- a. The person is a resident of this state.
- b. The person is age eighteen, nineteen, twenty, twenty-one, or twenty-two.
- c. At the time the person became age eighteen, the person received foster care services that were paid for by the state under [section 234.35](#), services at a state training school, services at a juvenile shelter care home, services at a juvenile detention home, or court-ordered care in accordance with [chapter 232](#) by a relative or another person with a significant relationship with the person, and the person is no longer receiving such services or care.
- d. The person enters into and participates in an individual self-sufficiency plan that complements the person’s own efforts for achieving self-sufficiency and the plan provides for one or more of the following:
 - (1) The person attends an accredited school full-time pursuing a course of study leading to a high school diploma.
 - (2) The person attends an instructional program leading to a high school equivalency diploma.
 - (3) The person is enrolled in or pursuing enrollment in a postsecondary education or training program or work training.
 - (4) The person is employed or seeking employment.

2. The department shall establish a preparation for adult living program directed to young adults. The purpose of the program is to assist persons who are leaving foster care and other court-ordered services at age eighteen or older in making the transition to self-sufficiency. The department shall adopt rules necessary for administration of the program, including but not limited to eligibility criteria for young adult participation and the services and other support available under the program. The rules shall provide for participation of each person who meets the definition of young adult on the same basis, regardless of whether federal financial participation is provided. The services and other support available under the program may include but are not limited to any of the following:

- a. Support for the young adult continuing to reside with the family that provided family foster care to the young adult.
- b. Support for a supervised apartment living arrangement.
- c. Support for participation in education, training, or employment activities.
- d. Other assistance to enhance the young adult’s ability to achieve self-sufficiency.

3. **This section** shall not be construed as granting an entitlement for any program, services, or other support for the persons described in **this section**. Any state obligation to provide a program, services, or other support pursuant to **this section** is limited to the extent of the funds appropriated for the purposes of the program.

2006 Acts, ch 1159, §7; 2014 Acts, ch 1140, §89, 90; 2019 Acts, ch 85, §109; 2020 Acts, ch 1051, §1; 2023 Acts, ch 19, §688

Subsection 2, unnumbered paragraph 1 amended

SUBCHAPTER VI

CHILD CARE ASSISTANCE AND ADOPTION SUBSIDIES — PROJECTED EXPENDITURES

234.47 State child care assistance and adoption subsidy programs — expenditure projections.

The department, the department of management, and the legislative services agency shall utilize a joint process to arrive at consensus projections for expenditures for the state child care assistance program under **section 237A.13** and adoption subsidy and other assistance provided under **section 600.17**.

2008 Acts, ch 1187, §115; 2023 Acts, ch 19, §689

Section amended

234.48 Adoption subsidy — nonrecurring adoption expenses.

Notwithstanding any provision to the contrary, the maximum reimbursement provided to an adoptive parent under the adoption subsidy program for nonrecurring adoption expenses is one thousand dollars. For the purposes of **this section**, “*nonrecurring adoption expenses*” means the same as defined in **45 C.F.R. §1356.41**. The department shall adopt rules pursuant to **chapter 17A** to administer **this section**.

2023 Acts, ch 112, §68

NEW section