

CHAPTER 3
LOCAL FOSTER CARE REVIEW BOARDS
[Prior to 3/23/88, see Foster Care Review Board[445] Ch 3]

489—3.1(237) Local boards. The state board shall establish local foster care boards in judicial districts as funding is made available for that purpose. The number of local boards needed and established shall be determined by the state board. A sufficient number of boards will be established to ensure no board shall carry a caseload larger than 100 cases.

3.1(1) The state board is responsible under the statute for establishment of policy and procedures which must be consistent with the provisions of the statute. Local boards are required to comply with policies and procedures. If a local board does not agree with a policy and procedure, the local board may bring that issue to the state board for discussion and request a change of policy. If the state board upholds the policy, local boards must comply.

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

3.1(3) Any written communication from a local review board or local board member, in their capacity as a board member to state officials or media shall be sent to the foster care review board office and reviewed by the director prior to its release.

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

489—3.2(237) Membership.

3.2(1) The state board shall select, in consultation with the chief judge, five members and two alternate members to serve on each local board. The members of each local board shall consist of persons of the various social, economic, racial, and ethnic groups and various occupations of their district and who have demonstrated an interest in children and their welfare through community service or professional experience.

3.2(2) A person employed by the department of inspections and appeals, the department of human services, the judicial department, an employee of an agency with which the department of human services contracts for services for children under foster care, or a child-placing agency shall not serve on a local board. The state board shall provide the names of the members of the local boards to the department of human services.

3.2(3) Vacancies on a local board shall be filled in the same manner as original appointments are made. Each member of the local board may be eligible to receive compensation as provided in Iowa Code section 7E.6.

3.2(4) The term of a local board member's appointment shall not exceed two years. The state board shall fix the tenure of individual appointments so that no more than one-half of the membership's terms expire in a given year.

3.2(5) A quorum consists of at least three local review board members or alternates. A quorum shall be present before cases can be reviewed and recommendations can be voted on. At least two members must be present during questioning of interested parties.

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

489—3.3(237) Removal of a local board member.

3.3(1) Grounds for removal are:

- a. Not attending mandatory training sessions.
- b. Missing two consecutive board meetings or four board meetings in a year's period, without justifiable cause as determined by the director.
- c. Releasing confidential information pursuant to Iowa Code sections 600.16, 217.30, 235A.15, 237.21, chapters 21 and 22 and other statutory provisions requiring confidentiality.
- d. Any action or behavior that is inconsistent with the purpose and objectives of Iowa Code sections 237.15 to 237.22, the board, and these rules.

3.3(2) The director shall write a letter requesting the state board to take action with specific cause and nature of the cause for removal of local board members. Copies of this request will be given to all state board members and the person in question at least 15 days in advance of the state board meeting where a decision will be made.

3.3(3) The person in question may enter written or oral testimony to the state board ten days in advance for the state board's consideration.

3.3(4) The state board shall make the final decision, with no further appeal available, when a quorum is present by an affirmative majority vote. Written notice of the decision will be given to the local board member and will be reflected in the board minutes.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18(2) "f."

489—3.4(237) Duties of local board.

3.4(1) Local board reviews. Every six months the local board shall review the case of each child receiving foster care assigned to the local board by the state board to determine whether satisfactory progress is being made towards the goals of the case permanency plan pursuant to Iowa Code section 237.2. As much as 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 biological or adoptive parents of the child.

(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 agency responsible for placement of the child or 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. The review shall include issues pertaining to the permanency plan and shall not include issues that do not pertain to the permanency plan. Each review shall include written testimony of any person notified pursuant to Iowa Code section 237.20(4), and may include oral testimony from those persons when determined to be relevant and material to the child's placement. Case relevant written testimony from other interested parties may also be considered by the board in its review.

d. A person who gives oral testimony has the right to representation by counsel at the review. Oral testimony may, upon the request of the testifier or upon motion of the local board, be given in a private setting when to do so would facilitate the presentation of evidence. Local board questions shall pertain to the permanency plan and shall not include issues that do not pertain to the permanency plan.

e. A list of documents and information considered by the local board shall be provided to the child, the parents, their attorneys, judge, department, and the county attorney at their request.

3.4(2) Findings and recommendations. The local board shall submit the findings and recommendations to the appropriate court 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 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, subsection 1, paragraph "b."

f. The department.

g. The county attorney.

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.

489—3.5(237) Local board coordinator. The local board coordinators are employees of the foster care review board. They provide a full range of administrative support services to the local boards.

3.5(1) Duties of the local board coordinators include:

a. Coordinating logistics of foster care reviews by:

(1) Scheduling foster care reviews each six months and notifying appropriate interested parties ten days prior to a review pursuant to Iowa Code section 237.20(4).

(2) Recording case information and local board recommendations.

(3) Ensuring reports are written and disseminated to courts and other parties pursuant to Iowa Code section 237.20(4) within 15 days after each review.

(4) Maintaining central files of confidential materials.

(5) Ensuring data is collected for the foster care registry and is updated in a timely manner.

b. Ensuring conformance with standards, official policies and procedures promulgated by the state board to ensure uniform implementation across the state, and reporting to the director and state board on policy questions and procedural matters that local board members may have.

c. Traveling to all review meetings to coordinate agency objectives and activities with local review boards, juvenile courts, department of human services, and child-placing agencies.

d. Recommending policies and procedures for carrying out the agency's objectives, recognizing board training needs and providing training.

e. Assisting in preparing annual reports and public informational materials which will be disseminated to the governor, general assembly, supreme court, judges, department of human services, and child-placing agencies to assist them in their planning for children in foster care.

3.5(2) Reserved.

This rule is intended to implement Iowa Code sections 17A.3 and 237.15.

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 234.36; or be under the guardianship of the department; and the child receiving foster care has lived out of the home for more than six months during the last two years.

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.

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