

CHAPTER 3
LOCAL FOSTER CARE REVIEW BOARDS

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

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

489—3.1(237) Local boards. The child advocacy board shall establish local foster care boards throughout the state. The number of local boards needed and established shall be determined by the child advocacy board based on the number of children in foster care and available funding.

3.1(1) The child advocacy board is responsible for establishment of policy and procedures consistent with the Iowa Code. Local boards are required to comply with policies and procedures. If a local board does not agree with a policy or procedure, the local board may bring that issue to the child advocacy board for discussion and request a change by the board. If the child advocacy board upholds the policy, local boards must comply.

3.1(2) Day-to-day implementation of policy is delegated by the child advocacy board to administrative staff. Staff is responsible for bringing questions about policy issues to the child advocacy board for clarification or changes of policy.

3.1(3) Any written communication from a local review board or local board member, in the member's capacity as a board member, to state officials or media shall be sent to the child advocacy board office and reviewed by the administrator prior to its release.

This rule is intended to implement Iowa Code sections 17A.3 and 237.19.

[ARC 2322C, IAB 12/23/15, effective 1/27/16; ARC 6676C, IAB 11/16/22, effective 12/21/22]

489—3.2(237) Membership.

3.2(1) The child advocacy board delegates responsibility to the administrator to develop and for local board coordinators to implement an application, recruitment, screening and training process for appointments to vacated local board positions:

a. The process includes the coordinator's conducting a personal interview with the applicant, obtaining character references, and completing background checks on the applicant.

b. The process will include consultation between the coordinator and coordinator's direct supervisor.

3.2(2) A person employed by the department of health and human services or the judicial department, 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 a child-placing agency shall not serve on a local board.

3.2(3) Vacancies on a local board shall be filled in the same manner as original appointments are made.

3.2(4) The term of a local board member's appointment shall not exceed four years. The child advocacy board shall fix the tenure of individual appointments so that no more than one-third of the membership's terms expire in a given year. A local board member may serve continuous successive terms.

3.2(5) The administrator shall develop a local board member evaluation process. The local board coordinator shall complete the evaluation process at least once for each local board member during the member's four-year term. The local board coordinator, in consultation with the coordinator's direct supervisor, shall consider the results of the evaluation when determining whether to approve reappointment of the local board member to a successive term. Prior to any reappointment, the member shall complete updated background checks and a progress evaluation.

3.2(6) A quorum is established when a majority of local review board members or alternates are present. A quorum shall be present before cases can be reviewed and recommendations are formulated.

This rule is intended to implement Iowa Code sections 17A.3 and 237.19.

[ARC 2322C, IAB 12/23/15, effective 1/27/16; 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—3.3(237) Removal of a local board member. Rescinded ARC 6676C, IAB 11/16/22, effective 12/21/22.

489—3.4(237) Duties of local board.

3.4(1) Local board reviews. At least every six months, the case of each child receiving foster care assigned to a local board shall be reviewed in accordance with the written protocols adopted pursuant to Iowa Code section 237.16(4) as enacted by 2022 Iowa Acts, House File 2390, section 3, to determine whether satisfactory progress is being made towards the goals of the case permanency plan pursuant to Iowa Code section 237.2. Whenever possible, reviews shall be conducted prior to court review of the cases.

a. Each review will consider 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 the 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.

b. The local board may request an investigation of any problems, solutions, or alternatives with regard to the best interest of the child or of the state.

c. Each review shall include any oral, written, or recorded statements submitted by any person notified pursuant to Iowa Code section 237.20(4).

d. A person who gives an oral statement has the right to representation by counsel at the review. An oral statement may, upon the request of an interested party or upon motion of the local board, be given in a private setting. Local board questions shall pertain to the permanency plan and shall not include issues that do not pertain to the permanency plan.

3.4(2) Findings and recommendations. The local board shall submit the findings and recommendations to the appropriate court and the department within 15 days after the review. The findings and recommendations shall include the proposed date of the next review by the local board. The report to the court shall include information regarding the permanency plan and the progress in attaining the permanency goals. The local board shall send a copy of the findings and recommendations to the persons specified in subrule 3.4(3) within 15 days following the review.

3.4(3) The local board shall notify the following persons at least ten days prior to the review of the case of a child receiving foster care:

a. The person, court, or agency responsible for the child.

b. The parent or parents of the child unless termination of parental rights has occurred pursuant to Iowa Code section 232.117 or chapter 600A.

c. The foster care provider of the child.

d. The child receiving foster care, if the child is 14 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.

e. The guardian ad litem of the foster child. The guardian ad litem shall be eligible for compensation through Iowa Code section 232.141(2).

f. The department.

g. The county attorney.

h. The person providing services to the child.

i. The child's attorney.

j. Any intervenor.

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

3.4(4) The local board shall encourage placement of the child in the most appropriate setting reflecting the provisions of Iowa Code chapter 232.

This rule is intended to implement Iowa Code sections 17A.3 and 237.20.

[ARC 2322C, IAB 12/23/15, effective 1/27/16; ARC 6676C, IAB 11/16/22, effective 12/21/22]

489—3.5(237) Local board coordinator. Rescinded **ARC 6676C**, IAB 11/16/22, effective 12/21/22.

489—3.6(237) Children eligible for review.

3.6(1) To be eligible for review, the child shall meet the requirements set forth in Iowa Code sections 234.1(2), 234.35 and 237.15.

3.6(2) If the child is not receiving foster care when the six-month review is scheduled, the review may be held if the child has received foster care for a minimum of two months during that six-month period.

3.6(3) If parental rights are terminated, the child's case will continue to be reviewed every six months until the child is placed in an adoptive home and the adoption is finalized.

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

[**ARC 6676C**, IAB 11/16/22, effective 12/21/22]

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

[Filed emergency 7/1/86—published 7/16/86, effective 7/1/86]

[Filed 3/3/88, Notice 1/27/88—published 3/23/88, effective 4/27/88]

[Filed 9/2/88, Notice 6/15/88—published 9/21/88, effective 10/26/88]

[Filed **ARC 2322C** (Notice **ARC 2223C**, IAB 10/28/15), IAB 12/23/15, effective 1/27/16]

[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.