

**441—108.9(238) Adoption services.**

**108.9(1) Program statement.** An agency licensed to place children for adoption shall have a current written program statement which shall include all of the following:

- a. Types of children to be placed.
- b. Eligibility requirements for adoptive families.
- c. Services provided during the adoption process.
- d. Services to the birth parents upon relinquishment.
- e. Postadoption services to adoptive families, if offered.
- f. Fees and application costs.
- g. A statement that payment of fees does not ensure adoption approval.
- h. A statement informing applicants of the right to appeal the agency's decision regarding nonapproval of the family for placement of a child for adoption, or other adverse decisions.

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 a minimum of three hours of counseling, or any additional hours of counseling necessary to assist the parents in making an informed decision regarding their child's adoption, consistent with the child's best interest. The counseling of the birth parents shall begin when the birth parents begin the intake process. This shall be documented in the service plan format.

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.

b. Background information. A collection of information about the birth parents and the child shall include, but need not be limited to:

- (1) The child's legal status, or due date if unborn.
- (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 needs of the child and the type of family to be considered for adoptive placement.
- (4) The birth parents' strengths and needs.
- (5) The involvement of the birth parents and significant others in the child's care.
- (6) The birth family's physical description, medical and mental health history, educational level, any problematic areas including substance and alcohol abuse.
- (7) An affidavit signed by the birth parents regarding wishes for the court to reveal, or not reveal, their names to the child pursuant to Iowa Code chapter 600.
- (8) Any additional information the birth family wishes to have included in the child's adoption record.

**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 the significant other people involved with the family.
- (4) Emotional stability; 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 respect the child's cultural and religious identity.
- (8) Adjustment 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, ability to provide for a child, and a statement as to the need for adoption subsidy for a special needs child, or children.
- (13) Disciplinary practices that will be used.
- (14) History of abuse by family members and treatment.
- (15) Assessment of, commitment to, and capacity to maintain other significant relationships.
- (16) Substance use or abuse by members of the family and treatment.
- (17) Recommendations for type of child, number, age, sex, characteristics, and special needs of children best parented by this family.

*d.* Record checks. The licensed child-placing agency shall submit record checks 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 any founded child abuse reports or criminal convictions or have been placed on the sex offender registry. The licensed child-placing agency shall use Form 470-0643, Request for Child Abuse Information, and Form 595-1396, DHS Criminal History Record Check, Form B, for this purpose.

If there is a record of founded child abuse or a criminal conviction for the applicant, or anyone living in the home of the applicant, the licensed child-placing agency 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.

EXCEPTION: The person making the investigation 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." The person making the investigation 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 another state 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."

The evaluation shall consider the nature and seriousness of the abuse or crime, 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. The person with the criminal conviction or founded child abuse report shall complete and return Form 470-2310, Record Check Evaluation, 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 Form 470-2310 within the specified time frame shall result in denial of approval for adoption.

(1) 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 licensed child-placing agency. The licensed child-placing agency shall notify the applicant of the results of the evaluation.

(2) If the applicant, or anyone living in the home of the applicant, has a founded child 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.

2. If the child-placing agency believes that the applicant should be approved despite the abuse or criminal conviction, the agency shall provide copies of Form 470-2310, Record Check Evaluation, and Form 470-2386, Record Check Decision, to the Department of Human Services, Administrator, Division of Behavioral, Developmental, and Protective 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.

The licensed child-placing agency shall also notify the family 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. If the family is denied, the agency shall state the reasons for denial. The agency worker and supervisor shall date and sign the adoptive home study. The agency shall provide a copy of the home study to the family. 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.

*e.* A 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. The preplacement assessment update shall be conducted by completing the following:

(1) The child abuse and criminal record checks shall be repeated and 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 worker and the supervisor, and provided to the adoptive family.

**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 their family and encourage their 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 that includes past experiences such as foster and adoptive placements.

(2) Providing information regarding the special 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.

A minimum of three face-to-face postplacement visits are required, or if the family is experiencing problems, as many as are necessary to support the placement. At least two of the visits shall be in the adoptive home. 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.

Observations made during the home visits shall be recorded in the family's adoption file and used by the agency in making written recommendations to the court regarding finalization of the adoption.

Postplacement supervision should focus on the following:

- (1) Integration and interaction of the child with the family.
- (2) Changes in the family functioning which may be due to the placement.
- (3) Social, emotional adjustment of the child and school adjustment of a child who is attending a school.
- (4) Child's growth and development since placement with the adoptive family.
- (5) Changes that have occurred in the family since the 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.

*d.* 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.

**108.9(6)** *Placement of siblings.* Preference shall be given to placing children from the same family together. If this is not possible, or is not in the best interest of the children, the reasons shall be documented in the record. Efforts shall be made to provide continued contact between siblings after finalized adoptions if the siblings are not placed together.

**108.9(7)** *Racial and cultural background.* Race, color, or national origin may not be routinely considered in placement selections. Placement decisions shall be made consistent with the best interests and special needs of the child.

**108.9(8)** *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(9)** *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(10) *Right to appeal.*** An adoptive applicant or an adoptive family may appeal an adverse decision made by a licensed agency. 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(11) *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.