

234.35 When state to pay foster care costs.

1. The department is responsible for paying the cost of foster care for a child, according to rates established pursuant to [section 234.38](#), under any of the following circumstances:

- a. When a court has committed the child to the director or the director's designee.
- b. When a court has transferred legal custody of the child to the department.
- c. When the department has agreed to provide foster care services for the child for a period of not more than ninety days on the basis of a signed placement agreement between the department and the child's parent or guardian.
- d. When the child has been placed in emergency care for a period of not more than thirty days upon approval of the director or the director's designee.
- e. When a court has entered an order transferring the legal custody of the child to a foster care placement pursuant to [section 232.46](#), [section 232.52](#), [subsection 2](#), paragraph "d", or [section 232.102](#), [subsection 1](#). However, payment shall not be made for a group foster care placement unless the group foster care meets requirements as established by the department by rule.
- f. When the department has agreed to provide foster care services for a child who is eighteen years of age or older on the basis of a signed placement agreement between the department and the child or the person acting on behalf of the child.
- g. When the department has agreed to provide foster care services for the child on the basis of a signed placement agreement initiated before July 1, 1992, between the department and the child's parent or guardian.
- h. When the child is placed in shelter care pursuant to [section 232.20](#), [subsection 1](#), or [section 232.21](#).

2. Except as provided under [section 234.38](#) for direct payment of foster parents, payment for foster care costs shall be limited to foster care providers with whom the department has a contract in force.

3. Payment for foster care services provided to a child who is eighteen years of age or older shall be limited to the following:

- a. Family foster care or supervised apartment living arrangements.
- b. For a child who is at imminent risk of becoming homeless or failing to graduate from high school or to obtain a general education development diploma, if the services are in the child's best interest, funding is available for the services, and an appropriate alternative service is unavailable.

[C75, 77, 79, 81, §234.35]

[90 Acts, ch 1270, §42, 43](#); [92 Acts, ch 1229, §25](#); [93 Acts, ch 172, §37, 56](#); [2003 Acts, ch 117, §9](#); [2003 Acts, ch 175, §37](#); [2004 Acts, ch 1116, §15](#); [2011 Acts, ch 34, §61](#); [2014 Acts, ch 1141, §75](#); [2022 Acts, ch 1096, §3, 4](#); [2022 Acts, ch 1098, §83 – 87](#); [2023 Acts, ch 19, §681](#)

Referred to in [§225C.49](#), [233A.7](#), [234.37](#), [234.38](#), [234.39](#), [234.46](#), [237.15](#)

See Iowa Acts for special provisions relating to foster care payments in a given fiscal year

Allocation for shelter care and the child welfare emergency services contracting implemented to provide for or prevent the need for shelter care; [2017 Acts, ch 174, §57](#); [2018 Acts, ch 1165, §28](#); [2019 Acts, ch 85, §19, 51](#); [2020 Acts, ch 1121, §1](#); [2021 Acts, ch 182, §19, 47](#); [2022 Acts, ch 1131, §19, 45](#); [2023 Acts, ch 112, §19, 43](#)

Section amended