

CHAPTER 237
CHILD FOSTER CARE FACILITIES

Referred to in §232.69, 232.78, 232.95, 232.102, 234.1, 234.7, 235A.15, 237A.3A, 237C.1, 237C.3, 256.177, 335.25, 414.22, 423.3, 441.21

Table listing sections 237.1 through 237.14A with their respective titles and subchapter assignments (SUBCHAPTER I and II).

SUBCHAPTER I
CHILD FOSTER CARE

237.1 Definitions.

As used in this chapter:

- 1. "Agency" means a person which provides child foster care and which does not meet the definition of an individual as defined under this section.
2. "Child" means child as defined in section 234.1.
3. "Child foster care" means the provision of parental nurturing, including but not limited to the furnishing of food, lodging, training, education, supervision, treatment, or other care, to a child on a full-time basis by a person, including a relative of the child if the relative is licensed under this chapter, but not including a guardian of the child.
4. "Council" means the council on health and human services.
5. "Department" means the department of health and human services.
6. "Director" means the director of health and human services.
7. "Facility" means the personnel, program, physical plant, and equipment of a licensee.

8. “*Individual*” means an individual person or a married couple who provides child foster care in a single-family home environment and which does not meet the definition of an agency under [this section](#).

9. “*Licensee*” means an individual or an agency licensed under [this chapter](#).

10. “*Reasonable and prudent parent standard*” means the standard characterized by careful and sensible parenting decisions that maintain the health, safety, and best interests of a child, while at the same time encouraging the emotional and developmental growth of a child, that a caregiver shall use when determining whether to allow a child in foster care under the placement, care, or supervision of the department to participate in extracurricular, enrichment, cultural, or social activities. For the purposes of [this subsection](#), “*caregiver*” means an individual or an agency licensed under [this chapter](#) with which a child in foster care has been placed or a juvenile shelter care home approved under [chapter 232](#) in which a child in foster care has been placed.

[C27, 31, 35, §3661-a42, -a43; C39, §3661.056, 3661.057; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §237.1, 237.2; C81, §237.1; [82 Acts, ch 1016, §1](#)]

[83 Acts, ch 96, §157, 159](#); [86 Acts, ch 1245, §1418](#); [87 Acts, ch 44, §1](#); [90 Acts, ch 1039, §14](#); [99 Acts, ch 192, §29](#); [2002 Acts, ch 1142, §2, 31](#); [2016 Acts, ch 1063, §20](#); [2017 Acts, ch 100, §1](#); [2019 Acts, ch 126, §4](#); [2023 Acts, ch 19, §726](#)

Referred to in [§16.1, 232.2, 234.1, 237.4, 237.13, 282.19, 423.3](#)  
Section amended

**237.2 Purpose.**

It is the policy of this state to provide appropriate protection for children who are separated from the direct personal care of their parents, relatives, or guardians and, as a result, are subject to difficulty in achieving appropriate physical, mental, emotional, educational, or social development. [This chapter](#) shall be construed and administered to further that policy by assuring that child foster care is adequately provided by competently staffed and well-equipped child foster care facilities, including but not limited to residential treatment centers, group homes, and foster family homes.

[C81, §237.2]

**237.3 Rules.**

1. Except as otherwise provided by [subsections 3 and 4](#), the department shall promulgate, after their adoption by the council, and enforce in accordance with [chapter 17A](#), administrative rules necessary to implement [this chapter](#). Formulation of the rules shall include consultation with representatives of child foster care providers and other persons affected by [this chapter](#). The rules shall encourage the provision of child foster care in a single-family, home environment, exempting the single-family, home facility from inappropriate rules.

2. Rules applicable to licensees shall include but are not limited to:

a. Types of facilities which include but are not limited to group foster care facilities and family foster care homes.

b. The number, qualifications, character, and parenting ability of personnel necessary to assure the health, safety and welfare of children receiving child foster care.

c. Programs for education and in-service training of personnel.

d. The physical environment of a facility.

e. Policies for intake, assessment, admission and discharge.

f. Housing, health, safety, and medical care policies for children receiving child foster care. The medical care policies shall include but are not limited to all of the following:

(1) Provision by the department to the foster care provider at or before the time of a child’s placement of the child’s health records and any other information possessed or known about the health of the child or about a member of the child’s family that pertains to the child’s health.

(2) If the health records supplied in accordance with the child’s case permanency plan to the foster care provider are incomplete or the provider requests specific health information,

provision for obtaining additional health information from the child's parent or other source and supplying the additional information to the foster care provider.

(3) Provision for emergency health coverage of the child while the child is engaged in temporary out-of-state travel with the child's foster family.

g. (1) The adequacy of programs available to children receiving child foster care provided by agencies, including but not limited to:

- (a) Dietary services.
- (b) Social services.
- (c) Activity programs.
- (d) Behavior management procedures.
- (e) Educational programs, including special education as defined in [section 256B.2, subsection 1](#), paragraph "b", where appropriate, which are approved by the state board of education.

(2) The department shall not promulgate rules which regulate individual licensees in the subject areas enumerated in this paragraph "g".

h. Policies for involvement of biological parents.

i. Records a licensee is required to keep, and reports a licensee is required to make to the department.

j. Prior to the licensing of an individual as a foster family home, a required, written social assessment of the quality of the living situation in the home of the individual, and a required compilation of personal references for the individual other than those references given by the individual.

k. Elements of a foster care placement agreement outlining rights and responsibilities associated with an individual providing family foster care. The rights and responsibilities shall include but are not limited to all of the following:

(1) Receiving information prior to the child's placement regarding risk factors concerning the child that are known to the department, including but not limited to notice if the child is required to register under [chapter 692A](#).

(2) Having regularly scheduled meetings with each case manager assigned to the child.

(3) Receiving access to any reports prepared by a service provider who is working with the child unless the access is prohibited by state or federal law.

3. Rules governing fire safety in facilities with child foster care provided by agencies shall be promulgated by the director of the department of inspections, appeals, and licensing pursuant to [section 10A.511](#), after consultation with the director.

4. Rules governing sanitation, water and waste disposal standards for facilities shall be promulgated by the department pursuant to [section 135.11](#), after consultation with the director.

5. In case of a conflict between rules promulgated pursuant to [subsections 3 and 4](#) and local rules, the more stringent requirement applies.

6. Rules of the department shall not prohibit the licensing, as foster family homes, of individuals who are departmental employees not directly engaged in the administration of the child foster care program pursuant to [this chapter](#).

7. If an agency is accredited by the joint commission on the accreditation of health care organizations under the commission's consolidated standards for residential settings or by the council on accreditation of services for families and children, the department shall modify facility licensure standards applied to the agency in order to avoid duplicating standards applied through accreditation.

8. The department, in consultation with the judicial branch, residential treatment providers, the foster care provider association, and other parties which may be affected, shall review the licensing rules pertaining to residential treatment facilities, and examine whether the rules allow the facilities to accept and provide effective treatment to juveniles with serious problems who might not otherwise be placed in those facilities.

9. The department shall adopt rules specifying the elements of a preadoptive care agreement outlining the rights and responsibilities associated with a person providing preadoptive care, as defined in [section 232.2](#).

10. The department shall adopt rules to administer the exception to the definition of child

care in [section 237A.1, subsection 2](#), paragraph “1”, allowing a child care facility, for purposes of providing respite care to a foster family home, to provide care, supervision, or guidance of a child for a period of twenty-four hours or more who is placed with the licensed foster family home.

11. The department shall adopt rules to require the department or a representative of the department to visit a child placed with an individual licensee within two weeks of the child being placed with the individual licensee and at least once each calendar month thereafter.

12. The department shall adopt rules that would allow individual licensees to apply the reasonable and prudent parent standard to create opportunities for a child to participate in age or developmentally appropriate activities.

[C27, 31, 35, §3661-a52; C39, §3661.066; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §237.11; C81, §237.3]

83 Acts, ch 96, §157, 159; 89 Acts, ch 283, §26; 90 Acts, ch 1023, §1; 92 Acts, ch 1231, §39; 93 Acts, ch 172, §40; 94 Acts, ch 1046, §5; 97 Acts, ch 164, §5, 6; 98 Acts, ch 1047, §25; 2001 Acts, ch 105, §1, 2, 4; 2002 Acts, ch 1102, §1, 2; 2006 Acts, ch 1160, §2; 2009 Acts, ch 41, §241; 2009 Acts, ch 133, §232; 2010 Acts, ch 1193, §115, 116; 2023 Acts, ch 19, §727, 1358, 1644; 2023 Acts, ch 80, §1

Referred to in §135H.4, 135H.6

2006 amendment to subsection 2, paragraph k, may be cited as the “Foster Parents Bill of Rights”; 2006 Acts, ch 1160, §1

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

Section amended

#### **237.4 License required — exceptions.**

An individual or an agency, as defined in [section 237.1](#), shall not provide child foster care unless the individual or agency obtains a license issued under [this chapter](#). However, a license is not required of the following:

1. An individual providing child foster care for a total of not more than twenty days in one calendar year.

2. A residential care facility licensed under [chapter 135C](#) which is approved for the care of children.

3. A hospital licensed under [chapter 135B](#).

4. A health care facility licensed under [chapter 135C](#).

5. A juvenile detention home or juvenile shelter care home approved under [section 232.142](#).

6. An institution listed in [section 218.1](#).

7. A facility licensed under [chapter 125](#).

8. An individual providing child care as a babysitter at the request of a parent, guardian or relative having lawful custody of the child.

[C27, 31, 35, §3661-a49; C39, §3661.063; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §237.8; C81, §237.4; 82 Acts, ch 1016, §2]

84 Acts, ch 1050, §1; 87 Acts, ch 44, §2; 2023 Acts, ch 19, §728

Referred to in §709.16

Section amended

#### **237.5 License application and issuance — denial, suspension, or revocation — provisional licenses.**

1. An individual or an agency shall apply for a license by completing an application to the department upon forms furnished by the department. The department shall issue or reissue a license if the department determines that the applicant or licensee is or upon commencing operation will provide child foster care in compliance with [this chapter](#). An initial license for an individual is valid for one year from the date of issuance. After the first two years of licensure, a license for an individual is valid for two years from the most recent date of issuance except that the department, within the director’s discretion and based upon the performance of the licensee, may require annual renewal of the license or may issue a provisional license pursuant to [subsection 3](#). A license for an agency is valid for up to three years from the date of issuance for the period determined by the department in accordance with administrative rules providing criteria for making the determination. The license shall state on its face the name of the licensee, the type of facility, the particular premises for

which the license is issued, and the number of children who may be cared for by the facility on the premises at one time. The license shall be posted in a conspicuous place in the physical plant of the facility, except that if the facility is in a single-family home the license may be kept where it is readily available for examination upon request.

2. The department, after notice and opportunity for an evidentiary hearing, may deny an application for a license, and may suspend or revoke a license, if the applicant or licensee violates [this chapter](#) or the rules promulgated pursuant to [this chapter](#), or knowingly makes a false statement concerning a material fact or conceals a material fact on the license application or in a report regarding operation of the facility submitted to the department.

3. The department may issue a provisional license for not more than one year to a licensee whose facility does not meet the requirements of [this chapter](#), if written plans to bring the facility into compliance with the applicable requirements are submitted to and approved by the department. The plans shall state a specific time when compliance will be achieved. Only one provisional license shall be issued for a facility by reason of the same deficiency.

[C27, 31, 35, §3661-a44, -a46, -a51, -a53, -a54; C39, §3661.058, 3661.060, 3661.065, 3661.067, 3661.068; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §237.3, 237.5, 237.10, 237.12, 237.13; C81, §237.5]

[87 Acts, ch 153, §15; 2002 Acts, ch 1102, §3; 2012 Acts, ch 1039, §1; 2023 Acts, ch 19, §729](#)  
Section amended

#### **237.5A Foster parent training.**

1. As a condition for initial licensure, each individual licensee shall complete thirty hours of foster parent training offered or approved by the department. However, if the licensee has completed relevant training or has a combination of completed relevant training and experience, and the department deems such training or combination to be an acceptable equivalent to all or a portion of the initial licensure training requirement, or based upon the circumstances of the child and the licensee the department finds there is other good cause, the department may waive all or a portion of the training requirement. Prior to renewal of licensure, each individual licensee shall also annually complete six hours of foster parent training. The training shall include but is not limited to physical care, education, learning disabilities, referral to and receipt of necessary professional services, behavioral assessment and modification, self-assessment, self-living skills, and biological parent contact. An individual licensee may complete the training as part of an approved training program offered by a public or private agency with expertise in the provision of child foster care or in related subject areas. The department shall adopt rules to implement and enforce this training requirement.

2. A licensee who is unable to complete six hours of foster parent training annually prior to licensure renewal because the licensee is engaged in active duty in the military service shall be considered to be in compliance with the training requirement for licensure renewal.

3. The department or the department's agent shall notify an individual licensee within a reasonable amount of time of any training the department believes would benefit the licensee in the provision of child foster care.

[84 Acts, ch 1279, §25; 87 Acts, ch 117, §1; 2002 Acts, ch 1102, §4; 2004 Acts, ch 1116, §19; 2006 Acts, ch 1159, §6; 2012 Acts, ch 1039, §2; 2023 Acts, ch 80, §2](#)

NEW subsection 3

#### **237.6 Restricted use of facility.**

A licensee shall not furnish child foster care in a building or on premises not designated in the license. A licensee shall not furnish child foster care to a greater number of children than is designated in the license, unless authorized by the department. Multiple licenses authorizing separate and distinct parts of a facility to provide different categories of child foster care may be issued.

[C27, 31, 35, §3661-a50; C39, §3661.064; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §237.9; C81, §237.6]

[2023 Acts, ch 19, §730](#)  
Section amended

### 237.7 Reports and inspections.

The department may require submission of reports by a licensee, and shall cause at least one annual unannounced inspection of each facility to assess the quality of the living situation and to determine compliance with applicable requirements and standards. The inspections shall be conducted by the department of inspections, appeals, and licensing. The director of the department of inspections, appeals, and licensing may examine records of a licensee, including but not limited to corporate records and board minutes, and may inquire into matters concerning a licensee and its employees relating to requirements and standards for child foster care under [this chapter](#).

[C27, 31, 35, §3661-a55; C39, §3661.069; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §237.14; C81, §237.7]

[90 Acts, ch 1204, §53](#); [2023 Acts, ch 19, §731, 1950](#)

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

### 237.8 Personnel.

1. A person shall not be allowed to provide services in a facility if the person has a disease which is transmissible to other persons through required contact in the workplace, which presents a significant risk of infecting other persons, which presents a substantial possibility of harming other persons, or for which no reasonable accommodation can eliminate the risk of infecting other persons.

2. a. (1) If a person is being considered for licensure under [this chapter](#), or for employment involving direct responsibility for a child or in a facility where children reside, by a licensee under [this chapter](#), or if a person will reside in a facility utilized by a licensee, and if the person has been convicted of a crime or has a record of founded child abuse, the record check evaluation system of the department and the licensee for an employee of the licensee shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, employment, or residence in the facility. The record check evaluation system shall conduct criminal and child abuse record checks in this state and may conduct these checks in other states. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

(2) If the criminal and child abuse record checks conducted in this state under subparagraph (1) for an individual being considered for licensure under [this chapter](#), or for employment involving direct responsibility for a child or in a facility where children reside, by a licensee under [this chapter](#), or for an individual who will reside in a facility utilized by a licensee, have been completed and the individual either does not have a record of crime or founded child abuse or the record check evaluation system's evaluation of the record has determined that prohibition of the individual's licensure or employment is not warranted, the individual may be provisionally approved for licensure or employment pending the outcome of the fingerprint-based criminal history check conducted pursuant to subparagraph (4).

(3) An individual being considered for licensure under [this chapter](#), or for employment involving direct responsibility for a child or in a facility where children reside, by a licensee under [this chapter](#), or for an individual who will reside in a facility utilized by a licensee, shall not be granted a license or be employed and an evaluation shall not be performed under [this subsection](#) if the individual has been convicted of any of the following felony offenses:

- (a) Within the five-year period preceding the application date, a drug-related offense.
- (b) Child endangerment or neglect or abandonment of a dependent person.
- (c) Domestic abuse.
- (d) A crime against a child, including but not limited to sexual exploitation of a minor.
- (e) A forcible felony.

(4) If an individual is being considered for licensure under [this chapter](#), or for employment involving direct responsibility for a child or in a facility where children reside, by a licensee under [this chapter](#), or if an individual will reside in a facility utilized by a licensee, or if an individual is subject to licensure under [this chapter](#) as a foster parent, in addition to the record checks conducted under subparagraph (1), the individual's fingerprints shall be provided to the department of public safety for submission through the state criminal history repository to



the United States department of justice, federal bureau of investigation for a national criminal history check. The cost of the criminal history check conducted under this subparagraph is the responsibility of the department.

(5) If the criminal and child abuse record checks conducted in this state under subparagraph (1) for an individual being considered for licensure as a foster parent have been completed and the individual either does not have a record of crime or founded abuse or the record check evaluation system's evaluation of the record has determined that prohibition of the individual's licensure is not warranted, the individual may be provisionally approved for licensure pending the outcome of the fingerprint-based criminal history check conducted pursuant to subparagraph (4).

(6) An individual applying to be a foster parent licensee shall not be granted a license and an evaluation shall not be performed under [this subsection](#) if the individual has been convicted of any of the following felony offenses:

- (a) Within the five-year period preceding the application date, a drug-related offense.
- (b) Child endangerment or neglect or abandonment of a dependent person.
- (c) Domestic abuse.
- (d) A crime against a child, including but not limited to sexual exploitation of a minor.
- (e) A forcible felony.

b. Except as otherwise provided in paragraph "a", if the record check evaluation system determines that a person has committed a crime or has a record of founded child abuse and is licensed, employed by a licensee, or resides in a licensed facility the record check evaluation system shall notify the licensee that an evaluation will be conducted to determine whether prohibition of the person's licensure, employment, or residence is warranted.

c. In an evaluation, the record check evaluation system and the licensee for an employee of the licensee shall consider the nature and seriousness of the crime or founded child abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child abuse, the circumstances under which the crime or founded child abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child abuse again, and the number of crimes or founded child abuses committed by the person involved. The record check evaluation system may permit a person who is evaluated to be licensed, employed, or to reside, or to continue to be licensed, employed, or to reside in a licensed facility, if the person complies with the record check evaluation system's conditions relating to the person's licensure, employment, or residence, which may include completion of additional training. For an employee of a licensee, these conditional requirements shall be developed with the licensee. The record check evaluation system has final authority in determining whether prohibition of the person's licensure, employment, or residence is warranted and in developing any conditional requirements under this paragraph.

d. If the record check evaluation system determines that the person has committed a crime or has a record of founded child abuse which warrants prohibition of licensure, employment, or residence, the person shall not be licensed under [this chapter](#) and shall not be employed by a licensee or reside in a licensed facility.

3. In addition to the record checks required under [subsection 2](#), the record check evaluation system may conduct dependent adult abuse record checks in this state and may conduct these checks in other states, on a random basis. The provisions of [subsection 2](#), relative to an evaluation following a determination that a person has been convicted of a crime or has a record of founded child abuse, shall also apply to a random check conducted under [this subsection](#).

4. A licensee shall inform all new applicants for employment of the possibility of the performance of a record check and shall obtain, from the applicant, a signed acknowledgment of the receipt of the information.

5. A licensee shall include the following inquiry in an application for employment:

Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime, in this state or any other state?

[C81, §237.8]

87 Acts, ch 153, §16; 88 Acts, ch 1134, §57; 89 Acts, ch 283, §27; 90 Acts, ch 1221, §7; 91 Acts, ch 138, §7; 94 Acts, ch 1130, §14; 98 Acts, ch 1190, §29; 2007 Acts, ch 172, §12; 2019 Acts, ch 126, §5, 6; 2023 Acts, ch 19, §732

Referred to in §232.142  
Section amended

### **237.9 Confidential information.**

A person who receives information from or through the department concerning a child who has received or is receiving child foster care, a relative or guardian of the child, a single-family, home licensee, or an individual employee of a licensee, shall not disclose that information directly or indirectly, except as authorized by [section 217.30](#), or as authorized or required by [section 232.69](#).

[C81, §237.9]

### **237.10 Child foster care providers.**

1. *a.* The department shall notify an individual licensee of any appropriate meetings relating to the case permanency plan of a child in the care of the individual licensee.

*b.* The department shall notify an individual licensee of any meetings known to the department relating to the individualized education program of a child in the care of the individual licensee.

*c.* The department shall notify an individual licensee of any medical appointments required or scheduled in consultation with the department relating to a child in the care of the individual licensee.

2. The department or the department's agent may share otherwise confidential information about a child with an individual licensee being considered as a possible placement for the child to the extent such disclosure is relevant to the placement decision and the proper care of the child. The department or the department's agent may facilitate sharing the contact information of previous individual licensees for a child with the next individual licensee in an effort to support the continuity of care for a child.

3. Upon placement of a child with an individual licensee, the department shall provide the individual licensee with information that would allow the individual licensee to contact the department or an agent of the department for assistance relating to child foster care.

4. Prior to disclosing an individual licensee's private address, work address, or contact information, the department shall evaluate possible safety concerns to determine whether such information may be released without posing a risk to the safety of the individual licensee, the child, or any other person.

5. The department shall notify an individual licensee within a reasonable amount of time of any change in a law or regulation that would have a substantive impact on the individual licensee's obligations and responsibilities relating to child foster care.

6. *a.* The department shall provide written notice to an individual licensee a minimum of ten days prior to the removal of a child from the care of the individual licensee. Such notice shall include the reasons for the child's removal.

*b.* [This subsection](#) shall not apply if the health or safety of the child or another person is threatened by the child's presence in the child's current placement home, if the court orders the removal of a child from the individual licensee, if the child is absent from the home without authorization, if the child is being moved to the home of a biological parent or legal guardian, or if the individual licensee is alleged to have committed child abuse or neglect.

7. *a.* An individual licensee shall provide written notice to the department a minimum of ten days prior to a request to remove a child from the individual licensee's care.

*b.* [This subsection](#) shall not apply to a situation where the health or safety of the child or another person is threatened by the child's presence in the child's current placement home.

8. At the conclusion of an investigation conducted by the department that may affect



an individual licensee's ability to provide child foster care in the future, the department shall provide the individual licensee with a written report that details the conclusions of the investigation.

9. a. The department shall require an individual licensee to attempt, to the extent reasonably possible, to maintain a child's culture and beliefs.

b. An individual licensee shall be allowed to provide child foster care, according to the individual licensee's own culture and beliefs, if such child foster care does not actively discourage a child to disregard the child's own culture and beliefs and a biological parent whose parental rights have not been terminated or a legal guardian for the child does not object to the practice or activity that is consistent with the individual licensee's own culture and beliefs.

10. a. The department or the department's agent shall consider the needs and scheduling demands of a child, the child's parents, the child's siblings, and the individual licensee caring for the child when scheduling supervised or any other visitation between the child and the child's siblings, family members, or fictive kin.

b. The department shall not require an individual licensee to conduct or be present during supervised visits scheduled pursuant to paragraph "a".

11. The department shall accept information from an individual licensee relating to medical appointments, treatment needs, educational progress, and educational services for a child placed with the individual licensee. The department shall consider all such information when developing or modifying a child's case permanency plan and in the coordination of care and decisions related to services and care necessary for the child. The information the department receives from individual licensees will be reviewed and considered as decisions about the child's progress and needs are made.

12. The department shall maintain a process to allow an individual licensee to file complaints with the department electronically for alleged violations relating to [this section](#).

13. The department shall adopt rules pursuant to [chapter 17A](#) to implement [this section](#).  
[2023 Acts, ch 80, §3](#)

NEW section

### **237.11 Penalty.**

An individual or an agency who provides child foster care without obtaining a license under [this chapter](#) or who knowingly violates [this chapter](#) or the rules promulgated pursuant to [this chapter](#) is guilty of a serious misdemeanor.

[C27, 31, 35, §3661-a57; C39, §3661.071; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §237.16; C81, §237.11]

### **237.12 Injunctive relief.**

An individual or an agency who provides child foster care without obtaining a license under [this chapter](#) or who knowingly violates [this chapter](#) or the rules promulgated pursuant to [this chapter](#) may be temporarily or permanently enjoined by a court in an action brought by the state, a political subdivision of the state or an interested person.

[C58, 62, 66, 71, 73, 75, 77, 79, §237.16; C81, §237.12]

### **237.13 Foster home insurance fund.**

1. For the purposes of [this section](#), "foster home" means an individual, as defined in [section 237.1, subsection 8](#), who is licensed to provide child foster care and shall also be known as a "licensed foster home".

2. The foster home insurance fund shall be administered by the department. The fund shall consist of all moneys appropriated by the general assembly for deposit in the fund. The department shall use moneys in the fund to provide home and property coverage for foster parents to cover damages to property resulting from the actions of a foster child residing in a foster home or to reimburse foster parents for the cost of purchasing foster care liability insurance and to perform the administrative functions necessary to carry out [this section](#). The department may establish limitations of liability for individual claims as deemed reasonable by the department.

3. The department shall adopt rules, pursuant to [chapter 17A](#), to carry out the provisions of [this section](#).

88 Acts, ch 1223, §1; 89 Acts, ch 178, §4; 93 Acts, ch 172, §41; 99 Acts, ch 55, §1 – 5; 2001 Acts, ch 135, §1, 2; 2011 Acts, ch 98, §2, 3; 2020 Acts, ch 1121, §56; 2021 Acts, ch 182, §54; 2023 Acts, ch 19, §733

Section amended

#### **237.14 Enhanced foster care services.**

The department shall provide for enhanced foster care services by establishing supplemental per diem or performance-based contracts that include payment of costs relating to payments of principal and interest for bonds and notes issued pursuant to [section 16.57](#) with facilities licensed under [this chapter](#) which provide special services to children who would otherwise be placed in a state juvenile institution or an out-of-state program. Before completion of the department's budget estimate as required by [section 8.23](#), the department shall determine and include in the estimate the amount which should be appropriated for enhanced foster care services for the forthcoming fiscal year in order to provide sufficient services.

90 Acts, ch 1239, §14; 2014 Acts, ch 1080, §84, 98; 2015 Acts, ch 29, §38

#### **237.14A Reasonable and prudent parent standard — immunity from liability.**

The department, or any individual, agency, or juvenile shelter care home that applies the reasonable and prudent parent standard reasonably and in good faith in regard to a child in foster care shall have immunity from civil or criminal liability which might otherwise be incurred or imposed. [This section](#) shall not remove or limit any existing liability protection afforded under any other law.

2016 Acts, ch 1063, §21

## SUBCHAPTER II

### FOSTER CARE REVIEW

#### **237.15 Definitions.**

For the purposes of [this subchapter](#) unless otherwise defined:

1. “*Case permanency plan*” means the same as defined in [section 232.2, subsection 4](#), except the plan shall also include the following:

a. The efforts to place the child with a relative.  
b. The rationale for an out-of-state placement, and the efforts to prevent such placement, if the child has been placed out-of-state.

c. Time frames to meet the stated permanency goal and short-term objectives.

2. “*Child receiving foster care*” means a child who is described by any of the following circumstances:

a. The child's foster care placement is the financial responsibility of the state pursuant to [section 234.35](#).

b. The child is under the guardianship of the department.

c. The child has been involuntarily hospitalized for mental illness pursuant to [chapter 229](#).

d. The child is at-risk of being placed outside the child's home, the department or court is providing or planning to provide services to the child, and the department or court has requested the involvement of the state or local board.

3. “*Court appointed special advocate*” means the same as defined in [section 232.2](#).

4. “*Family*” means the social unit consisting of the child and the biological or adoptive parent, stepparent, brother, sister, stepbrother, stepsister, and grandparent of the child.

5. “*Fictive kin*” means an adult person who is not a relative of a child but who has an emotionally positive significant relationship with the child or the child's family.

6. “*Local board*” means a local citizen foster care review board created pursuant to [section 237.19](#).

7. “*Person or court responsible for the child*” means the department, including but not

limited to the department of health and human services, the agency, or the 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.

8. “State board” means the child advocacy board created pursuant to [section 237.16](#).

[84 Acts, ch 1279, §26; 88 Acts, ch 1233, §1, 2; 89 Acts, ch 296, §22; 90 Acts, ch 1270, §46; 91 Acts, ch 232, §11; 92 Acts, ch 1141, §5; 92 Acts, ch 1231, §40; 94 Acts, ch 1046, §6; 95 Acts, ch 182, §18, 19; 2000 Acts, ch 1067, §13; 2002 Acts, ch 1162, §20, 21; 2016 Acts, ch 1011, §121; 2022 Acts, ch 1055, §2; 2022 Acts, ch 1096, §5; 2023 Acts, ch 19, §734](#)

Referred to in [§232.97, 234.39](#)  
Subsection 7 amended

### **237.16 Child advocacy board — staff.**

1. The child advocacy board is created within the department. 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 [section 69.19](#). Vacancies on the state board shall be filled in the same manner as original appointments are made.

2. The members of the state board shall annually select a chairperson, vice chairperson, and other officers the members deem necessary. The members may be entitled to receive reimbursement for actual and necessary expenses incurred in the performance of their duties, subject to available funding. Each member of the board may also be eligible to receive compensation as provided in [section 7E.6](#). The state board shall meet at least twice a year.

3. An employee of the department, an employee of a child-placing agency, an employee of an agency with which the department 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 [subsection 1](#) shall be eligible to serve on the state board.

4. The department shall develop written protocols detailing the responsibilities of the department with regard to children under the purview of the state board. The protocols shall be reviewed by the department on an annual basis.

5. The director shall employ appropriate staff for the state board in accordance with available funding.

[84 Acts, ch 1279, §27; 86 Acts, ch 1245, §549; 88 Acts, ch 1233, §3; 89 Acts, ch 296, §23; 92 Acts, ch 1141, §6; 92 Acts, ch 1242, §27; 2002 Acts, ch 1162, §22; 2002 Acts, 2nd Ex, ch 1003, §239, 262; 2006 Acts, ch 1049, §1; 2022 Acts, ch 1055, §3; 2023 Acts, ch 19, §735](#)

Referred to in [§232.2, 232.13, 232.147, 232.149A, 235A.15, 237.15, 237.17, 237.20](#)  
Confirmation, see [§2.32](#)  
Section amended

### **237.17 Foster care registry.**

1. The state board shall establish a registry of the placements of all children receiving foster care. The agency responsible for the placement shall notify the state board of each placement in accordance with written protocols adopted pursuant to [section 237.16, subsection 4](#). The notification shall include information identifying the child receiving foster care and placement information for that child.

2. The agency responsible for the placement shall submit the case permanency plan and all case permanency plan revisions to a local board in accordance with written protocols adopted pursuant to [section 237.16, subsection 4](#).

[84 Acts, ch 1279, §28; 88 Acts, ch 1233, §4; 2022 Acts, ch 1055, §4](#)

### **237.18 Duties of state board.**

The state board shall:

1. Review the activities and actions of local boards and the court appointed special advocate program.

2. Adopt rules pursuant to [chapter 17A](#) to:
  - a. Establish a recordkeeping system for the files of local boards including individual case reviews.
  - b. Accumulate data and develop an annual report regarding children served by the state board. The report shall include:
    - (1) Data regarding the total number of days of foster care provided and the characteristics of the children receiving foster care.
    - (2) The number of placements of children in foster care.
  - c. Evaluate the data collected by local boards and court appointed special advocates, and disseminate the data to the governor, the department, child-placing agencies, and the state court administrator for dissemination to the supreme court and the chief judge of each judicial district.
  - d. Establish mandatory training programs for members of the state board. Training shall focus on but not be limited to the following:
    - (1) The duties of the state board.
    - (2) The duties of local boards.
    - (3) The duties of court appointed special advocates.
    - (4) Applicable child welfare laws and practices that influence the work of local boards and court appointed special advocates.
  - e. Establish a mandatory training program and procedures for local boards consistent with the provisions of [section 237.20](#).
  - f. Establish procedures and protocols for administering the court appointed special advocate program in accordance with [subsection 5](#).
    3. Assign the cases of children receiving foster care to the appropriate local boards.
    4. Maintain an evaluation program regarding citizen foster care review programming. The evaluation program shall be designed to evaluate the effectiveness of citizen reviews in improving case permanency planning and meeting case permanency planning goals, identify the amount of time children spend in foster care placements, and identify problem issues in the foster care system. The state board shall submit an annual evaluation report to the governor and the general assembly.
    5. Administer the court appointed special advocate program, including but not limited to performance of all of the following:
      - a. Establish standards for the program, including but not limited to standards for selection and screening of volunteers, preservice training, continuing education, and assignment and supervision of volunteers. Identifying information concerning a court appointed special advocate, other than the advocate's name, shall not be considered to be a public record under [chapter 22](#).
      - b. Implement the court appointed special advocate program as deemed necessary to effectuate its purpose including but not limited to employing court appointed special advocate program staff as available funding provides.
      - c. Promote adherence to the national guidelines for state and local court appointed special advocate programs.
      - d. Issue an annual report of the court appointed special advocate program for submission to the general assembly, the governor, and the supreme court.
    6. Receive gifts, grants, or donations made for any of the purposes of the state board's programs and disburse and administer the funds received in accordance with the terms of the donor and under the direction of program staff. The funds received shall be used according to any restrictions attached to the funds and any unrestricted funds shall be retained and applied to the applicable program budget for the next succeeding fiscal year.
    7. Make recommendations to the general assembly, the department, child-placing agencies, the governor, and the state court administrator for dissemination to the supreme court and the chief judge of each judicial district. The recommendations shall include but are not limited to identification of systemic problems in the foster care and the juvenile justice systems, specific proposals for improvements that assist the systems in being more

cost-effective and better able to protect the best interests of children, and necessary changes relating to the data collected and the annual report made under [subsection 2](#), paragraph “b”.

[84 Acts, ch 1279, §29](#); [88 Acts, ch 1233, §5 – 8](#); [92 Acts, ch 1141, §7](#); [92 Acts, ch 1242, §28](#); [98 Acts, ch 1047, §26](#); [2002 Acts, ch 1162, §23, 24](#); [2003 Acts, ch 35, §45, 49](#); [2009 Acts, ch 41, §98](#); [2009 Acts, ch 181, §113](#); [2022 Acts, ch 1055, §5](#); [2023 Acts, ch 19, §736](#); [2023 Acts, ch 64, §33](#)

Subsection 2, paragraph d, unnumbered paragraph 1 amended  
Subsection 4 stricken

### **237.19 Local citizen foster care review boards.**

1. The state board shall establish local citizen foster care review boards to review cases of children receiving foster care. The department shall discontinue its foster care review process for those children reviewed by local boards as local boards are established and operating. The state board shall select a minimum of five members and a maximum of seven members to serve on each local board. The actual number of local boards needed and established shall be determined by the state board. The members of each local board shall, to the extent possible, reflect the various racial and ethnic groups and various occupations of their district. A person employed by the state board, the department, or the district court, or an employee of an agency with which the department 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.

2. Vacancies on a local board shall be filled in the same manner as original appointments.

3. A local board member shall be required to pass a background check and complete requirements as established by the state board prior to taking an oath of confidentiality to serve on a local board.

4. A local board member shall be required to receive periodic continuing education during each term of service as established by the state board.

[84 Acts, ch 1279, §30](#); [88 Acts, ch 1233, §9](#); [92 Acts, ch 1141, §8](#); [2022 Acts, ch 1055, §6](#)

Referred to in [§232.13](#), [232.147](#), [232.149A](#), [235A.15](#), [237.15](#)

Local boards to be established in additional judicial districts as moneys become available; [88 Acts, ch 1233, §21](#)

### **237.20 Local board duties.**

A local board shall, except in delinquency cases, do the following:

1. Review the case of each child receiving foster care assigned to a local board in accordance with written protocols adopted pursuant to [section 237.16](#), [subsection 4](#), to determine whether satisfactory progress is being made toward the goals of the case permanency plan pursuant to [section 237.22](#). The timing and frequency of a review of each case by a local board shall take into consideration the permanency goals, placement setting, and frequency of any court reviews of the case.

a. During each review, the agency responsible for the placement of or services provided to the child shall attend the review and the local board shall review all of the following:

(1) The past, current, and future status of the child and placement as shown through the case permanency plan and case progress reports submitted by the agency responsible for the placement of the child and other information the board may require.

(2) The efforts of the agency responsible for the placement of the child to locate and provide services to the child’s biological or adoptive parents, legal guardians, or fictive kin providing the majority of a child’s daily food, lodging, and support.

(3) The efforts of the agency responsible for the placement of the child to facilitate the return of the child to the home or to find an alternative permanent placement other than foster care if reunion with the parent or previous custodian is not feasible. The agency shall report to the board all factors which either favor or mitigate against a decision or alternative with regard to these matters.

(4) Any problems, solutions, or alternatives which may be capable of investigation, or other matters with regard to the child which the agency responsible for the placement of the child or the board feels should be investigated with regard to the best interests of the state or of the child.

(5) The compliance of the interested parties with the decision-making rights and responsibilities contained in the family foster care or preadoptive care agreement applicable to a child.

b. A person notified pursuant to [subsection 4](#) shall either attend the review or submit a statement as requested by the local board or in accordance with a written protocol jointly developed by the state board and the department. Statements may, upon the request of an interested party or upon motion of the local board, be given in a private setting. Statements may be made in written, oral, or electronic form. Local board reviews shall pertain to the permanency plan and shall not include issues that do not pertain to the permanency plan.

c. A person who gives an oral statement has the right to representation by counsel at the review.

d. An agency or individual providing services to the child shall submit statements as requested by the local board. Written or recorded statements from other interested parties may also be considered by the board in its review.

2. a. Submit to the appropriate court and the department within fifteen days after the review under [subsection 1](#), the findings and recommendations of the review. The local board shall ensure that the most recent report is available for a court hearing. The report shall include information regarding the case permanency plan and the progress in attaining the permanency goals. The report shall not include issues that do not pertain to the case permanency plan. The findings and recommendations shall include the proposed date of the next review by the local board. The local board shall notify the persons specified in [subsection 4](#) of the findings and recommendations.

b. If the person or agency responsible for services provided to the child disagrees with the review findings or recommendations, the person or agency shall respond during the review or submit a statement to the local board and the court within ten working days of receiving the local board's report. The response shall explain the reasons the person or agency disagrees with the board's findings or does not plan to implement the board's recommendations.

3. Encourage placement of the child in the most appropriate setting reflecting the provisions of [chapter 232](#).

4. a. Notify the following persons at least ten days before the review of a case of a child receiving foster care:

(1) The person, court, or agency responsible for the child.

(2) The parent or parents of the child unless termination of parental rights has occurred pursuant to [section 232.117](#).

(3) The foster care provider of the child.

(4) The child receiving foster care if the child is fourteen years of age or older. The child shall be informed of the review's purpose and procedure, and of the right to have a guardian ad litem present.

(5) The guardian ad litem of the foster child. An attorney appointed as guardian ad litem shall be eligible for compensation under [section 232.141, subsection 2](#).

(6) The department.

(7) The county attorney.

(8) The person providing services to the child or the child's family.

(9) An intervenor.

b. The notice shall include a statement that the person notified has the right to representation by counsel at the review.

[84 Acts, ch 1279, §31; 88 Acts, ch 1233, §10 – 15; 89 Acts, ch 64, §1 – 3; 92 Acts, ch 1141, §9 – 12; 97 Acts, ch 164, §7; 99 Acts, ch 135, §22; 2003 Acts, ch 151, §8; 2009 Acts, ch 41, §263; 2009 Acts, ch 181, §114; 2022 Acts, ch 1055, §7 – 11](#)

Referred to in [§237.18, 237.21](#)

### **237.21 Confidentiality of records — penalty.**

1. The information and records of or provided to a local board, state board, or court appointed special advocate regarding a child who is receiving foster care or who is under the court's jurisdiction and the child's family when relating to services provided or the foster care placement are not public records pursuant to [chapter 22](#). The state board and local boards, with respect to hearings involving specific children receiving foster care and the child's family, are not subject to [chapter 21](#).

2. Information and records relating to a child receiving foster care and to the child's



family shall be provided to a court appointed special advocate, a local board, or the state board by the department, the department's agent, or a child placement agency contracted by the department upon request by the court appointed special advocate or either board. A court having jurisdiction of a child receiving foster care shall release the information and records the court deems necessary to determine the needs of the child to a local board or court appointed special advocate upon request by the local board or court appointed special advocate. If confidential information and records are distributed to individual members in advance of a meeting of a local board, the information and records shall be clearly identified as confidential and the members shall take appropriate steps to prevent unauthorized disclosure. If confidential information and records are distributed to a court appointed special advocate or court appointed special advocate program staff, the information shall be confidential and the court appointed special advocate and court appointed special advocate program staff shall take appropriate steps to prevent unauthorized disclosure.

3. A court appointed special advocate may attend family team decision-making meetings or youth transition decision-making meetings upon request by the family or child and disclose case-related observations and recommendations relating to a child or a child's family while attending the meetings.

4. A court appointed special advocate may disclose case-related observations and recommendations to the agency assigned by the court to supervise the case, to the county attorney, or to the child's legal representative or guardian ad litem, or at a local board meeting. Case-related observations and recommendations about a child and the child's parent or about a child and the child's legal guardian may also be disclosed to the parent or guardian to which the observations and recommendations pertain or to such parent or guardian's legal representative.

5. Members of the state board and local boards, court appointed special advocates, and the employees of the department are subject to standards of confidentiality pursuant to [sections 217.30, 228.6, subsection 1, sections 235A.15, 600.16, and 600.16A](#). Members of the state and local boards, court appointed special advocates, and employees of the department who disclose information or records of the board or department, other than as provided in [subsections 2, 3, and 4, section 232.126, and section 237.20, subsection 2](#), are guilty of a simple misdemeanor.

[84 Acts, ch 1279, §32; 87 Acts, ch 117, §2; 88 Acts, ch 1233, §16, 17; 89 Acts, ch 64, §4; 92 Acts, ch 1196, §1; 2005 Acts, ch 55, §3; 2015 Acts, ch 21, §1 – 3; 2022 Acts, ch 1055, §12, 13; 2022 Acts, ch 1098, §88; 2023 Acts, ch 19, §737](#)

Referred to in [§135H.13, 237.24](#)  
Subsection 5 amended

### **237.22 Case permanency plan.**

The agency responsible for the placement of the child shall create a case permanency plan. In addition to requirements stated in [section 232.2, subsection 4](#), the plan shall also include but not be limited to:

1. Time frames to meet the stated permanency goal and short-term objectives.
2. The care and services that will be provided to the child, biological parents, the child's fictive kin, and foster parents.
3. The efforts to place the child with a relative or fictive kin.
4. The rationale for an out-of-state placement, and the efforts to prevent such placement, if the child has been placed out of state.

[84 Acts, ch 1279, §33; 88 Acts, ch 1233, §18, 19; 94 Acts, ch 1046, §7; 2022 Acts, ch 1055, §14](#)  
Referred to in [§237.20](#)

### **237.23 Reserved.**

### **237.24 Court appointed special advocates.**

1. A court appointed special advocate shall receive notice of all depositions, hearings, and trial proceedings in a matter to which the court appointed special advocate is appointed.
2. The duties of a court appointed special advocate with respect to a child, unless

otherwise enlarged or circumscribed by a court or juvenile court with jurisdiction over the child after a finding of good cause, shall include all of the following:

a. Conducting in-person interviews with the child every thirty days, if the child's age is appropriate for the interview, and interviewing each parent, guardian, or other person having custody of the child as needed, if authorized by counsel.

b. Visiting the home, residence, or both home and residence of the child and any prospective home or residence of the child, including each time placement is changed.

c. Interviewing any person providing medical, mental health, social, educational, or other services to the child.

d. Obtaining firsthand knowledge, if possible, of the facts, circumstances, and parties involved in the matter in which the court appointed special advocate is appointed.

e. Attending any depositions, hearings, and trial proceedings in a matter to which the court appointed special advocate is appointed for the purpose of supporting the child and advocating for the child's protection.

f. Assisting the transition committee in the development of a transition plan if the child's case permanency plan calls for the development of a transition plan.

g. (1) Submitting a written report to the juvenile court and to each of the parties identified in [section 237.21, subsection 4](#), prior to each court hearing unless otherwise ordered by the court.

(2) The report shall include but not be limited to the identified strengths of the child and the child's family, concerns identified by the court appointed special advocate, the court appointed special advocate's recommendations regarding the child's placement, and other recommendations the court appointed special advocate believes are in the child's best interests.

h. Submitting periodic reports to the court or juvenile court with jurisdiction over a child and interested parties detailing the child's situation as long as the child remains under the jurisdiction of the court or juvenile court.

i. Filing other reports as ordered by a court or juvenile court.

[2022 Acts, ch 1055, §15](#); [2022 Acts, ch 1098, §65](#)

Referred to in [§232.2, 232.126](#)