

# CHAPTER 235

## CHILD WELFARE

Referred to in §135B.17

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### 235.1 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “*Child*” means the same as defined in [section 234.1](#).
2. “*Child welfare services*” means social welfare services for the protection and care of children who are homeless, dependent or neglected, or in danger of becoming delinquent, or who have a mental illness or an intellectual disability or other developmental disability, including, when necessary, care and maintenance in a foster care facility. Child welfare services are designed to serve a child in the child’s home whenever possible. If not possible, and the child is placed outside the child’s home, the placement should be in the least restrictive setting available and in close proximity to the child’s home.
3. “*Department*” means the department of health and human services.
4. “*Director*” means the director of health and human services.  
 [C39, §3661.016; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §235.1]  
[83 Acts, ch 101, §44; 92 Acts, ch 1229, §28; 94 Acts, ch 1023, §88; 2009 Acts, ch 133, §86; 2012 Acts, ch 1019, §93; 2023 Acts, ch 19, §690](#)

### 235.2 Powers and duties of department.

The department, in addition to all other powers and duties given the department by law, shall:

1. Administer and enforce the provisions of [this chapter](#).
2. Join and cooperate with the government of the United States through its appropriate agency or instrumentality or with any other officer or agency of the federal government in planning, establishing, extending and strengthening public and private child welfare services within the state.
3. Investigate and obtain information to permit the director to determine the need for public child welfare services within the state and within the county departments.
4. Apply for and receive any funds which are or may be allotted to the state by the United States or any agency of the United States for the purpose of developing child welfare services.
5. Make reports and budget estimates to the governor and to the general assembly as required by law or as necessary and proper to obtain the appropriation of state funds for child welfare services within the state and for all the purposes of [this chapter](#).
6. Cooperate with the county departments within the state, and all county boards of supervisors and other public or private agencies charged with the protection and care of children, in the development of child welfare services.
7. Aid in the enforcement of all laws of the state for the protection and care of children.
8. Cooperate with the juvenile courts of the state and subunits within the department regarding the management and control of state institutions and the inmates of the institutions.  
 [C39, §3661.017; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §235.2]  
[83 Acts, ch 96, §157, 159; 2023 Acts, ch 19, §691](#)

### 235.3 Powers and duties of director.

The director shall:

1. Plan and supervise all public child welfare services and activities within the state as provided by [this chapter](#).
2. Make reports and obtain and furnish information as necessary to permit cooperation by the director with the United States children’s bureau, the social security administration, or

any other federal agency which is charged with any duty regarding child care or child welfare services.

3. Adopt rules as necessary or advisable for the supervision of the private child-caring agencies or their officers which the department is empowered to license and supervise.

4. Supervise private institutions for the care of dependent, neglected, and delinquent children, and make reports regarding the institutions.

5. Designate and approve the private and county institutions within the state to which neglected, dependent, and delinquent children may be legally committed, supervise the care of children committed to these institutions, and have the right to visit and inspect these institutions at all times.

6. Receive and keep on file annual reports from all institutions to which children subject to the jurisdiction of the juvenile court are committed, compile statistics regarding juvenile delinquency, make reports regarding juvenile delinquency, and study prevention and cure of juvenile delinquency.

7. Require and receive from the clerks of the courts of record within the state duplicates of the findings of the courts upon petitions for adoption, and keep records and compile statistics regarding adoptions.

8. License private child-placing agencies, make reports regarding the agencies, and revoke licenses.

9. Make rules and regulations as necessary for the distribution and use of funds appropriated for child welfare services.

[C27, 31, 35, §3661-a1, -a2; C39, §3661.018; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §235.3; 82 Acts, ch 1100, §8]

88 Acts, ch 1158, §52; 89 Acts, ch 19, §1; 90 Acts, ch 1204, §49; 2013 Acts, ch 30, §45; 2023 Acts, ch 19, §692

Referred to in §602.8102(43)

#### **235.4 Licenses.**

Licenses issued to private boarding homes for children and private child-placing agencies by the department shall remain in effect for the period for which issued, unless sooner revoked according to law. Thereafter the agencies shall apply to the department for a new license, and shall submit to rules regarding licensing as prescribed by the department.

[C39, §3661.020; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §235.5]

90 Acts, ch 1204, §50

C91, §235.4

2023 Acts, ch 19, §693

#### **235.5 Inspections.**

The department of inspections, appeals, and licensing shall conduct inspections of private institutions for the care of dependent, neglected, and delinquent children in accordance with procedures established pursuant to [chapters 10A](#) and [17A](#).

90 Acts, ch 1204, §51; 2023 Acts, ch 19, §1934

**235.6 Short title.** Repealed by 2020 Acts, ch 1063, §389.

#### **235.7 Transition committees.**

1. *Committees established.* The department shall establish and maintain local transition committees to address the transition needs of children receiving child welfare services who are age sixteen or older and have a case permanency plan as defined in [section 232.2](#). The department shall adopt rules establishing criteria for transition committee membership, operating policies, and basic functions. The rules shall provide flexibility for a committee to adopt protocols and other procedures appropriate for the geographic area addressed by the committee.

2. *Membership.* The department may authorize the governance boards of decategorization of child welfare and juvenile justice funding projects established under [section 232.188](#) to appoint the transition committee membership and may utilize the

boundaries of decategorization projects to establish the service areas for transition committees. The committee membership may include but is not limited to department staff involved with foster care, child welfare, and adult services, juvenile court services staff, staff involved with county general assistance or emergency relief under [chapter 251](#) or [252](#), school district and area education agency staff involved with special education, and a child's court appointed special advocate, guardian ad litem, service providers, and other persons knowledgeable about the child.

3. *Duties.* A transition committee shall review and approve the written plan of services required for the child's case permanency plan in accordance with [section 232.2, subsection 6](#), paragraph "g", which, based upon an assessment of the child's needs, would assist the child in preparing for the transition from foster care to adulthood. In addition, a transition committee shall identify and act to address any gaps existing in the services or other support available to meet the child and adult needs of individuals for whom service plans are approved.

[2003 Acts, ch 117, §10](#); [2004 Acts, ch 1090, §33](#); [2005 Acts, ch 95, §3](#); [2015 Acts, ch 69, §73](#); [2023 Acts, ch 19, §694](#); [2024 Acts, ch 1161, §99, 137](#)

Referred to in [§232.2](#)

2024 amendment to subsection 2 effective July 1, 2025; [2024 Acts, ch 1161, §137](#)

Subsection 2 amended