

CHAPTER 107
CERTIFICATION OF ADOPTION INVESTIGATORS

[Prior to 2/11/87, Human Services[498]]

441—107.1(600) Introduction. Persons with academic qualifications and adoption work experience may be certified by the department to provide adoption preplacement investigations, postplacement supervision, and reports to the court.

441—107.2(600) Definitions.

“Adoption work experience” means supervised employment in adoption services. Included is direct provision of adoption services, developing adoption policies, conducting training related to adoption services, oversight and review of adoption documents and activities, and direct supervision of adoption workers. For employment, of which only a portion of time was spent on adoptions, only the percent of time related to provision of adoption services shall be included as adoption work experience.

“Certified adoption investigator” means a person authorized by the department to provide background reports on birth parents, adoption preplacement investigations, postplacement supervision, and reports to the court within the state of Iowa.

“Department” means the department of human services.

441—107.3(600) Application.

107.3(1) Application form. Application for certification as an adoption investigator shall be made on Form SS-6105-0, Application for Certification of Adoption Investigator. This form may be obtained from the Division of Adult, Children, and Family Services, Department of Human Services, Hoover State Office Building, Des Moines, Iowa 50319-0114.

107.3(2) Employees of licensed child placing agencies and the department of human services. Persons employed as social workers in licensed child placing agencies who meet the requirements for certification in rule 441—107.4(600) are eligible to apply for certification as adoption investigators unless the agency employing them objects in writing. The applicant shall furnish a letter of approval from the agency as part of the certification process.

Persons employed as social workers for the department of human services who meet the requirements for certification in rule 441—107.4(600) are eligible to apply for certification as adoption investigators for services provided outside of their current job duties, unless their current job duties include any of the following:

- a. Any of the activities described in rule 441—107.8(600).
- b. Immediate supervision of employees engaged in activities described in rule 441—107.8(600).
- c. Certification of adoption investigators.
- d. Placement of children for adoption.
- e. Development of adoption policies used in administration of the adoption program.

441—107.4(600) Requirements for certification.

107.4(1) Office location. The applicant shall retain an office in Iowa where all Iowa adoption reports and records of fees are maintained and are available for inspection.

107.4(2) Education and experience.

a. If the applicant was initially certified as an adoption investigator before October 1, 1991, the applicant shall have one of the following combinations of education and experience:

(1) Graduation from an accredited four-year college or university and adoption work experience equivalent to a total of three years, full-time experience.

(2) A bachelor's degree in social work from an accredited four-year college or university in a program accredited by the council on social work education and adoption work experience equivalent to a total of two years, full-time experience.

(3) A master's degree in social work from an accredited college or university in a program accredited by the council on social work education and adoption work experience equivalent to a total of one year, full-time experience.

b. If the applicant is initially certified as an adoption investigator on or after October 1, 1991, the applicant shall have one of the following combinations of education and experience:

(1) Graduation from an accredited four-year college or university with a bachelor's degree in social work, psychology, counseling, family therapy, family living, or other family-oriented degree and postgraduation adoption work experience equivalent to a total of three years, full-time experience.

(2) Graduate education in a master's program in social work, psychology, counseling, family therapy, family living, or other family-oriented program from an accredited four-year college or university may be substituted for required adoption work experience on the basis of 30 semester hours for one year of full-time experience, for up to two full years of the required three years of adoption work experience.

(3) A master's degree in social work, psychology, counseling, family therapy, family living, or other family-oriented degree from an accredited college or university and postgraduation adoption work experience equivalent to a total of one year, full-time experience.

107.4(3) Verification of qualifications.

a. The applicant shall provide a certified transcript of college credits, and

b. The applicant shall provide a record of all adoption work experience including dates and location, and

c. The applicant shall provide the name(s) of employer(s) and supervisor(s) to enable the department to verify the applicant's adoption work experience, and

d. The applicant shall give names of at least two additional persons as character references who shall be contacted by the certifier.

107.4(4) Statement of activities and duties. Prior to certification, the applicant shall prepare a written statement identifying the proposed activities, duties and fees of the applicant as a certified adoption investigator.

a. The statement shall indicate that the services described in rule 441—107.8(600) are being provided by the individual investigator, not a child placing agency, and are not provided in the course of the individual investigator's employment with a child placing agency or the department of human services.

b. The activities and duties identified in the statement cannot exceed the scope of an investigator's services as defined in rule 441—107.8(600).

c. The statement shall include the fee schedule to be used in the determination of a charge for investigative services.

d. A copy of the statement shall be provided to the department to be maintained as a public record.

e. Upon request, this statement shall be provided by the investigator to persons requesting services from the investigator.

107.4(5) Record checks. The department of inspections and appeals shall submit record checks for each new applicant and those applying for recertification to determine whether they have any founded child abuse reports or convictions or have been placed on the sex offender registry. The department of inspections and appeals shall use Form 470-0643, Request for Child Abuse Information, and Form 595-1396, DHS Criminal History Record Check, Form B for this purpose. The department shall not certify the applicant with a record of founded child abuse, a criminal conviction, or placement on the sex offender registry as an adoption investigator unless evaluation of the founded abuse or crime indicates approval for certification.

The applicant shall complete and return Form 470-2310, Record Check Evaluation, within ten calendar days of the date on the form to be used by the department to assist in the evaluation. Failure of the applicant to complete and return Form 470-2310 within the specified time frame shall result in denial of certification.

The department shall evaluate the nature and seriousness of the founded abuse or crimes, the time elapsed since the commission of the founded abuse or crimes, the circumstances under which the founded 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 founded abuses or crimes committed by the applicant. The department shall notify the applicant of the results of the evaluation using Form 470-2386, Record Check Decision. The department shall also issue Form 470-2386 when the applicant fails to complete the evaluation form.

Investigators applying for recertification are subject to the same record checks as new applicants. The department shall evaluate only abuses, convictions of crimes, and placement on the sex offender registry since the last record check using the same process.

107.4(6) Certification actions for nonpayment of child support. The department shall revoke or deny the issuance or renewal of a certification of an adoption investigator upon the receipt of a certificate of noncompliance from the child support recovery unit of the department according to the procedures in Iowa Code chapter 252J. In addition to the procedures set forth in Iowa Code chapter 252J, the rules in this chapter shall apply.

a. The notice required by Iowa Code section 252J.8 shall be served upon the applicant or certified investigator by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rules of Civil Procedure 56.1. Alternatively, the applicant or certified investigator may accept service personally or through authorized counsel.

b. The effective date of the revocation or denial of the certification as specified in the notice required by Iowa Code section 252J.8 shall be 60 days following service of the notice upon the applicant or certified investigator.

c. The department director or designee of the director is authorized to prepare and serve the notice as required by Iowa Code section 252J.8 upon the applicant or certified investigator.

d. Applicants and certified investigators shall keep the department informed of all court actions, and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J, and shall provide the department copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in these actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

e. An applicant or certified investigator may file an application with the district court within 30 days of service of a department notice pursuant to Iowa Code sections 252J.8 and 252J.9.

(1) The filing of the application shall stay the department action until the department receives a court order lifting the stay, dismissing the action, or otherwise directing the department to proceed.

(2) For purposes of determining the effective date of the revocation, or denial of the issuance or renewal of a certification, the department shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

f. The department shall notify the applicant or certified investigator in writing through regular first-class mail, or such other means as the department deems appropriate in the circumstances, within ten days of the effective date of the revocation of certification or the denial of the issuance or renewal of a certificate of adoption investigator, and shall similarly notify the applicant or certified investigator when the certificate is issued, renewed, or reinstated following the department's receipt of a withdrawal of the certificate of noncompliance.

g. Notwithstanding Iowa Code section 17A.18, the registrant does not have the right to a hearing regarding this issue, but may request a court hearing pursuant to Iowa Code section 252J.9.

441—107.5(600) Granting, denial, or revocation of certification.

107.5(1) *Granting of certification.* When all of the requirements of this chapter are met, certification shall be granted.

107.5(2) *Denial or revocation of certification.*

a. Certification or recertification shall be denied or revoked when one or more of the following conditions exist:

(1) The applicant does not comply with the requirements listed in subrules 107.4(1), 107.4(2), and 107.4(4), and rules 441—107.9(600) and 441—107.10(600).

(2) The applicant does not provide information required in subrule 107.4(3).

(3) The applicant has willfully or knowingly misrepresented information regarding qualifications for certification.

(4) When information about the certified investigator is received and verified by the department of inspections and appeals such as, but not limited to, failure to carry out the activities and duties as stated in this chapter, charging fees in excess of those specified in subrule 107.8(5) and breaches of confidentiality, and the effect of the investigator's actions would be detrimental to any of the parties to the adoption. Complaints involving the reasonable exercise of professional judgment in the denial or approval of a preplacement investigation are not grounds for decertification.

(5) The investigator, after being warned in writing by the licenser, provided incomplete or inadequate information or inaccurate information in required reports as described in rule 441—107.8(600).

(6) The applicant has a founded child abuse or criminal record conviction unless an evaluation of the founded abuse or criminal conviction is conducted by the department of inspections and appeals which concludes that the abuse or crime does not merit prohibition of certification.

(7) The investigator aids or participates in an illegal placement or violates the statutes of Iowa Code chapter 600.

b. If an applicant is denied certification or recertification based on an inability to meet the requirements of subrule 107.4(1), 107.4(2), 107.4(3), 107.4(4), 107.4(5), or 107.4(6), the applicant may reapply when the requirements for certification have been met.

c. Rescinded IAB 8/12/98, effective 10/1/98.

441—107.6(600) Certificate.

107.6(1) Contents. Form SS-1204-0, Certificate of Adoption Investigator, shall contain the name of the investigator and the expiration date of the certificate and be signed by a person designated by the director of the department.

107.6(2) Time limit. The investigator shall be certified for two years. Certification shall expire at the end of two years unless the investigator has made timely application for recertification. No provisional certificates shall be issued.

107.6(3) Records of certifications.

a. The department shall keep records of certifications including the application and verifications.

b. The department shall keep an alphabetical list of certified adoption investigators by districts and shall update the list at least semiannually. Lists of certified adoption investigators shall be furnished to all district offices of the department and to any person who requests a list.

441—107.7(600) Renewal of certification.

107.7(1) Request for renewal. A currently certified investigator who wishes to be recertified shall notify the department in writing at least 30 days but no more than 60 days prior to the expiration of the certificate. To be recertified, the person shall submit a new application on Form SS-6105-0, Application for Certification of Adoption Investigator. If no application is submitted, the certification shall expire.

107.7(2) Evaluation of investigator. Upon receipt of the request for recertification, the department investigators' records shall be reviewed and evaluated by the licensor to determine whether the requirements of these rules have been met. This evaluation shall include the review of 20 percent, or no fewer than four, of the adoption records opened since the last review for certification and the fees assessed clients. Reports of investigations shall be available to the licensor during the review for recertification, or at any other time upon request by the licensor.

When deficiencies are noted at the time of review, the investigator shall be given 7 to 30 days to meet the standards set forth in 441—Chapter 107. The deficiencies shall be noted in writing and the investigator shall sign a statement that includes agreement to the following:

a. The deficiencies noted by the licensor, including the areas of 441—Chapter 107 which are not met.

b. A plan for correcting the deficiencies.

c. The date by which the deficiencies will be corrected.

When the deficiencies are corrected within the time frame granted, the certificate will be renewed. Deficiencies not corrected within the allowed time frame are grounds for revocation of the investigator's certificate.

107.7(3) Notification. The department shall notify the investigator of the decision regarding the initial application, and any applications for recertification, within 60 days of receipt of the application. When the request for recertification is not received prior to the date of expiration, the department shall notify the investigator that the certification has expired.

441—107.8(600) Investigative services.

107.8(1) Preplacement investigations. When an adoption investigator provides a preplacement investigation of a prospective adoptive family, the investigation shall meet the requirements of Iowa Code section 600.8(1)“a,” including an assessment of the family’s ability to parent a child.

a. The preplacement investigation shall include at a minimum two contacts, one face-to-face interview with the applicants and each member of the household and at least one home visit.

b. The investigator shall have on file a written assessment of the family which shall be used to approve or deny a prospective adoptive family. The written assessment (home study) shall include the date the home study was completed, shall be signed by the investigator and the signature notarized. The assessment shall include 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 towards adoption of significant other people involved with the family;
- (4) Emotional stability, marital history and assessment of marital relationship, including verification of marriages and divorces, and compatibility of adoptive parent(s);
- (5) Ability to cope with problems, stress, frustrations, crises, separation, and loss;
- (6) Medical conditions which would affect the applicant’s ability to parent a child;
- (7) Ability to provide for the child’s physical and emotional needs;
- (8) Adjustment of biological children and previously adopted children, if any, including their attitudes towards adoption, adjustments in the family and in school;
- (9) Capacity to give and receive affection;
- (10) Statements from at least three references provided by the family and other unsolicited references;
- (11) Attitudes of the adoptive applicants towards the birth parent(s) and the reason(s) the child is available for adoption;
- (12) Income information;
- (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 family members and treatment; and
- (17) Recommendations for type of child, number, age, sex, characteristics, and special needs of children best served by this family.

c. Record checks. The certified adoption investigator shall submit record checks for each applicant and for any other adult living in the home of the applicant to determine whether they have founded child abuse reports or criminal convictions. Form 470-0643, Request for Child Abuse Information, and Form 595-1396, Request for Non-Law Enforcement Record Check, shall be used for this purpose.

If there is a record of founded child abuse or a criminal conviction for the applicant, or any other adult living in the home of the applicant, the applicant shall not be approved 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 shall not perform an evaluation if the applicant or any other adult 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 any other adult 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 founded child abuse or criminal conviction 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 any other adult 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 certified adoption investigator. The certified adoption investigator shall notify the applicant of the results of the evaluation using Form 470-2386, Record Check Decision.

(2) If the applicant or any other adult 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 evaluation shall be initially conducted by the certified adoption investigator.

1. If the certified adoption investigator determines that the abuse or crime does warrant prohibition of approval, the certified adoption investigator shall notify the applicant of the results of the evaluation using Form 470-2386, Record Check Decision.

2. If the certified adoption investigator believes that the applicant should be approved despite the abuse or criminal conviction, the certified adoption investigator shall provide copies of the child abuse report or criminal history record, Form 470-2310, Record Check Evaluation, and Form 470-2386, Record Check Decision, to the Department of Human Services, Administrator, Division of Adult, Children and Family Services, Hoover State Office Building, 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 certified adoption investigator in writing of that decision. The certified adoption investigator shall mail the applicant Form 470-2386, Record Check Decision, when a decision is reached regarding the evaluation of an abuse or crime, or when an applicant fails to complete the evaluation form.

(3) The child abuse and criminal record checks shall be repeated and any founded abuses or convictions of crimes since the last record check shall be evaluated using the same process during the home study update required by Iowa Code section 600.8.

d. Home study updates are required if the home study was written more than one year previously, in accordance with Iowa Code section 600.8. The home study update shall consist of completing the following:

- (1) The child abuse and criminal record checks shall be repeated and if there are new founded abuses or conviction of crimes that were not evaluated in the previous home study they shall be evaluated using the process set forth in 107.8(1)“c.”
- (2) One face-to-face visit shall be conducted with the approved family.
- (3) The information in the approved home study shall be reassessed.
- (4) An updated report of the reassessment and adoptive home study shall be written, dated, signed and notarized and a copy provided to the family.

107.8(2) Background information investigation. When an adoption investigator completes a background information investigation on the child to be adopted at the request of the placer, the investigation shall include a complete family medical and mental health history and developmental history of 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.

107.8(3) Postplacement investigation. When an adoption investigator completes postplacement supervision, at least three visits to the adoptive family's home and personal observation of the child are required.

a. Postplacement reports are to be written after each postplacement visit and copies kept in the permanent family file retained by the investigator.

b. Postplacement supervision should assess the placement in 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, emotional and school adjustment of the child.
- (4) Changes that have occurred in the family since placement of the child.
- (5) The family's method of dealing with testing behaviors and discipline.

c. Home visits shall be completed at a minimum as follows:

- (1) One no later than 30 days after placement.
- (2) One no later than 90 days after placement.
- (3) A final visit prior to requesting a consent to adopt. Home visits shall be completed as often as necessary if the adoptive family is experiencing problems.

d. A report based on the postplacement visits with recommendations regarding the finalization of the adoption shall be submitted to the court.

107.8(4) Reports of investigations. The adoption investigator is authorized to provide reports to the courts concerning the above investigations and reports to the guardian or custodian of the child and the attorney for the adoptive family.

107.8(5) Fees for services. Certified investigators may charge a fee for the services described in subrules 107.8(1), 107.8(2), and 107.8(3). The licensor shall review the amount of fees for services charged to families at the time that the investigator's records are reviewed for recertification. Information shall also be retained regarding fees charged to a family by another party and collected by the investigator.

441—107.9(600) Retention of adoption records. The adoption investigator shall maintain a record of each family or child when one or more of the required reports have been completed. The record shall contain copies of all completed reports and a statement of fees charged by the investigator.

107.9(1) Access to records. The provisions regarding sealing of and access to adoption records in Iowa Code section 600.16 shall be followed, except that access under subrule 107.9(3) for recertification is permitted.

107.9(2) Disposition of records. Upon revocation, denial of renewal, or expiration of certification, all sealed records held by investigators shall be forwarded to the department.

107.9(3) Access for recertification. Authorized representatives of the department shall have access to all records of reports completed within a two-year period prior to recertification for purposes of recertification. Authorized representatives shall respect the confidential nature of these records.

441—107.10(600) Reporting of violations. All violations or suspected violations under Iowa Code chapter 600 or 600A which come to the attention of the investigator shall be reported in writing to the district court having jurisdiction of the matter and to the department of human services. The investigator shall maintain copies of these written reports to the court and the department.

441—107.11(600) Appeals. Certified investigators or applicants may appeal decisions of the department according to rules in 441—Chapter 7.

These rules are intended to implement Iowa Code chapter 600.

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