

CHAPTER 238

CHILD-PLACING AGENCIES

Referred to in [§232B.9, 600A.6B](#)

Child and family services, see [chapter 234](#)

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238.1 Definitions.

For the purpose of [this chapter](#) unless the context otherwise requires:

1. “*Child*” means the same as defined in [section 234.1](#).

2. “*Child-placing agency*” or “*agency*” means any agency, whether public, semipublic, or private, which represents that the agency places children permanently or temporarily in private family homes or receives children for placement in private family homes, or which actually engages for gain or otherwise in the placement of children in private family homes. “*Agency*” includes individuals, institutions, partnerships, voluntary associations, and corporations, other than institutions under the management or control of the department.

3. “*Council*” means the council on health and human services.

4. “*Department*” means the department of health and human services.

5. “*Director*” means the director of health and human services.

[C27, 31, 35, §3661-a58; C39, §3661.072; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.1] 83 Acts, ch 96, §157, 159; 84 Acts, ch 1279, §41; 94 Acts, ch 1046, §8; 96 Acts, ch 1034, §14; 2009 Acts, ch 133, §95; 2023 Acts, ch 19, §758

Referred to in [§600A.2](#)

Section amended

238.2 “Child-placing agency” defined. Repealed by 2009 Acts, ch 133, §191.

238.3 Authority to license.

The department may grant a license under [this chapter](#) for the period specified in [section 238.9](#) for the operation of a child-placing agency in this state.

[C27, 31, 35, §3661-a60; C39, §3661.074; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.3] 2002 Acts, ch 1102, §5; 2023 Acts, ch 19, §759

Section amended

238.4 Granting of license conditional.

A license shall not be issued under [this chapter](#) unless the applicant shows that the applicant and the applicant’s agents are properly equipped by training and experience to find and select

suitable temporary or permanent homes for children and to supervise the homes in which the children are placed to safeguard the health, morality, and general well-being of the children.

[C27, 31, 35, §3661-a61; C39, §3661.075; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.4]
[2023 Acts, ch 19, §760](#)

Section amended

238.5 License required.

A person shall not operate a child-placing agency or solicit or receive funds for the support of a child-placing agency without an unrevoked license issued by the department within the preceding twelve months.

[C27, 31, 35, §3661-a62; C39, §3661.076; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.5]
[2023 Acts, ch 19, §761](#)

Section amended

238.6 Form of license.

The license shall state the name of the licensee and the particular premises in which the agency may be operated.

[C27, 31, 35, §3661-a63; C39, §3661.077; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.6]
[2023 Acts, ch 19, §762](#)

Section amended

238.7 Posting of license.

A license shall be posted in a conspicuous place on the licensed premises.

[C27, 31, 35, §3661-a64; C39, §3661.078; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.7]
[2023 Acts, ch 19, §763](#)

Section amended

238.8 Record of license.

A record of the licenses issued by the department under [this chapter](#) shall be maintained by the department.

[C27, 31, 35, §3661-a65; C39, §3661.079; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.8]
[2023 Acts, ch 19, §764](#)

Section amended

238.9 Term of license.

A license granted under [this chapter](#) shall be valid for three years from the date of issuance unless the license is revoked in accordance with [section 238.10](#).

[C27, 31, 35, §3661-a66; C39, §3661.080; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.9]
[2002 Acts, ch 1102, §6](#)

Referred to in [§238.3](#)

238.10 Revocation of license.

The department may, after due notice and hearing, revoke the license if any of the following applies:

1. The licensee violates any provision of [this chapter](#).
2. When the agency is maintained in such a way as to waste or misuse funds contributed by the public or without due regard to sanitation or hygiene or to the health, comfort, or well-being of the child cared for or placed by the agency.
3. The licensee or the licensee's agents violate any law of the state in a manner disclosing moral turpitude or unfitness to maintain the agency.
4. The agency is operated by a person of ill repute or bad moral character.
5. The agency operates in persistent violation of the regulations governing such agencies.

[S13, §3260-k; C24, §3663; C27, 31, 35, §3661-a67; C39, §3661.081; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.10]

[2023 Acts, ch 19, §765](#)

Referred to in [§238.9](#)

Section amended

238.11 Written charges — findings — notice.

Written charges against the licensee shall be served upon the licensee at least ten days before a hearing on the charges and a written copy of the findings and decisions of the department following the hearing shall be served upon the licensee in the manner prescribed for the service of original notice in civil actions.

[C27, 31, 35, §3661-a68; C39, §3661.082; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.11]

[2023 Acts, ch 19, §766](#)

Service of notice, [R.C.P. 1.302 – 1.315](#)
Section amended

238.12 Appeal — judicial review.

1. A licensee aggrieved by a decision of the department revoking the licensee's license may appeal to the council in the manner prescribed by the council. The council shall, upon receipt of such an appeal, give the licensee reasonable notice and opportunity for a fair hearing before the council or its duly authorized representative. Following the hearing the council shall take final action and notify the licensee in writing.

2. Judicial review of the actions of the council may be sought in accordance with the terms of [chapter 17A](#).

[C27, 31, 35, §3661-a69; C39, §3661.083; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.12]

[83 Acts, ch 96, §157, 159](#); [2003 Acts, ch 44, §114](#); [2021 Acts, ch 76, §150](#); [2023 Acts, ch 19, §767](#)

Section amended

238.13 through 238.15 Reserved.

238.16 Rules and regulations.

The department shall prescribe general regulations and rules for the conduct of child-placing agencies as necessary to effect the purposes of [this chapter](#) and of all other applicable laws of the state relating to children, and to safeguard the well-being of children placed or cared for by such agencies.

[C27, 31, 35, §3661-a73; C39, §3661.087; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.16]

[2023 Acts, ch 19, §768](#)

Section amended

238.17 Forms for registration and record — preservation and maintenance.

1. The department shall prescribe forms for the registration and record of children cared for by any child-placing agency licensed under [this chapter](#) and for reports required by the department from the agencies.

2. If, for any reason, a child-placing agency ceases to exist, all records of registration and placement and all other records of any kind and character maintained by the child-placing agency shall be turned over to the department to be preserved and maintained by the department as a permanent record.

[C27, 31, 35, §3661-a74; C39, §3661.088; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.17]

[2009 Acts, ch 133, §233](#); [2023 Acts, ch 19, §769](#)

Section amended

238.18 Duty of licensee.

1. A child-placing agency licensed under [this chapter](#) shall maintain a record and make reports in the form prescribed by the department.

2. For a child being placed by the agency, the agency's duties shall include compliance

with the requirements of [section 232.108](#) relating to visitation or ongoing interaction between the child and the child's siblings.

[C27, 31, 35, §3661-a75; C39, §3661.089; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.18]

[2007 Acts, ch 67, §6](#); [2023 Acts, ch 19, §770](#)

Section amended

238.19 Inspection generally.

Authorized employees of the department of inspections, appeals, and licensing may inspect the premises and conditions of the agency at any time, examine every part of the agency, and inquire into all matters concerning the agency and the children in the care of the agency.

[S13, §3260-j; C24, §3669, 3684; C27, 31, 35, §3661-a76; C39, §3661.090; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.19]

[90 Acts, ch 1204, §55](#); [2023 Acts, ch 19, §771, 1956](#)

See Code editor's note on simple harmonization at the beginning of this Code volume

Section amended

238.20 Minimum inspection — record.

Authorized employees of the department of inspections, appeals, and licensing shall visit and inspect the premises of licensed child-placing agencies at least once every twelve months and make and preserve written reports of the conditions found.

[C27, 31, 35, §3661-a77; C39, §3661.091; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.20]

[90 Acts, ch 1204, §56](#); [2007 Acts, ch 172, §11](#); [2023 Acts, ch 19, §1957](#)

Section amended

238.21 Other inspecting agencies.

Authorized agents of the local board of health in whose jurisdiction a licensed child-placing agency is located may make inspection of the premises.

[C27, 31, 35, §3661-a78; C39, §3661.092; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.21]

[90 Acts, ch 1204, §57](#)

238.22 Licensee to aid inspection.

A licensee shall provide all reasonable information to inspectors authorized under [this chapter](#) and afford the inspectors every reasonable means for obtaining pertinent information.

[C27, 31, 35, §3661-a79; C39, §3661.093; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.22]

[2023 Acts, ch 19, §772](#)

Section amended

238.23 Annual report. Repealed by [2002 Acts, ch 1102, §8](#).

238.24 Information confidential — exceptions.

1. Except as authorized by [this section](#), a person who acquires under [this chapter](#) or from the records provided for in [this chapter](#), information relative to any agency, individual cared for by the agency, or relative of the individual, shall not directly or indirectly disclose the information.

2. Disclosure of information acquired under [this chapter](#) or from the records provided for in [this chapter](#) is authorized under any of the following circumstances:

a. Disclosure made upon inquiry before a court of law, or before some other tribunal, or for the information of the governor, general assembly, medical examiners, director, or local board of health in the jurisdiction where the agency is located.

b. Disclosure made by the director to proper persons in the interest of a child cared for by the agency or in the interest of the child's parents or foster parents and not inimical to the child, or as necessary to protect the interests of the child's prospective foster parents.

However, disclosure of termination and adoption records shall be governed by the provisions of [sections 600.16](#) and [600.16A](#).

c. Disclosure for purposes of statistical analysis performed by duly authorized persons of data collected under [this chapter](#) or the publication of the results of such analysis in such manner as will not disclose confidential information.

[C27, 31, 35, §3661-a81; C39, §3661.095; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.24]

[92 Acts, ch 1196, §2; 2002 Acts, ch 1102, §7; 2023 Acts, ch 19, §773](#)

Section amended

238.25 through 238.29 Reserved.

238.30 Reports as to placements. Repealed by 97 Acts, ch 99, §10.

238.31 Inspection of foster homes.

The department shall ensure that each licensed child-placing agency maintains proper standards, and may at any time cause the child and home in which the child has been placed to be visited by the director's agents for the purpose of ascertaining whether the home is suitable for the child, and may continue to visit and inspect the foster home and the conditions in the foster home as they affect the child.

[C27, 31, 35, §3661-a88; C39, §3661.102; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.31]

[2023 Acts, ch 19, §774](#)

Section amended

238.32 Authority to agencies.

An agency as specified in [this chapter](#) and when licensed in accordance with the provisions of [this chapter](#) may do any of the following:

1. Receive children in need of assistance or children who are under eighteen years of age found to have committed a delinquent act by the juvenile court, and provide for the disposition of the children subject to the provisions of [chapter 232](#) and [chapter 600A](#).

2. Receive and provide for the disposition of all minor children voluntarily surrendered to the agency.

[S13, §254-a22, 3260-b; C24, §3662; C27, 31, 35, §3661-a89; C39, §3661.103; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §238.32]

[2023 Acts, ch 19, §775](#)

Transferring legal custody of a child, [§232.102](#), 232.103

Section amended

238.33 through 238.41 Reserved.

238.42 Agreement in child placements.

An agency placing a child in a foster home shall enter into a written agreement with the person taking the child. The agreement shall provide that the agency shall have access at all reasonable times to the child and to the home in which the child is living, and may remove the child from the home whenever, in the opinion of the agency or the department, removal is in the best interests of the child.

[C27, 31, 35, §3661-a97; C39, §3661.111; C46, 50, 54, 58, 62, 66, §238.40; C71, 73, 75, 77, 79, 81, §238.42]

[2023 Acts, ch 19, §776](#)

Referred to in [§238.43](#)

Section amended

238.43 Exceptions.

The provisions of [section 238.42](#) shall not apply to children who have been legally adopted.

[C27, 31, 35, §3661-a98; C39, §3661.112; C46, 50, 54, 58, 62, 66, §238.41; C71, 73, 75, 77, 79, 81, §238.43]

238.44 Contracts for services — liability for costs.

An agency which enters into a contract with a referral agency to provide child placement services is liable for the costs of services which are paid prior to the provision of services, if the services are not subsequently provided.

[94 Acts, ch 1174, §5](#)

238.45 Penalty.

A person who violates any provision of [this chapter](#) or who intentionally makes any false statements or reports to the department relative to a provision of [this chapter](#) is guilty of a fraudulent practice.

[C27, 31, 35, §3661-a100; C39, §**3661.114**; C46, 50, 54, 58, 62, 66, §238.43; C71, 73, 75, 77, 79, 81, §238.45]

[2023 Acts, ch 19, §777](#)

Section amended