

CHAPTER 2
RULES AND OPERATION FOR THE STATE BOARD

[Prior to 3/23/88, see Foster Care Review Board[445] Ch 2]

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

489—2.1(237) Membership and term.

2.1(1) *Membership and terms.* The child advocacy board is created within the department of health and human services. 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 Iowa Code section 69.19. Vacancies on the state board shall be filled in the same manner as original appointments are made. An employee of the department of health and human services, an employee of a child-placing agency, an employee of an agency with which the department of health and human services 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 Iowa Code section 237.16(1) shall be eligible to serve on the state board.

2.1(2) *Officers.* 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 state board may also be eligible to receive compensation as provided in Iowa Code section 7E.6.

2.1(3) *Meetings.* The state board shall meet at least twice a year. Notice of a meeting is published at least seven days in advance of the meeting and will be provided to interested persons upon request. The notice shall contain the specific date, time and place of the meeting. The agenda will be made available to any interested person not less than seven days in advance of the meeting. All meetings will be open to the public, pursuant to Iowa Code chapter 21, unless a closed session is voted by a quorum. The operation of the state board meetings will be governed by the following rules of procedure.

a. A quorum shall consist of a majority of the members. When a quorum is present, a position is carried by an affirmative vote of a majority of the members present.

b. Minutes of state board meetings are prepared and are available at the board office for inspection during office hours. Copies may be obtained without charge by contacting the office.

c. At each meeting the state board shall set the time, date and place of the next meeting.

(1) Notice of the meeting shall be given pursuant to Iowa Code chapter 21.

(2) When the chairperson of the state board determines that a special or electronic meeting is required, the meeting shall be held in accordance with Iowa Code section 21.4 or 21.8.

(3) Persons wishing to appear before the state board shall submit the request to the state board office not less than ten days prior to the meeting. Presentations may be made at the discretion of the chairperson and only upon matters appearing on the agenda. Persons wishing to submit written material should do so at least ten days in advance of the scheduled meeting to ensure that state board members have adequate time to receive and evaluate the material.

(4) Cameras and recording devices may be used at open meetings provided they do not obstruct the meeting. The presiding officer may request a person using such a device to discontinue its use when it is obstructing the meeting. If a person fails to comply with this request, the presiding officer shall order that person excluded from the meeting.

(5) The presiding officer may exclude any person from the meeting for repeated behavior that disrupts or obstructs the meeting.

(6) Cases not covered by these rules shall be governed by Robert's Rules of Order.

2.1(4) Powers and duties. The powers and duties of the state board are enumerated in Iowa Code section 237.18.

This rule is intended to implement Iowa Code sections 17A.3, 237.16, and 237.18.

[ARC 3055C, IAB 5/10/17, effective 6/14/17; ARC 6676C, IAB 11/16/22, effective 12/21/22; ARC 7698C, IAB 3/6/24, effective 7/1/24; see correction note at end of chapter]

489—2.2(237) Administrator.

2.2(1) The director appoints an administrator for the child advocacy board. The administrator is responsible for the ongoing administration of the state and local boards' activities and of the court appointed special advocate program.

2.2(2) The administrator:

a. Applies for and administers funds necessary for operations of the child advocacy board and the foster care review board and the court appointed special advocate program.

b. Employs, discharges, trains, and supervises foster care review board and court appointed special advocate program employees.

c. Develops and implements policies and procedures needed to implement requirements of federal law and regulations and state law and administrative rules.

d. Develops and recommends administrative rules for promulgation by the state board as needed to govern the operation of the state board, the foster care review board program and the court appointed special advocate program.

e. Ensures training is provided for state and local board members, court appointed special advocates and coaches and any other volunteers supporting the state board's programs.

f. Ensures that relationships are developed and maintained between the local board and judges, juvenile court referees, local departments, juvenile court services, and advocacy groups.

g. Coordinates efforts to ensure community awareness of state and local boards and the court appointed special advocate program.

h. Works closely with allied agencies and associations to ensure that efforts relating to state and local boards and the court appointed special advocate program are coordinated and consistent.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18(5).

[ARC 3055C, IAB 5/10/17, effective 6/14/17; ARC 6676C, IAB 11/16/22, effective 12/21/22; ARC 7698C, IAB 3/6/24, effective 7/1/24; see correction note at end of chapter]

489—2.3(237) Foster care registry. The state board shall establish a registry of the placements of all children receiving foster care. The agency responsible for placement shall notify the state board of each placement in accordance with written protocols adopted pursuant to Iowa Code section 237.16(4) as enacted by 2022 Iowa Acts, House File 2390, section 3. The notification shall include information identifying the child receiving foster care and placement information for that child.

This rule is intended to implement Iowa Code sections 17A.3 and 237.17.

[ARC 3055C, IAB 5/10/17, effective 6/14/17; ARC 6676C, IAB 11/16/22, effective 12/21/22]

489—2.4(237) Confidentiality of records—penalty. The state and local boards, court appointed special advocates and coaches and child advocacy employees shall adhere to the confidentiality requirements established in Iowa Code section 237.21.

This rule is intended to implement Iowa Code sections 17A.3 and 237.21.

[ARC 3055C, IAB 5/10/17, effective 6/14/17]

[Filed emergency 5/30/85—published 6/19/85, effective 5/30/85]

[Filed emergency 7/22/85—published 8/14/85, effective 8/14/85]

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[Filed ARC 3055C (Notice ARC 2975C, IAB 3/15/17), IAB 5/10/17, effective 6/14/17]

[Filed ARC 6676C (Notice ARC 6544C, IAB 9/21/22), IAB 11/16/22, effective 12/21/22]

[Filed ARC 7698C (Notice ARC 7065C, IAB 8/23/23), IAB 3/6/24, effective 7/1/24]¹

¹ The effective date of **ARC 7698C** was corrected to July 1, 2024, in the April 3, 2024, Iowa Administrative Bulletin.