

**441—108.9(238) Adoption services.****108.9(1) Program statement.**

*a.* An agency licensed to place children for adoption shall have a current written program statement which shall include all of the following:

- (1) Characteristics of children to be placed.
- (2) Eligibility requirements for adoptive families.
- (3) Services provided during the adoption process.
- (4) Services to the birth parents upon relinquishment.
- (5) Postadoption services to adoptive families, if offered.
- (6) Explanation of all fees and any other costs for which the adoptive family is responsible for payment.
- (7) A statement that payment of fees does not ensure adoption approval.

*b.* The program statement shall be made available to referring agencies and to all persons making formal inquiry regarding adoption.

**108.9(2) Services to birth families.** An agency which offers services to birth parents who are considering relinquishing a child for adoption shall provide the following:

*a.* Intake process. When an agency agrees to provide services to the birth parents, intake interviews shall be conducted, including provision of information to the birth parents regarding the adoption process and their rights and role.

(1) When an agency completes a background information investigation report on the child to be adopted, a personal interview with each parent of the child must be completed unless a parent's identity or whereabouts is unknown.

(2) If a parent's identity or whereabouts is unknown, as much information as possible shall be obtained from the other parent or other sources if available.

*b.* Background information on birth parents. The agency shall obtain as much information as possible about birth parents that includes, but is not limited to:

- (1) Birth parents' strengths and needs.
- (2) Birth parents' physical description.
- (3) Birth parents' and extended family members' medical and mental health history.
- (4) Parents' criminal history.
- (5) Birth parents' educational level.
- (6) An affidavit signed by the birth parents instructing the court to reveal, or not reveal, their names to the child pursuant to Iowa Code chapter 600.

(7) Any additional information the birth parents wish to include in the child's adoption record.

*c.* Background information for an infant adoption. Information shall be obtained that includes, but is not limited to, the following:

- (1) The child's due date.
- (2) Prenatal care received by the mother during pregnancy.
- (3) Risk factors that may affect the child's health after birth.
- (4) Birth records following the child's birth, if available.

*d.* Background information on an older child. Information shall be obtained that includes, but is not limited to the following:

- (1) The child's legal status.
- (2) The child's physical description, medical and mental health history, developmental information, and other pertinent information necessary for a child study.
- (3) Identification of any specific and unique needs of the child and the type of family to be considered for adoptive placement.

(4) The involvement of the birth parents and significant others in the child's care.

*e.* A copy of the background information of the child and birth parents shall be provided to the prospective family before placement of the child.

*f.* Birth parent counseling. If accepted by the birth parents, 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.

(1) The purpose of the counseling is to:

1. Provide information about options to assist birth parents in making an informed decision regarding release of custody.

2. Assist birth parents in resolving emotional issues related to separation and loss.

(2) Counseling shall be provided to birth parents only by the following persons:

1. Certified adoption investigators.

2. Mental health professionals who have the equivalent of two years of adoption work experience in the direct provision of adoption services.

3. Private agency staff with two years of adoption work experience in the direct provision of adoption services.

4. Department staff with two years of adoption work experience in the direct provision of adoption services.

(3) Forms. All forms used to execute a release of custody shall comply with the requirements of Iowa Code chapters 600 and 600A.

(4) Affidavit and documentation. The person providing the counseling shall complete the Counseling Affidavit to certify that the counselor has provided the birth parent with the requested counseling or that the birth 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:

1. A copy of a professional license, when applicable.

2. A record of all adoption work experience, including dates and location. In addition, the person providing counseling shall provide the names of the counselor's employers and supervisors to enable the court to verify the counselor's adoption work experience.

**108.9(3) *Preparation of child for adoptive placement.*** Preparing a child, especially an older child, includes activities designed to enable a child to make a transition to an adoptive placement. 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 of a life book.

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

**108.9(4) *Services to adoptive applicants.***

*a. Application process.* Before proceeding with an adoptive home study, the agency shall have received an application for adoption from the person or persons wishing to adopt a child. The application form shall include information about the applicant's intent to become an adoptive parent, and the basic data about the applicant's family, home, financial status, health, and references.

*b. Explanation of the adoption process.* The agency shall provide the applicant an explanation of the entire adoption process, including the legal procedures, the agency policies and procedures regarding placement of children, and the children available for adoption.

*c. Adoptive home study.* The home study consists of a family assessment which shall include at least two face-to-face interviews with the applicant and at least one face-to-face interview with each member of the household. At least one interview shall take place in the applicant's home. The assessment shall include, but need not be limited to, the following:

(1) Motivation for adoption and whether the family has biological, adopted or foster children.

(2) Family and extended family's attitude toward accepting an adopted child, and plans for discussing adoption with the child.

(3) The attitude toward adoption of other people involved with the family in a significant way.

(4) Emotional maturity; marital history, including verification of marriages and divorces; assessment of marital relationship; and compatibility of the adoptive parents.

- (5) Ability to cope with problems, stress, frustrations, crises, separation and loss.
  - (6) Medical, mental, or emotional conditions which may affect the applicant's ability to parent a child.
  - (7) Ability to provide for the child's physical and emotional needs and to respect the child's cultural and religious identity.
  - (8) Description of biological and previously adopted children, if any, including their attitudes toward adoption, relationship with others, and school performance.
  - (9) Capacity to give and receive affection.
  - (10) Statements from at least three references provided by the family and other unsolicited references that the agency may wish to contact.
  - (11) Attitudes of the adoptive applicants toward the birth parents and the reasons the child is available for adoption.
  - (12) Income information, including the family's ability to financially provide for a child.
  - (13) Disciplinary practices that will be used.
  - (14) History of abuse involving family members, including how the abuse was addressed and how that history impacts the applicant's ability to be an adoptive parent.
  - (15) Assessment of, commitment to, and capacity to maintain other significant relationships.
  - (16) Substance use or abuse by members of the household, treatment history and current status of treatment.
  - (17) Recommendations for the number, age, sex, characteristics, and unique needs of children best parented by this family.
  - (18) The family's ability to anticipate and understand the unique needs of an adopted child as the child gets older and how the family will manage those needs.
- d. Record checks.* The licensed child-placing agency shall perform record checks for each applicant and for the other persons living in the home of the applicant as follows:
- (1) The records of the applicants shall be checked:
    1. On the Iowa central abuse registry using Form 470-0643;
    2. By the Iowa division of criminal investigation, using Form 595-1396;
    3. On the Iowa sex offender registry;
    4. On the child or dependent adult abuse registry of any state where the applicant has lived during the five years prior to the issuance of the investigative report; and
    5. For a national criminal history through fingerprinting or another biometric identification-based process accepted by the federal government.
  - (2) The records of persons aged 14 or older living in the home of the applicant shall be checked:
    1. On the Iowa central abuse registry using Form 470-0643;
    2. By the Iowa division of criminal investigation, using Form 595-1396; and
    3. On the Iowa sex offender registry.
  - (3) Out-of-state child and dependent adult abuse checks and national criminal history checks may be completed on any adult in the home of the applicant if the certified adoption investigator has reason to do so.
  - (4) The agency shall not approve a prospective applicant and the department shall not perform an evaluation if the applicant or anyone living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 600.8(2) "b."
  - (5) The agency shall not approve a prospective applicant and shall not perform an evaluation if the applicant or anyone living in the home of the applicant has committed a crime in a state other than Iowa that would be a forcible felony if the crime would have been committed in Iowa, as set forth in Iowa Code section 600.8(2) "b."
- e. Evaluation of record.* If the applicant or anyone living in the home has record of founded child or dependent adult abuse, a criminal conviction, or placement on the sex offender registry, the applicant shall not be approved to adopt unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of approval.

(1) The evaluation shall consider the nature and seriousness of the founded abuse or crime in relation to adoption, the time elapsed since the commission of the founded abuse or crime, the circumstances under which the abuse or crime was committed, the degree of rehabilitation, the likelihood that the person will commit the abuse or crime again, and the number of abuses or crimes committed by the person.

(2) The person with the criminal conviction or founded child or dependent adult abuse report shall complete and return Form 470-2310 within ten calendar days of the date on the form to be used to assist in the evaluation. Failure of the person to complete and return the form within the specified time frame may result in a written denial of approval for adoption.

(3) If the applicant, or anyone living in the home of the applicant, has been convicted of a simple misdemeanor or a serious misdemeanor that occurred five or more years prior to application, the evaluation and decision may be made by the department's centralized service area. The department's centralized service area shall notify the applicant of the results of the evaluation.

(4) If the applicant, or any person living in the home of the applicant, has a founded child or dependent adult abuse report, has been convicted of an aggravated misdemeanor or felony at any time, or has been convicted of a simple or serious misdemeanor that occurred within five years prior to application, the licensed child-placing agency shall initially conduct the evaluation.

1. If the licensed child-placing agency determines that the abuse or crime does warrant prohibition of approval, the licensed child-placing agency shall notify the applicant of the results of the evaluation in writing. The notice shall contain information on appeal rights pursuant to 441—Chapter 7.

2. If the child-placing agency determines that the applicant should be approved despite the abuse or criminal conviction, the agency shall provide copies of Form 470-2310 and the written notice to the applicant to the Administrator, Division of Adult, Children and Family Services, Department of Human Services, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Within 30 days, the administrator shall determine whether the abuse or crime merits prohibition of approval and shall notify the child-placing agency in writing of that decision.

*f. Agency decision.* The licensed child-placing agency shall notify the applicant in writing no later than 30 days after completion of the home study of the agency's decision regarding approval for placement of a child.

(1) If the applicant is denied approval, the agency shall state the reasons for denial in the written decision.

(2) The agency worker and supervisor shall date and sign the adoptive home study.

(3) The agency shall provide a copy of the home study to the family at the time the written notice is sent.

(4) An agency shall not place a child in an adoptive home before the family is approved, or before a placement agreement is signed by the family and the agency.

(5) A home study shall be valid for up to two years from the date signed by the agency worker and supervisor.

*g. Denial.* The licensed child-placing agency shall deny approval of an adoption application when:

(1) The applicant or any other person living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 600.8(2) "b."

(2) The minimum standards set forth in these rules are not met and cannot be corrected.

(3) The applicant or any person residing in the home has been convicted of a crime, unless an evaluation of the crime has been made by the department which concludes that the crime does not merit prohibition of approval.

(4) The applicant or any person residing in the home has a record of founded child or dependent adult abuse, unless an evaluation of the founded child or dependent adult abuse has been made by the department which concluded that the founded child or dependent adult abuse does not merit prohibition of approval.

(5) The application is fraudulent, which means the applicant has knowingly made false statements or has knowingly concealed information that is material to the investigation.

*h. Updates.* To remain valid, an update to the home study shall be completed no later than 24 months from the previous home study or previous home study update. The update shall be conducted by completion of the following:

(1) The child and dependent adult abuse and criminal history record checks, except for the national criminal history check, shall be repeated. Any abuses or convictions of crimes since the last record check shall be evaluated using the same process.

(2) A minimum of one home visit shall be conducted with the approved adoptive family.

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

(4) A written report of the assessment and updated adoptive home study shall be completed, dated, signed by the agency worker and the agency supervisor, and provided to the adoptive family.

*i. Annual visits to the adoptive home.* The agency shall complete a minimum of one visit each year in the homes of families approved to adopt by the agency.

(1) The visit shall include, but not be limited to, assessment of the following areas:

1. Home environment.

2. Persons present at the time of the visit.

3. Changes in the home or household members, or other areas addressed in the home study.

(2) When a person aged 14 or older moves into the home, the agency shall perform checks on the Iowa central abuse registry, by the division of criminal investigation, and on the sex offender registry. The record check evaluation process shall be completed if the person has a criminal conviction or founded child or dependent adult abuse report or is on the sex offender registry.

(3) The findings from the visit shall be documented and maintained in the file.

**108.9(5) Services to adoptive families.**

*a.* Preparation of the family includes activities designed to prepare the adoptive family for the placement of a particular child. These activities shall assist the adoptive family in expanding its knowledge and understanding of the child and enhance the family's readiness to accept the child into the family and encourage the family's commitment. The activities shall include, but not be limited to:

(1) Providing background information on the child and the birth family, including a child study.

(2) Providing information regarding the unique needs and characteristics of the child.

(3) Providing information regarding an older child's anticipated behavior.

(4) Discussing the impact that adding a new member to their family may have on all current family members.

(5) Discussing the issues of separation, loss, grief, anger, and guilt that adoptive children experience at various developmental stages.

(6) Providing the family with community resources that are available, such as support groups.

*b.* Preplacement services include the preplacement visits of the child and approved family and any activities necessary to plan, conduct, and assess these transitional visits before the placement of the child in the adoptive family's home for the purpose of adoption.

*c.* Postplacement services include postplacement supervision, support, crisis intervention, and required reports to the court. The postplacement services are provided from the time the child is placed with an approved adoptive family until finalization of the adoption occurs.

(1) No fewer than three face-to-face postplacement visits in the family's home are required.

(2) At a minimum the first visit shall be completed within 30 days after placement; the second visit within 90 days after placement; and the final visit before granting consent to adopt no later than 180 days after placement.

(3) Postplacement visits shall be completed as often as necessary if the adoptive family is experiencing problems, and may extend to finalization or beyond 180 days if additional time is needed.

*d.* Postplacement supervision. The agency shall provide postplacement supervision to assess the unique needs of the child including, but not limited to, the following areas:

(1) Integration and interaction of the child with the family.

(2) Changes in the family functioning which may be due to the child's placement.

(3) Social and emotional adjustment of the child.

(4) Child's growth and development since placement with the adoptive family.

- (5) Changes and adjustments that have been made in the family since the child's placement.
- (6) Family's method of dealing with testing behaviors and discipline.
- (7) 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.
- (8) School adjustment of a child who is attending a school.
- (9) The behavioral needs of the child.
- (10) The psychological and mental health needs of the child.
- (11) Services and supports that will assist the family in the future.

*e.* Postadoption services. The agency shall provide postadoption services to adoptive parents and adoptees, or shall refer adoptive parents and adoptees to other community resources for the services.

*f.* Postplacement reports. The agency worker shall prepare a written report based on observations made during each home visit. Each report shall address the specific needs of the child and the family's ability to meet those needs. The reports shall be used by the agency in making a written recommendation to the court regarding finalization of the adoption.

**108.9(6) *International adoptions.***

*a. International adoptions preplacement investigation.* Preplacement investigations for the purpose of international adoptions shall meet the requirements of the United States Citizenship and Immigration Services.

*b. International adoptions postplacement report.*

(1) For an adoption based on a decree issued by a foreign jurisdiction within the United States, the agency shall conduct a postplacement investigation and issue a postplacement report as required in subrule 108.9(5).

(2) For an adoption based on a decree issued by a jurisdiction outside the United States, an investigator shall conduct a postplacement investigation that consists of a minimum of three face-to-face visits with the minor person and the adoptive parents during the first year after placement with the first such visit to be conducted within 60 days of the placement of the minor person in the adoptive home. Additional visits shall be conducted if required by the jurisdiction that issued the decree.

(3) The postplacement investigation and report under this subrule shall include documentation that any unique needs of the minor person are being met appropriately through the placement.

**108.9(7) *Religious policy.*** There shall be a written policy on religious participation for prospective placing parents, adoptive parents, and adoptees. The policy shall be made available to referral sources as well.

**108.9(8) *Adoption records.*** The agency shall keep separate records for each prospective, approved, or active adoptive family. Contents of these records shall be as follows:

- a.* The application.
- b.* The adoptive home study.
- c.* Current medical records.
- d.* All references.
- e.* All legal documents pertaining to the adoption.
- f.* Birth family information and background report, including physical descriptions, medical and mental health history, educational level, developmental history, problem areas such as substance or alcohol abuse.
- g.* Summary narrative on the placement decision and the preplacement and postplacement contacts with the adoptive family and child.
- h.* Information pertaining to the child including, but not limited to: physical, medical, and mental health; problem areas, including verification of the child's special needs; and whether or not a referral was made to the department for adoption subsidy.
- i.* In the event a family is not approved for placement of a child, the narrative shall clearly indicate the reason.
- j.* In the event a family is approved, but no child is placed with them, the narrative shall clearly indicate the reason.

**108.9(9)** *Right to appeal.* An adoptive applicant or an adoptive family may appeal an adverse decision made by a licensed agency pursuant to 441—Chapter 7. The appeal shall be filed with the department within 30 days of the notice of decision to the applicant or family by the licensed agency.

**108.9(10)** *Disposition of records.* When an adoption has occurred, the agency must maintain all records regarding the child, the birth family, and the adoptive family or families, forever. Any subsequent information received following the adoption finalization shall be placed in the adoption record. If the agency closes, all adoption records shall be forwarded to the department.

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