

Senate File 236 - Introduced

SENATE FILE 236
BY SALMON

A BILL FOR

1 An Act relating to certain sincerely held religious or moral
2 beliefs of child foster care providers and prospective
3 adoptive parents.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 237.10, Code 2025, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 9A. a. The department shall not do any of
4 the following:

5 (1) Require an individual licensee to affirm, accept, or
6 support a policy related to sexual orientation or gender identity
7 that conflicts with the person's sincerely held religious or
8 moral beliefs.

9 (2) Preclude a person from providing child foster care as an
10 individual licensee based, in whole or in part, on the person's
11 sincerely held religious or moral beliefs related to sexual
12 orientation or gender identity, including but not limited to the
13 person's intent to guide, instruct, or raise a child in a manner
14 consistent with the person's sincerely held religious or moral
15 beliefs.

16 b. The department, and the department's designees, shall not
17 adopt a standard, policy, or rule that precludes an individual
18 licensee from being considered as a child's child foster care
19 provider based, in whole or in part, on the person's sincerely
20 held religious or moral beliefs related to sexual orientation or
21 gender identity.

22 c. This subsection shall not be interpreted to preclude
23 the department, or the department's designee, from taking into
24 account the sincerely held moral and religious beliefs, including
25 but not limited to the sincerely held moral and religious beliefs
26 related to sexual orientation and gender identity, of a child
27 and the child's family of origin as compared to the sincerely
28 held moral and religious beliefs of a potential child foster care
29 provider when determining the most appropriate placement for the
30 child consistent with the best interests of the child.

31 d. (1) A current or prospective child foster care provider
32 may bring an action asserting a violation of this subsection. A
33 court may provide the current or prospective child foster care
34 provider injunctive relief, declaratory relief, or other relief
35 as the court deems appropriate, and may award reasonable attorney

1 fees and costs.

2 (2) Notwithstanding chapter 17A, an action under this
3 paragraph may be commenced regardless of whether a current or
4 prospective child foster care provider exhausted all available
5 administrative remedies.

6 (3) The attorney general may bring an action to enforce this
7 subsection.

8 Sec. 2. Section 600.7A, Code 2025, is amended to read as
9 follows:

10 **600.7A Adoption services provided by or through the**
11 **department — selection of adoptive parent criteria.**

12 1. The department shall adopt rules which provide that if
13 adoption services are provided by or through the department,
14 notwithstanding any other selection of adoptive parent criteria,
15 the overriding criterion shall be a preference for placing a
16 child in a stable home environment as expeditiously as possible.

17 2. a. The department shall not do any of the following:

18 (1) Require a prospective adoptive parent to affirm, accept,
19 or support a policy related to sexual orientation or gender
20 identity that conflicts with the person's sincerely held
21 religious or moral beliefs.

22 (2) Preclude a person from being qualified as a prospective
23 adoptive parent based, in whole or in part, on the person's
24 sincerely held religious or moral beliefs related to sexual
25 orientation or gender identity, including but not limited to the
26 person's intent to guide, instruct, or raise a child in a manner
27 consistent with the person's sincerely held religious or moral
28 beliefs.

29 b. The department, and the department's designees, shall not
30 adopt a standard, policy, or rule that precludes a person from
31 being considered as a child's prospective adoptive parent based,
32 in whole or in part, on the person's sincerely held religious or
33 moral beliefs related to sexual orientation or gender identity.

34 c. This subsection shall not be interpreted to preclude the
35 department from taking into account the sincerely held moral and

1 religious beliefs, including sincerely held moral and religious
2 beliefs related to sexual orientation and gender identity, of
3 a child and the child's family of origin as compared to the
4 sincerely held moral and religious beliefs of a prospective
5 adoptive parent when determining the most appropriate placement
6 for the child consistent with the best interests of the child.

7 d. (1) A prospective adoptive parent may bring an action
8 asserting a violation of this subsection. A court may provide
9 a prospective adoptive parent injunctive relief, declaratory
10 relief, or other relief as the court deems appropriate, and may
11 award reasonable attorney fees and costs.

12 (2) Notwithstanding chapter 17A, an action under this
13 paragraph may be commenced regardless of whether a prospective
14 adoptive parent exhausted all available administrative remedies.

15 (3) The attorney general may bring an action to enforce this
16 subsection.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill relates to certain sincerely held religious or moral
21 beliefs (beliefs) of child foster care providers and prospective
22 adoptive parents.

23 The bill prohibits the department of health and human services
24 (HHS) from requiring an individual licensee (foster parent) to
25 affirm, accept, or support a policy related to sexual orientation
26 (orientation) or gender identity (identity) that conflicts with
27 the foster parent's beliefs, or precluding a person from
28 providing child foster care as a foster parent based, in whole
29 or in part, on the person's beliefs related to orientation or
30 identity, including but not limited to the foster parent's intent
31 to guide, instruct, or raise a child in a manner consistent with
32 the foster parent's beliefs.

33 The bill prohibits HHS, and HHS's designees, from adopting a
34 standard, policy, or rule that precludes a foster parent from
35 being considered as a child's child foster care provider based on

1 the foster parent's beliefs related to orientation or identity.

2 The bill is not to be interpreted to preclude HHS or HHS's
3 designee from taking into account the beliefs, including beliefs
4 related to orientation and identity, of a child and the child's
5 family of origin as compared to the beliefs of a potential
6 child foster care provider when determining the most appropriate
7 placement for the child consistent with the best interests of the
8 child.

9 The bill allows a current or prospective child foster care
10 provider to bring an action asserting a violation of the bill.
11 A court may provide a plaintiff injunctive relief, declaratory
12 relief, or other relief as the court deems appropriate, and may
13 award reasonable attorney fees and costs. An action alleging
14 a violation of the bill may be commenced regardless of whether
15 the current or prospective child foster care provider exhausted
16 available administrative remedies. The attorney general may
17 bring an action to enforce the bill.

18 The bill contains provisions related to prospective adoptive
19 parents that are similar to the prohibitions and actionable
20 rights related to current and prospective child foster care
21 providers.