

CHAPTER 142
INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

[Prior to 7/1/83, Social Services[770] Ch 142]
[Prior to 2/11/87, Human Services[498]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

441—142.1(232) Compact agreement. As a member of the interstate compact on placement of children, the department of human services shall cooperate on interstate aspects of placements preliminary to possible adoptions, placements in foster care where no adoption is contemplated, placements with any parent or relative, and institutional placements of adjudicated children in need of assistance needing special services or programs not available within the state. Any public or private agency instrumental in placement of a child in Iowa or from Iowa and in such public or private agency's custody shall go through the interstate compact on placement of children.

[ARC 3186C, IAB 7/5/17, effective 8/15/17]

441—142.2(232) Compact administrator.

142.2(1) The compact administrator may appoint up to three deputy compact administrators to serve as active members of the association of administrators of the interstate compact on the placement of children and who shall be responsible for day-to-day operation of the interstate compact.

142.2(2) The compact administrator shall be responsible for the administration of the compact between the compact administrator's state and other contracting states.

[ARC 3186C, IAB 7/5/17, effective 8/15/17; ARC 6717C, IAB 11/30/22, effective 2/1/23]

441—142.3(232) Article II(d). Rescinded ARC 6717C, IAB 11/30/22, effective 2/1/23.

441—142.4(232) Article III(a). Rescinded ARC 6717C, IAB 11/30/22, effective 2/1/23.

441—142.5(232) Article III(a) procedures.

142.5(1) All intended placements in Iowa or from Iowa coming under the purview of this compact shall be referred to the interstate compact unit, bureau of adult, children and family services, department of human services.

142.5(2) All persons involved in the placement of a child into Iowa or from Iowa into another state shall meet all the placement requirements of the receiving state prior to the actual placement.

142.5(3) Supervision of placements made by persons or agencies outside of Iowa shall be provided by a licensed Iowa agency, the department of human services, or an Iowa certified adoption investigator. Exempted from this provision are:

a. Any agency licensed as a child-placing agency in another state which has its principal place of business in a county directly adjacent to an Iowa border may practice in the Iowa counties contiguous to the out-of-state county.

b. Placement in a facility for treatment that is licensed by the department unless the department specifies that the supervision must be provided by the department for all placements in any particular facility.

[ARC 3186C, IAB 7/5/17, effective 8/15/17]

441—142.6(232) Article III(c). A child may be placed in Iowa preliminary to adoption only when:

142.6(1) Rescinded by Governor's Administrative Rules Executive Order No. 3, 11/6/79.

142.6(2) There has been a preplacement investigation by an authorized person or agency in Iowa, such investigation has been made available to the Iowa interstate compact unit, the investigation has been made within the past year, and the sending state intending to place the child has been notified that the home has been approved for an adoptive placement in Iowa.

[ARC 3186C, IAB 7/5/17, effective 8/15/17]

441—142.7(232) Article V(c). For the purposes of article V(c), “sending state” shall mean “sending agency.”

[ARC 6717C, IAB 11/30/22, effective 2/1/23]

441—142.8(232) Article VIII(a). For the purpose of article VIII(a), relative shall mean stepparent, grandparent, adult brother or sister, or adult uncle or aunt, and guardian shall mean any guardian other than that appointed as preliminary to adoption.

[ARC 3186C, IAB 7/5/17, effective 8/15/17; ARC 6717C, IAB 11/30/22, effective 2/1/23]

441—142.9(232) Applicability. The requirements of this compact shall be in effect for all placements into Iowa from any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and, with the consent of Congress, the government of Canada and any province thereof, or from Iowa to any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and, with the consent of Congress, the government of Canada and any province thereof.

[ARC 3186C, IAB 7/5/17, effective 8/15/17; ARC 6717C, IAB 11/30/22, effective 2/1/23]

441—142.10(232) NEICE database.

142.10(1) Definitions. For the purpose of this chapter, unless the context otherwise requires:

“*National Electronic Interstate Compact Enterprise system*” or “*NEICE system*” means the national electronic web-based system for administration of the interstate compact on the placement of children made available to states by the American Public Human Services Association through its affiliate, the Association of Administrators of the Interstate Compact on the Placement of Children.

“*Security requirements*” means all policies or system security guidance established by the department and the office of the chief information officer related to the use of external computer systems for the storage of personally identifiable data elements of applicants for and recipients of department services. Security requirements as defined herein include but are not necessarily limited to completion by the vendor of the then current cybersecurity framework made available by the National Institute of Standards and Technology, department confirmation that the system has passed the cybersecurity framework analysis, completion by the vendor of an information security risk assessment acceptable to the department, performance by the vendor of a system penetration test acceptable to the department, and an application scan for vulnerabilities, as well as remediation of any vulnerabilities identified.

142.10(2) Department obligation to provide data to the NEICE system.

a. At all times that the NEICE system meets security requirements, the department shall place in the system all data elements and information that the system is configured to accept concerning children subject to the interstate compact.

b. Prior to placing personally identifiable data elements in the NEICE system, the department shall confirm that the NEICE system complies with all security requirements. If at any time after placement of personally identifiable data in the NEICE system the department determines that the NEICE system fails to meet all security requirements or that personally identifiable data placed in the system by the department has been used or disclosed inappropriately, the department may cease using the NEICE system and may demand that all data provided by the department be removed from the system.

[ARC 3186C, IAB 7/5/17, effective 8/15/17; ARC 6717C, IAB 11/30/22, effective 2/1/23]

These rules are intended to implement Iowa Code section 232.158.

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[Subrule 142.6(1) rescinded by Governor’s Administrative Rules Executive Order No. 3,
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[Filed ARC 6717C (Notice ARC 6509C, IAB 9/7/22), IAB 11/30/22, effective 2/1/23]

¹ Effective date of subrule 770—142.6(1) delayed by the Administrative Rules Review Committee 70 days.