

TITLE XVI
ALTERNATIVE LIVINGCHAPTER 200
ADOPTION SERVICES

[Prior to 7/1/83, Social Services[770] Ch 139]
[Previously appeared as Ch 139—renumbered IAB 2/29/84]
[Prior to 2/11/87, Human Services[498]]

PREAMBLE

These rules define and structure the adoption services to be provided to birth families, children legally available for adoption, prospective adoptive families and adoptive families. These rules also establish policy regarding requests for access to sealed records.

441—200.1(600) Definitions.

“Adoption” means a legal and social process through which a child becomes a member of a family into which the child was not born. Adoption provides the child the same rights, privileges and duties as a birth child.

“Adoption service” means a service directed towards children who are legally available for adoption, the birth family, prospective adoptive family and adoptive family.

“Adoption work experience” means supervised employment in adoption services which includes direct provision of adoption services, development of adoption policies, provision of training related to adoption services, oversight and review of adoption documents and activities, and direct supervision of adoption workers. Only the percent of time related to provision of adoption services shall be considered as adoption work experience for employment of which only a portion of time was spent on adoptions.

“Adoptive family” means an approved person or persons who have a child placed in their home and are being supervised prior to finalizing the adoption; or who have a child in their home who is legally adopted and entitled to the same benefits as a child born into the family.

“Adoptive home study” includes an assessment of the family’s parental attributes and a written report stating approval or nonapproval of the family for adoptive placement of a child or children.

“Certified adoption investigator” means a person as defined at rule 441—107.2(600).

“Child study or social history” includes a written description of the child including strengths and needs; medical, mental, social, educational, placement and court history; a description of the child’s relationships with the birth family, foster family, and significant others; a summary of the child’s understanding and feeling about adoption and recommendations as to the type of family that can best meet the child’s needs.

“Court-ordered studies” means home studies ordered by a judge for the purpose of determining custody of a child or placement of a child for the purpose of adoption.

“Department” means the department of human services.

“Family safety, risk, and permanency service” means a service provided under 441—Chapter 172 that uses strategies and interventions designed to achieve safety and permanency for a child with an open department child welfare case, regardless of the setting in which the child resides.

“Foster family adoption” means the adoption of a child by a licensed foster family who has cared for the child.

“Guardianship record” means a case record regarding a child, established and retained by the department, when the department is named guardian of the child by court order. The purpose of the guardianship record is to collect and maintain information about the child and the birth family, legal documents, and other information that will assist in fulfilling the responsibility of guardian.

“Life book” means a compilation of information about the child, including birth information, photographs of the child; placement history, including dates of placement, names of caretakers, reasons for leaving the placement; relationships; school reports; social, medical, mental health developmental

history; awards received, important events, letters from significant persons, and other information that the child wishes to include. The life book will assist the child in dealing with separation and loss issues and provide background and genealogy data.

“Mental health professional” means a psychiatrist, psychologist, social worker, psychiatric nurse or mental health counselor who holds a current license as required by law.

“Placement services” includes the activities and travel necessary to place the child in the adoptive family.

“Postadoption services” includes those services that an adoptive family may access after the adoption is finalized to assist the family in coping with and resolving problems within the family.

“Postplacement services” includes the supervision, support and intervention necessary prior to finalization to assist in maintaining the adoptive placement.

“Preadoptive family” means an approved adoptive family with a child placed in the home for adoption whose adoption has not been finalized.

“Preparation of child” includes activities necessary to ready the child for placement into an adoptive family.

“Preparation of family” includes the activities necessary to assist the family in adding an adoptive child as a new member of their family.

“Preplacement visits” means contacts, activities, and visits between the child and adoptive family prior to the adoptive placement.

“Procedendo” means an order issued by the supreme court returning jurisdiction to the district court after a final appellate decision regarding an appeal.

“Recruitment and retention contractor” means the entity that contracts with the department statewide to recruit foster and adoptive parents, complete home studies, and perform activities to support and encourage retention of foster and adoptive parents, or any of its subcontractors.

“Relative within the fourth degree of consanguinity” means an adult who is related to a child as follows:

1. The child’s parent, brother, or sister (first degree);
2. The child’s grandparent, aunt, uncle, niece, nephew, or first cousin (second degree);
3. The child’s great grandparent, great aunt, great uncle, great niece, great nephew, first cousin once removed, or second cousin (third degree); or
4. The child’s great-great grandparent, great-grand aunt, great-grand uncle, great-grand niece, great-grand nephew, first cousin twice removed, second cousin once removed, or third cousin (fourth degree).

“Release of custody services” includes providing information regarding options to assist the parents in making permanent plans for their child and counseling regarding resulting personal and emotional issues.

“Selection of family” means reviewing approved home studies to match a family’s strengths with a specific child’s needs.

“Special needs child” means a child who meets one or more of the criteria set forth at 441—subrule 201.3(1).

[ARC 8010B, IAB 7/29/09, effective 10/1/09]

441—200.2(600) Release of custody services. This rule applies to all terminations filed under Iowa Code chapter 600A. The parents shall be offered a minimum of three hours of counseling by a person authorized to provide counseling under the provisions of this rule. If accepted, the counseling shall be provided after the birth of the child and prior to the signing of a release of custody that meets the requirements of Iowa Code chapter 600A or prior to the filing of a petition for termination of parental rights.

200.2(1) Purpose of counseling. The purpose of the counseling is to:

- a. Provide information about options to assist parents in making an informed decision regarding release of custody.
- b. Assist parents in resolving emotional issues related to separation and loss.

200.2(2) Requirements for counseling providers. Counseling to parents shall be provided only by the following persons:

- a. Certified adoption investigators.
- b. Mental health professionals who have the equivalent of two years of adoption work experience in the direct provision of adoption services.
- c. Private agency staff with two years of adoption work experience in the direct provision of adoption services.
- d. Department staff with two years of adoption work experience in the direct provision of adoption services.

200.2(3) Forms. A child study shall be completed for all children who are adopted under Iowa Code chapter 600 using the outline RC-0027, Social History Format. All forms used to execute a release of custody shall comply with the requirements of Iowa Code chapters 600 and 600A.

200.2(4) Affidavit and documentation. The person providing the counseling shall complete Form 470-3164 or 470-3164(S), Counseling Affidavit, certifying that the counselor has provided the biological parent with the requested counseling or that the biological parent has refused counseling. The Counseling Affidavit and documentation that the person providing the counseling is qualified to provide the requested counseling shall be attached to the release of custody. Documentation shall include one of the following:

- a. A copy of a professional license, when applicable.
- b. A record of all adoption work experience including dates and location. In addition, the person providing counseling shall provide the names of employers and supervisors to enable the court to verify the counselor's adoption work experience.

[ARC 8010B, IAB 7/29/09, effective 10/1/09]

441—200.3(600) Application. Persons wishing to apply to adopt a child through the department shall use Form 470-0743 or 470-0743(S), Application for Adoption. An application for adoption shall only be accepted for children who are under the guardianship of the department.

200.3(1) Limitations. The department and its recruitment and retention contractor shall accept only applications for adoption of a special needs child. Applications for adoption of a child without special needs shall be referred to private child-placing agencies. Exceptions to this rule may be made for:

- a. Relatives of a child under the guardianship of the department; or
- b. Foster parents with whom the child has a significant relationship.

200.3(2) Procedures. An application for a special needs child shall be accepted by any department office or by the department's recruitment and retention contractor. Before a home study is completed, applicants shall:

- a. Complete Form 470-0743 or 470-0743(S), Application for Adoption, and
- b. Ensure that Form 470-0720, Physician's Report for Foster and Adoptive Parents, is completed by the applicant's family physician.

[ARC 8010B, IAB 7/29/09, effective 10/1/09]

441—200.4(600) Adoption services. Adoption services shall include: adoptive home study, preparation of child, selection of family, preparation of family, preplacement visits, placement services, and postplacement services.

200.4(1) Adoptive home study. The recruitment and retention contractor shall prepare an adoptive home study through the following activities:

a. *Family assessment.* The family assessment shall include a minimum of two face-to-face interviews with the applicants and at least one face-to-face interview with each member of the household. At least one of the interviews shall take place at the applicant's home. The assessment of the prospective adoptive family shall include an evaluation of the family's ability to parent a special needs child or children including the following:

- (1) Motivation for adoption and whether the family has biological, adopted or foster children.
- (2) Family's and extended family's attitude toward accepting an adopted child and plans for discussing adoption with the child.
- (3) The attitude toward adoption of the significant other people involved with the family.

(4) Emotional stability, marital history, including verification of marriages and divorces, family relationships and compatibility of the adoptive parents.

(5) Ability to cope with problems, stress, frustrations, crises, separation, and loss.

(6) Medical, mental and emotional conditions that may affect the applicant's ability to parent a child, treatment history, and current status of treatment.

(7) Willingness to accept a child who has medical problems (such as a child who is at risk of, or is HIV positive), mental retardation, or emotional or behavioral problems. Ability to provide for the child's physical, medical and emotional needs and respect the child's ethnic and religious identity.

(8) Adjustment of any children in the home, including their attitudes toward adoption, relationships with others, and school performance.

(9) Disciplinary practices that will be used.

(10) Capacity to give and receive affection.

(11) Statements from three references provided by the family and additional references the worker may wish to contact.

(12) Financial information, ability to provide for a child and whether there is a need for adoption subsidy for a special needs child or children.

(13) Attitudes of the adoptive applicants toward the birth parents and the reasons the child is available for adoption.

(14) Commitment to and capacity to maintain significant relationships.

(15) Substance use or abuse, if any, by family members, or members of the household, treatment history and current status of treatment.

(16) History of abuse, if any, by family members, or members of the household, treatment history, current status of treatment and the evaluation of the abuse.

(17) Criminal convictions, if any, by family members, or adults in the household, and the evaluation of the criminal record.

(18) Recommendations for number, age, sex, characteristics, and special needs of a child or children the family can best parent.

b. Record checks. Record checks are required for each applicant and for anyone who is 14 years of age or older living in the home of the applicant to determine whether they have founded child abuse reports or criminal convictions or have been placed on the sex offender registry. The department's contractor for the recruitment and retention of resource families shall assist applicants applying through the department in completing required record checks, including fingerprinting.

(1) Iowa records. Each applicant and anyone who is 14 years of age or older living in the home of the applicant shall be checked for records with:

1. The Iowa central abuse registry, using Form 470-0643, Request for Child Abuse Information;

2. The Iowa division of criminal investigation, using Form 595-1396, DHS Criminal History Record Check, Form B; and

3. The Iowa sex offender registry.

(2) Other states' records. Each applicant and any other adult living in the applicant's home shall be checked for records on the child abuse registry of any state where the person has lived during the past five years.

(3) Federal records. Each applicant shall be fingerprinted for a national criminal history check. Other adults living in the home may be fingerprinted if the department determines that a national criminal history check is warranted.

(4) If the applicant, or anyone living in the home of the applicant, has a record of founded child abuse, a criminal conviction, or placement on the sex offender registry, the department shall not approve the applicant as an adoptive family, unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of approval. The evaluation shall be conducted according to procedures in 441—subrules 113.13(2) and 113.13(3) for applications for adoption through the department or procedures in 441—subrule 108.9(4) for applications for adoption through a child-placing agency.

(5) The department shall assess fees associated with the record checks to the adoptive applicant unless the family is being studied to adopt a child with special needs.

c. Written report. The worker shall prepare a written report of the family assessment, known as the adoptive home study, using the PS-MAPP family profile format. The worker shall use the home study to approve or deny a prospective family as an appropriate placement for a child or children. The department adoption worker and supervisor shall date and sign the adoptive home study.

The worker shall notify the family of the decision using Form 470-0745, Adoption Notice of Decision, and, if the worker does not approve the home study, shall state the reasons on the notice. The worker shall provide the family a copy of the adoptive home study with the notification of approval or denial.

d. Preplacement assessment and home study update. A preplacement assessment and home study update is required if the adoptive home study was written more than one year previously, in accordance with Iowa Code section 600.8, and placement of the child is imminent. The preplacement assessment and home study update shall be conducted by completing the following:

(1) The child abuse and criminal record checks shall be repeated, except for fingerprinting. If there are any founded abuses or convictions of crimes that were not evaluated in the previous home study, they shall be evaluated using the process set forth in 200.4(1)“b.”

(2) One face-to-face visit shall be conducted with the approved adoptive family.

(3) The information in the approved adoptive home study shall be reassessed.

(4) An updated written report of the reassessment and adoptive home study shall be written, dated, signed by the worker and the supervisor; and a copy provided to the adoptive family.

e. Procedure for foster parent adoptions. When a licensed foster parent applies for approval as an adoptive home, home study activities that have been completed within the previous year as part of a licensing study pursuant to 441—Chapter 113 need not be repeated.

200.4(2) Preparation of child. The department adoption worker shall conduct specific activities designed to enable a child to make the transition to an adoptive placement or refer the child to the family safety, risk, and permanency services contractor or other professionals. The activities shall include, but are not limited to:

a. Counseling regarding issues of separation, loss, grief, guilt, anger and adjustment to an adoptive family.

b. Preparation or update of a life book.

c. Provision of age-appropriate information regarding community resources available, such as children’s support groups, to assist the child in the transition and integration into the adoptive family.

d. Any appropriate evaluations or testing.

e. HIV testing of a child by the University of Iowa Hospital or a local physician when any of the following conditions exist:

(1) The child was, or may have been, sexually abused by a person who participated in high-risk behavior such as sharing of needles with an infected person or sex participation with an infected person.

(2) The child’s birth mother participated in high-risk behavior, or is HIV positive.

(3) The child participated in, or has participated in, high-risk behavior.

(4) The child is symptomatic or at high risk of infections.

(5) The child received blood products prior to 1986 or the birth parents received blood products prior to 1986, before or during pregnancy.

(6) There is a lack of medical information regarding the birth parents or the child.

200.4(3) Selection of family. The family that can best meet the needs of the adoptive child shall be selected as follows:

a. Before preplacement visits occur, a conference shall be held to select an approved family. A minimum of two social workers and a supervisor shall be included in the conference. The child’s special needs, characteristics, and anticipated behaviors shall be reviewed in the conference to determine a family that can best meet the needs of the child. Approved families shall also be reviewed in an effort to match the specific family’s parenting strengths with a particular child’s needs.

b. The following selection criteria shall be observed:

(1) Preference shall be given to placing children from the same birth family together. If placement together is not possible, or is not in the best interest of the children, the reasons shall be identified and

documented in each child's case record. Efforts shall be made to ensure continuous contact between siblings when the siblings are not placed together.

(2) Race, color, or national origin may not be routinely considered in placement selections except when an Indian child is being placed pursuant to Iowa Code section 232.7 or Iowa Code chapter 232B. Placement decisions shall be made consistent with the best interests and special needs of the child.

(3) A relative who is within the fourth degree of consanguinity shall be given consideration for selection as the adoptive family for a child who is legally available for adoption if the child has a significant relationship with the relative or the child is aged 14 or older and elects adoption by the relative.

(4) Foster parents shall be given consideration for selection as the adoptive family for a child in the foster parents' care who is legally available for adoption if the child has been in the foster parents' care for six months or longer or the child has a significant relationship with the family.

200.4(4) *Preparation of family.* The recruitment and retention contractor and the department adoption worker shall conduct activities designed to assist the adoptive family in expanding its knowledge and understanding of the child or children. These activities should enhance the family's readiness to accept the child or children into their family and encourage their commitment. A referral may be made for family safety, risk, and permanency services if needed. The activities shall include, but are not limited to:

a. Completion of at least 30 hours of "Partnering for Safety and Permanence: Model Approach to Partnership in Parenting" (PS-MAPP) and the self-study course, "Universal Precautions in Foster and Adoptive Family Homes," before placement of a child. These training requirements apply to families who are adopting special needs children who are under the guardianship of the department.

(1) Foster parents licensed before December 31, 2002, who have been caring for a foster child in their home for at least six months and who have been selected to adopt that child may have their participation in adoption training waived by the service area manager or designee.

(2) Relatives who have cared for a related child for at least six months and who have been selected to adopt that related child may have their participation in the PS-MAPP preservice training waived by the service area manager or designee.

(3) The department may waive the PS-MAPP training requirement in whole or in part when the department finds that:

1. The applicant has completed relevant training or has a combination of relevant training and experience that is an acceptable equivalent to all or a portion of the required preservice training; or

2. There is good cause for the waiver based upon the circumstances of the child and the applicant.

(4) If the adoptive parents are accepting placement of a child who is at high risk of becoming or is HIV positive, they shall also complete the "Caring for Children With HIV" course.

(5) Applicants must retake PS-MAPP if the adoption approval process is not completed within 24 months after PS-MAPP is initially completed.

b. Discussion with family members regarding problems resulting from a child's separation, loss, grief, and anger due to the loss of the birth parents.

c. Provision of background information on the child and birth family, including a child study that includes experiences such as foster and adoption placements and other pertinent information and the child's life book.

d. Provision of information regarding the child's special needs and behavior patterns.

e. Provision of a description of the child's medical needs, including whether or not the child is at risk of or is HIV positive.

f. Discussion of the impact that adding a new member or members to the family may have on all current family members.

g. Explanation of the subsidized adoption program.

h. Provision of information regarding the community resources that are available to assist the family, such as parent support groups.

200.4(5) *Preplacement visits.* The department worker shall plan, conduct and assess the transitional visits between the adoptive family and the child or children before the adoptive placement of the child in the home.

200.4(6) Placement services. Placement services include the activities necessary to plan and carry out the placement of a child or children into the adoptive family.

Before placement of a child, the Agreement of Placement for Adoption, Form 470-0761, shall be signed by all parties.

200.4(7) Postplacement services. An adoptive family is eligible for postplacement services from the time a child is placed with the family until finalization of the adoption occurs. The department adoption worker shall supervise the placement, provide ongoing support to the child and family, perform crisis intervention, and complete required reports. Assistance with behavioral interventions to strengthen the placement and prevent disruption may be provided through family safety, risk, and permanency services.

a. Postplacement supervision shall focus on the following areas:

- (1) Integration and interaction of the child or children with the family.
- (2) Changes in the family functioning which may be due to the placement.
- (3) Social and emotional adjustment of the child or children.
- (4) School adjustment of the child or children who are attending school.
- (5) Changes and adjustments that have been made in the family since the placement.
- (6) Family's method of dealing with testing behaviors and discipline.
- (7) Child's growth and development since placement in the family.
- (8) Behavioral evidence of the degree of bonding that is taking place and the degree to which the child is becoming a permanent member of the adoptive family.

b. At a minimum, the department adoption worker shall make monthly adoptive home visits until the adoption is final. If the family is experiencing problems, the worker shall make as many visits as are necessary to assess and support the placement.

c. The department adoption worker shall prepare a written report based on the postplacement visits with recommendations regarding the finalization of the adoption and submit the report to the court before the hearing to consider granting a decree of adoption.

200.4(8) Postadoption services. The department's recruitment and retention contractor shall provide postadoption services to families that are eligible for the department's adoption subsidy program in accordance with the contract. The goal of these services is to prevent adoption dissolution. The family may obtain additional support through community resources or support groups.

[ARC 8010B, IAB 7/29/09, effective 10/1/09]

441—200.5(600) Termination of parental rights. The department shall not place a child in an approved adoptive home until parental rights of the child's birth parents have been terminated and guardianship assigned to the department. If one or both birth parents are deceased, the worker shall provide the court with verification of the birth parents' death and the death shall be stated in the guardianship order. When the termination of parental rights is appealed by a birth parent, an adoptive placement may be made if the adoptive parents sign an adoptive placement agreement that includes an acknowledgment of the conditions of the placement should termination be overturned. However, the adoption may not be finalized until the appeal is withdrawn or a final decision regarding the appeal is reached and a procedendo issued.

441—200.6(600) Service provision. Rescinded IAB 7/29/09, effective 10/1/09.

441—200.7(600) Department fees. Rescinded IAB 7/29/09, effective 10/1/09.

441—200.8(600) Interstate placements. Interstate placement of a child into Iowa, or out of Iowa, shall follow interstate placement of child procedures according to Iowa Code section 238.33.

441—200.9(600) International adoptions. Rescinded IAB 7/29/09, effective 10/1/09.

441—200.10(600) Requests for home studies.

200.10(1) Court-ordered. Court-ordered home studies for adoption of a child or children under the authority of the department shall be completed by the department's recruitment and retention contractor.

200.10(2) Interstate compact. Requests for an adoptive home study through the interstate compact process shall be completed by the department's recruitment and retention contractor.
[ARC 8010B, IAB 7/29/09, effective 10/1/09]

441—200.11(600) Reasons for denial. An individual or family shall be denied approval of an adoptive home study for one or more of the following reasons:

200.11(1) Founded child abuse report. A founded child abuse report shall mean denial of approval unless an evaluation determines that it does not merit denial.

200.11(2) Criminal conviction. A criminal conviction shall mean denial of approval unless an evaluation determines that it does not merit denial.

200.11(3) Documented concerns. Concerns may be documented in one or more of the following areas:

- a. Motivation to adopt.
- b. Child-rearing ability and practices.
- c. Emotional stability.
- d. Physical or mental health.
- e. Interpersonal relationships.
- f. Finances.
- g. Marital relationship.

200.11(4) Substance abuse. Verified substance use or abuse that prevents the family from adequately caring for the child shall mean denial of approval.

200.11(5) Lack of cooperation. If the individual or family fails to cooperate in providing the information needed to complete the preplacement assessment or home study, the application shall be denied.

441—200.12(600) Removal of child from preadoptive family. When the department determines that it is in the best interest of a child to be removed from a preadoptive family, a Letter of Removal, Form 470-3018, shall be mailed to the family prior to the removal. Removal of a child from a preadoptive family is not an appealable issue, as a child continues to be under the guardianship of the department until an adoption is finalized.

441—200.13(600) Consents. A request for consent to the adoption shall be submitted to the guardian for a child who is under the guardianship of the department and for whom finalizing an adoption is recommended. If the adoption is in the best interest of the child, the director or designee shall sign a Consent to Adoption, Form 470-0775, prior to a court hearing to finalize the adoption.

A consent to adopt may be rescinded by the department, by signing Rescinding the Consent to Adoption, Form 470-2990, for any of the following reasons:

1. At the request of the adoptive family.
2. A founded child abuse report, or accusation of child abuse, pending determination of the report.
3. Conviction of a crime, or accusation of a crime, pending a court decision regarding the crime.
4. At the request of a child who is aged 14 or over and has reversed the decision regarding the adoption.
5. Other verified indications that the adoption is not in the best interest of the child.

441—200.14(600) Requests for access to information for research or treatment.

200.14(1) Requests. Any person seeking access to the department's sealed adoption records for the purpose or purposes set forth in Iowa Code paragraph 600.16(1) "c" or Iowa Code subsection 600.24(2) shall submit a request in writing to the director. Each request shall contain sufficient facts to establish that the information sought is necessary for conducting a legitimate medical research project, or for treating a patient in a medical facility.

200.14(2) Process. Upon receipt of a request for information sought in conducting a research project, the director or a designee shall review the request for information and make a decision to approve, or deny, the request based on the research to be conducted, the benefits of the research, the methodology,

and the confidentiality measures to be followed. Upon a request for information for treating a patient in a medical facility, a decision regarding approval or denial shall be made by the director or designee based on the written information provided by a physician or the medical facility, making the request. Requesters shall be notified in writing of approval or denial and if denied, reasons for denial given.

441—200.15(600) Requests for information for purposes other than research or treatment. Requests for information from department adoption records for purposes other than research or treatment shall be made to the Department of Human Services, Division of Child and Family Services, Adoption Program, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114.

200.15(1) The department shall not release identifying information from sealed adoption records. Adult adoptees, adoptive parents, birth parents, siblings or descendants of an adopted person, or legal representatives of any of the above shall be provided:

- a. An adoption packet containing a sample affidavit for filing with the court,
- b. Directions for filing the affidavit,
- c. A list of county clerks of court,
- d. The address of the bureau of vital statistics, and
- e. Instructions on how to obtain the name of the Iowa county where the adoption was finalized, if necessary.

200.15(2) An adopted person who was a resident of the Annie Wittenmeyer Home (Iowa Soldier's and Sailor's Home) may receive nonidentifying information from Annie Wittenmeyer records if the information is available.

[ARC 8010B, IAB 7/29/09, effective 10/1/09]

441—200.16(600) Appeals. Prospective adoptive families may appeal denial of approval of their home study based on rule 441—200.11(600), pursuant to 441—Chapter 7.

These rules are intended to implement Iowa Code chapter 600.

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