

21—67.12(162) Fostering oversight organizations and foster care homes.

67.12(1) As used in this rule, unless the context otherwise requires:

“Foster care home” means a private residence that is authorized to provide temporary shelter and care for an animal which has been accepted by a fostering oversight organization.

“Fostering oversight organization” means a registered animal shelter or a registered pound, as defined in Iowa Code chapter 162, which has been authorized by the department to utilize foster care homes in its operation.

67.12(2) A registered animal shelter or registered pound shall not operate a foster care home or operate an organization that utilizes a foster care home unless the shelter or pound is in compliance with this rule and other applicable provisions of this chapter and Iowa Code chapter 162.

67.12(3) A registered animal shelter or registered pound may apply to the department for a permit authorizing the shelter or pound to utilize one or more foster care homes in carrying out its mission of providing for the care and maintenance of an animal which has been taken in or entrusted to the animal shelter or pound. For purposes of this rule, an animal shelter or pound which has been granted such authorization shall be considered a fostering oversight organization.

67.12(4) Neither a registered animal shelter nor a registered pound may utilize a foster care home unless the shelter or pound has been granted authorization by the department to be a fostering oversight organization. An animal shelter or pound which uses a foster care home without first obtaining a permit authorizing the shelter or pound to be a fostering oversight organization shall be considered to be operating illegally, shall be subject to suspension or revocation of its license to operate, and may be subject to other penalties authorized in Iowa Code chapter 162.

67.12(5) A registered animal shelter or registered pound seeking to obtain a permit to be a fostering oversight organization shall make application to the department on a form prescribed by the department. When feasible, the application shall be submitted to the department at the same time that the registered animal shelter or registered pound submits its certificate of registration renewal application. The permit application shall provide sufficient information to allow the department to determine the ability of the proposed fostering oversight organization to provide adequate screening and oversight of any foster care home operating under the authority of the fostering oversight organization. Such application shall include, but is not limited to, the following information:

a. The proposed fostering oversight organization’s plan for screening a prospective foster care home. Such plan shall include the criteria to be used by the fostering oversight organization in determining whether a person who will be operating a foster care home is capable of caring for the animals that may be placed in the foster care home.

b. The proposed fostering oversight organization’s plan for providing oversight to the foster care home. The plan shall include the frequency of inspections of the foster care home by the fostering oversight organization and the criteria to be used by the fostering oversight organization in reviewing the foster care home during periodic inspections. The plan shall also include the actions to be taken by the fostering oversight organization in the event that the fostering oversight organization determines that the foster care home is not adequately providing for the animals in the foster care home.

c. The name, address, and telephone number of the staff person connected with the proposed fostering oversight organization who will have primary responsibility for administering the proposed foster care program.

d. The name, address, and telephone number of a secondary staff person connected with the proposed fostering oversight organization who will have responsibility for administering the proposed foster care program in the absence of the primary administrator.

67.12(6) The initial approval of a fostering oversight organization shall be in effect only until the next expiration date of the registered pound or registered animal shelter’s license. Thereafter, a fostering oversight organization permit renewal shall be concurrent with the facility’s certificate of registration renewal, unless circumstances otherwise require.

67.12(7) A fostering oversight organization shall require that all persons seeking to operate a foster care home under the fostering oversight organization submit a written application to the fostering oversight organization specifying the proposed foster care home’s qualifications, including, but not

limited to, the ability of the foster care home to provide adequate care, exercise, feed, water, shelter, space, and veterinary care.

67.12(8) A fostering oversight organization shall not be authorized to approve more than 20 foster care homes. In granting a permit to a fostering oversight organization, the department may further restrict the number of foster care homes a particular fostering oversight organization may utilize if the department determines that the fostering oversight organization does not have adequate personnel to supervise the number of foster care homes for which authorization was sought. The department may authorize the fostering oversight organization to approve more than 20 foster care homes only if the department finds that the fostering oversight organization has and maintains adequate personnel assigned to provide sufficient oversight of foster care homes.

67.12(9) A fostering oversight organization shall not authorize a foster care home to have in its care more than 4 foster care animals over four months of age or 12 foster care animals less than four months of age, unless the foster care animals less than four months of age are from no more than two biological litters. When a nursing litter is placed in a foster care home, the nursing mother shall not be counted toward any applicable animal limitations for two weeks after the litter is weaned. Any approval of a foster care home shall not be interpreted to limit or override any local government's limitations on the number of animals that may be kept on a single premises.

67.12(10) A person who has been found to have engaged in or participated in an act constituting animal abandonment, neglect, cruelty, or abuse shall not be authorized to operate a foster care home. In addition, if a person has had a license or permit issued under Iowa Code chapter 162 or under the United States Department of Agriculture's animal care program revoked or has surrendered that person's license in lieu of revocation, then that person shall not be authorized to operate a foster care home.

67.12(11) A fostering oversight organization shall not place a sexually intact animal in a foster care home where there is a sexually intact animal of the opposite sex of the same species, unless the fostering oversight organization determines that the fostered animal is too young to breed. If the fostering oversight organization determines that a sexually intact animal may be placed in a foster care home with another sexually intact animal of the opposite sex of the same species because the fostered animal is too young to breed, then the fostering oversight organization shall monitor the physical development of the fostered animal to either remove the animal before it is capable of breeding or to neuter or spay the fostered animal.

67.12(12) The fostering oversight organization shall retain a copy of all the following documents for a period of 24 months and shall make such documents available for inspection by the department during regular business hours:

- a. Applications to operate a foster care home, including any written approvals, conditional approvals, or denials.
- b. Inspections or other reports relating to the operation of a foster care home.
- c. Any written complaints or notes written by staff of the fostering oversight organization relating to an oral complaint against a foster care home.
- d. Any documents relating to the investigation or other resolution of a complaint regarding a foster care home.
- e. Any documents relating to the revocation or suspension of a foster care home's authorization.

67.12(13) The fostering oversight organization shall maintain detailed records as to which animals have been placed in a foster care home, when each animal was placed in a foster care home, and the ultimate disposition of each animal.

67.12(14) All adoptions and euthanasias of animals placed in a foster care home shall be the responsibility of the fostering oversight organization and shall not be performed by the foster care home, unless an emergency euthanasia must be performed by a licensed veterinarian to prevent the needless suffering of the animal.

67.12(15) All deaths, injuries, or emergency euthanasias occurring within a foster care home shall be reported to the fostering oversight organization within 24 hours of the event.

67.12(16) It is the primary responsibility of the fostering oversight organization to provide for oversight and regulation of its foster care homes; however, the department may choose to inspect a

foster care home if the department determines that it would be in the best interests of the animals being maintained in the foster care home to conduct the inspection or if the department deems an inspection is desirable to determine whether a fostering oversight organization is properly fulfilling its role of screening and oversight of foster care homes. If the department determines that either serious or chronic problems exist in a foster care home, the department may order the fostering oversight organization to suspend or rescind the authorization of the foster care home. The fostering oversight organization shall immediately obtain physical examinations of all animals previously placed in the foster care home.

67.12(17) If the department determines that a fostering oversight organization is not providing adequate screening or oversight of its foster care homes, then the department may suspend or rescind the fostering oversight organization's authorization to use foster care homes.

67.12(18) If the department suspends or revokes the license of an animal shelter or pound and that animal shelter or pound is also a fostering oversight organization, then the authorization of the animal shelter or pound to operate as a fostering oversight organization shall immediately cease, and the authorization of the foster care homes operating under that fostering oversight organization shall also immediately cease.

This rule is intended to implement Iowa Code chapter 162.