

**HUMAN SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

**Proposing rulemaking related to the Iowa adoption exchange  
and providing an opportunity for public comment**

The Department of Health and Human Services (HHS) hereby proposes to rescind Chapter 203, “Iowa Adoption Exchange,” Iowa Administrative Code, and to adopt a new chapter with the same title.

*Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code section 232.119.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 232.119.

*Purpose and Summary*

Proposed Chapter 203 seeks to increase access to adoptive arrangements by creating the Iowa Adoption Exchange, a streamlined system of matching children available for adoption with potential adoptive homes. Matches are managed through a computerized statewide exchange system.

Children under the guardianship of HHS for whom an adoptive home is not available are entered on the exchange within 60 or 90 days of receipt of termination of parental rights. Children under the guardianship of a licensed child-placing agency whose parental rights have been terminated may be registered on the exchange at any time. Approved families wishing to adopt are entered on the exchange by HHS or a licensed child-placing agency.

A Regulatory Analysis, including the proposed rule text, was published on November 1, 2023. A public hearing was held on November 28, 2023. The HHS received no public comments. The Administrative Rules Coordinator provided preclearance for publication of this Notice of Intended Action on December 4, 2023.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rulemaking, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the HHS for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rulemaking. Written or oral comments in response to this rulemaking must be received by the HHS no later than 4:30 p.m. on February 26, 2024. Comments should be directed to:

Joe Campos  
Lucas State Office Building  
321 East 12th Street  
Des Moines, Iowa 50319  
Phone: 515.304.0963  
Email: [joe.campos@idph.iowa.gov](mailto:joe.campos@idph.iowa.gov)

### *Public Hearing*

Public hearings at which persons may present their views orally or in writing will be held as follows:

|                                       |   |
|---------------------------------------|---|
| February 14, 2024<br>11 to 11:30 a.m. | Microsoft Teams meeting ID: 212 588 466 197<br>Passcode: SThXzX |
| February 26, 2024<br>1 to 2 p.m.      | Microsoft Teams meeting ID: 249 196 980 071<br>Passcode: 9dQkSC |

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the HHS and advise of specific needs.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 441—Chapter 203 and adopt the following **new** chapter in lieu thereof:

#### CHAPTER 203 IOWA ADOPTION EXCHANGE

#### **441—203.1(232) Definitions.**

*“Children who are difficult to place”* means “child” as described in 441—subrule 201.3(1), children under state guardianship for whom an adoptive home is not available within 90 days after termination and children as part of a sibling group of more than three children.

*“Iowa adoption exchange system”* or *“exchange system”* is a computerized system established to facilitate the adoptive placement of children by matching children legally available for adoption and approved families desiring to adopt a child who is difficult to place.

*“Recruitment, retention, training and support (RRTS) contract”* means the state’s contractor(s) responsible for activities related to licensing foster families and approving adoptive families, providing support services to foster and preadoptive families, conducting preservice and in-service training, and assisting in matching children in need of foster home care.

#### **441—203.2(232) Children to be registered on the exchange system.**

**203.2(1)** All children who are difficult to place shall be registered on the exchange system within 60 days of receipt of the termination of parental rights court order unless a deferral is granted by the adoption program manager.

**203.2(2)** Licensed child-placing agencies shall register a child whose parental rights have been terminated and who is under their guardianship using one of the following methods:

*a.* If the agency is registering less than four children in a calendar year, the agency shall submit the Waiting Child Enrollment form to the department.

*b.* If the agency registers more than three children in a calendar year, the agency shall access the exchange system and enter the child's name and data.

**441—203.3(232) Families to be registered on the exchange system.**

**203.3(1)** Approved families wishing to adopt a child who is difficult to place shall be registered on the exchange system by the department.

**203.3(2)** Licensed child-placing agencies and certified adoption investigators shall register an approved family on the exchange using one of the following methods:

*a.* If the licensed child-placing agency is registering less than four families a calendar year, the agency shall submit the Exchange Referral of Family form to the department.

*b.* If the licensed child-placing agency registers more than three children in a calendar year, the agency shall access the exchange system and enter the family's name and data.

*c.* Certified adoption investigators shall submit the Exchange Referral of Family form to the department.

**441—203.4(232) Matching process.** Using the computerized exchange system, the department and licensed child-placing agencies shall search for approved families to meet the needs of the available children. The child's and family's workers shall be contacted for additional information needed to make an informed decision concerning possible adoptive placements.

These rules are intended to implement Iowa Code section 232.119.