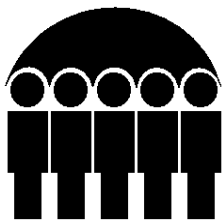


May 4, 2007

Employees' Manual  
Title 17  
Chapter C

Child Welfare

# **CASE PLANNING POLICY**



Iowa  
Department  
of  
Human Services

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## **Life of the Case Phase: Case Planning**

Child welfare case planning is focused on achieving the following outcomes for children and families:

### **Safety**

- Children are, first and foremost, protected from abuse and neglect.
- Children are safely maintained in their homes whenever possible and appropriate.

### **Permanency**

- Children have permanency and stability in their living situations.
- The continuity of family relationships and connections is preserved for children.

### **Child and family well-being**

- Families have enhanced capacity to provide for their children's needs.
- Children receive appropriate services to meet their educational needs.
- Children receive adequate services to meet their physical and mental health needs.

### **Outcomes**

- Child safety
- Child and family well-being
- Permanency for the child
- Appropriate type, level, and intensity of DHS services and placement
- Active family participation

### **Decisions**

- Type, level, and intensity of services

### **Criteria**

- Allegation findings
- Safety factors
- Risk factors
- Child's and parents' capacity and needs

### **Scope of Chapter**

This chapter includes “high level” statements that summarize the essence of the laws, rules, and Department-required practice associated with child welfare case planning. The administrative rule and state law references are linked to the actual state rule or law chapter. The chapter ends with a table that identifies the topic of the policy and the applicable legal references.

Unless otherwise specified, links to “Procedure” in this chapter refer to Chapter 17-C(1), which describes state procedures for carrying out the case planning process for child welfare cases.

Unless otherwise specified, links to “Practice Guidance” refer to Chapter 17-C(2), which provides background information to support the procedures or policy and the clinical or programmatic rationale for the actions that are required during the case planning phase.

### **Legal Basis**

Federal laws related to child welfare services include:

- ◆ Title IV-B of the Social Security Act, including 42 U.S. Code, section 622, “State plans for child welfare services.”
- ◆ Title IV-E of the Social Security Act, “Foster Care and Adoption Assistance,” including:
  - 42 U.S. Code, section 671, “State plan for foster care and adoption assistance,” on reasonable efforts.
  - 42 U.S. Code, section 675, “Definitions,” on case plans.
  - 42 U.S. Code, section 677, “John H. Chafee Foster Care Independence Program,” on transition planning.
- ◆ Public Law 93-247, the Child Abuse Prevention and Treatment Act of 1974, as amended.
- ◆ Public Law, 95-608, Indian Child Welfare Act of 1978, Policy Sec. 4(4), 101(a), (b), and (c), 102(a), 102(d), 103(a), 105(b), 201.
- ◆ Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980.
- ◆ Public Law 98-457, the Child Abuse Amendments of 1984.

- ◆ Public Law 100-294, the Child Abuse Prevention, Adoption, and Family Services Act of 1988.
- ◆ Public Law 103-432, the Social Security Act Amendments of 1994.
- ◆ Public Law 104-235, the Child Abuse Prevention and Treatment Act of 1996, as amended.
- ◆ Public Law 105-89, the Adoption and Safe Families Act of 1997 (ASFA), which requires accountability by states to keep children safe and healthy and to establish permanency as quickly as possible.
- ◆ Public Law 109-239, the Safe and Timely Interstate Placement of Foster Children Act of 2006.

Federal regulations pursuant to these laws are found in Title 45 Code of Federal Regulations (CFR):

- ◆ Part 96, "Block Grants."
- ◆ Part 1355, "General," requirements for federal financial participation under Titles IV-B and IV-E of the Social Security Act.
- ◆ Part 1356, "Requirements Applicable to Title IV-E."
- ◆ Part 1357, "Requirements Applicable to Title IV-B."

Iowa law related to case planning for children can be found in:

- ◆ Iowa Code Chapter 232, "Juvenile Justice," including:
  - Division I, "Construction and Definitions,"
  - Division III, "Child in Need of Assistance Proceedings," and
  - Division IX, "Interstate Compact on the Placement of Children."
- ◆ Iowa Code Chapter 232B, "Indian Child Welfare Act," which incorporates federal requirements for services to Native American children into state law.
- ◆ Iowa Code Chapter 234, "Child and Family Services," which vests the authority in the Department to use funds for child welfare services.
- ◆ Iowa Code Chapter 235, "Child Welfare," which defines Department responsibilities for child welfare services.
- ◆ Iowa Code Chapter 235A, "Child Abuse," which authorizes the child abuse prevention program and the central child abuse registry and provides procedures for accessing child abuse information.

Departmental rules concerning child welfare case planning are found in 441 Iowa Administrative Code Chapter 130, "General Provisions," and Chapter 202, "Foster Care Services."

## **Case Planning Policy Statements**

Link to [Procedure](#)

Link to [Practice Guidance](#)

### **Engaging the Family**

#### **Preparing for Case Planning**

**Law:** [Iowa Code section 232.1](#)

**Rule:** [441 Iowa Administrative Code 130.1\(234\)](#) and [202.1\(234\)](#)

**Policy Statement:** The Department is committed to using all available information, including information gained through engaging and partnering with the family, in preparing to develop the family case plan.

#### **Family Meetings**

**Rule:** [441 Iowa Administrative Code 130.7\(234\)](#)

**Policy Statement:** The Department is committed to a model of child welfare practice that promotes the use of family team decision-making meetings to plan for services to children and families.

Every family shall be offered the opportunity to participate in a family team meeting that is structured within the approved family team decision-making standards, subject to the availability of funds and within the capacity of the service area.

#### **Participation of the Child**

**Law:** [Iowa Code sections 232.91](#)

**Policy Statement:** The Department shall allow a child aged 14 or over to attend all hearings and all staff or family meetings involving placement options or services provided to the child unless the child's attorney finds it is not in the best interests of the child. The child may attend by video or telephonic means.

If a child aged 14 or older does not attend a court hearing, the court shall determine if the child was informed of the child's right to attend.

If the child is excluded from attending a hearing or meeting, the Department shall maintain a written record in the child's file detailing the reasons for excluding the child. Upon request of the child at age 18 or older, the Department must provide a copy of the written record detailing the reason the child was not allowed to attend.

### **Informed Consent**

**Rule:** [441 Iowa Administrative Code 130.7\(3\)](#)

**Policy Statement:** Children and families involved with the Department shall at all times be fully informed of their right to make their own decisions and choices concerning programs offered by the Department, unless their right to accept or reject services have been limited by court action.

### **Assessing Child Safety and Risk**

**Rule:** [441 Iowa Administrative Code 175.26\(2\)](#)

**Policy Statement:** The Department shall conduct a safety assessment of a child at the following critical junctures throughout the course of the Department's involvement with the family:

- ◆ Within 24 hours of first contact with a child during child protective assessment
- ◆ At completion of the child protective assessment
- ◆ Whenever circumstances suggest the child is in an unsafe situation
- ◆ Before the decision to recommend unsupervised visitation
- ◆ Before the decision to recommend reunification
- ◆ Before the decision to recommend closure of protective services

### **Developing a Safety Plan**

**Rule:** [441 Iowa Administrative Code 175.26\(2\)](#)

**Policy Statement:** When the safety assessment decision is that the child is conditionally safe, a safety plan is required.

### **Family Risk Assessment**

**Rule:** [441 Iowa Administrative Code 175.26\(1\)](#)

**Policy Statement:** The type and severity of the risk is assessed during intake with respect to the allegations. The child protection worker completes form 470-4133, *Family Risk Assessment*, before the completion of the child protective assessment.

### **Safe Case Closure**

**Law:** Statewide required practice

**Policy Statement:** Safe case closure requirements shall define:

- ◆ Necessary behavioral patterns that the caregiver must consistently demonstrate to maintain or reunify the family and to conclude external supervision.
- ◆ Sustainable conditions and supports that must be put into place in order to either maintain or reunify the family and to terminate and close external supervision.
- ◆ Methods and timetables for measuring behavioral changes, sustainable conditions and supports, and progress toward meeting goals.

## **Planning for Permanency**

### **Assessing the Need for Placement**

**Rule:** [441 Iowa Administrative Code 202.2\(2\)](#)

**Policy Statement:** The need for foster care placement and service shall be determined by an assessment of the child and family to determine their needs and appropriateness of services.

Assessments shall address the educational, physical, psychological, social, family living, and recreational needs of the child and the family's ability to meet these needs. The assessment shall be a continual process to identify needed changes in service or placement for the child.

### **Efforts to Prevent Removal of a Child**

**Law:** [Iowa Code section 232.78](#) and [232.79A](#)

**Rule:** [441 Iowa Administrative Code 202.2\(4\)](#)

**Policy Statement:** Unless the child is in immediate danger at home, the Department shall recommend foster care placement only after efforts have been made to prevent or eliminate the need for removal of the child from the family.

### **Social History**

**Law:** [Iowa Code sections 232.97](#) and [232.181](#)

**Rule:** [441 Iowa Administrative Code 202.2\(3\)](#)

**Policy Statement:** The placing worker shall complete a social history on each child before making a Department recommendation for foster care placement. Exceptions:

- ◆ For voluntary emergency placements, complete a social history before a decision is made to extend the placement beyond 30 days.
- ◆ For court-ordered emergency placements, complete a social history before the disposition hearing.

### **Establishing the Permanency Goal**

**Law:** 42 USCA 675(5); [Iowa Code section 232.2\(4\)](#)

**Rule:** 45 CFR 1355.20; [441 Iowa Administrative Code 185.1\(234\)](#) and [202.15\(234\)](#)

**Policy Statement:** The Department shall establish in the case plan a permanency goal for every child receiving services. The Department shall establish steps and clear time frames for achieving reunification or proceeding with an alternate permanent placement.

### **Timelines for Permanency**

**Law:** 42 USC 675(5); [Iowa Code section 232.102](#)

**Rule:** 45 CFR 1355.20; [441 Iowa Administrative Code 130.7\(3\)](#)

**Policy Statement:** Timelines for permanency are established through the judicial review process in accordance with applicable state and federal statutes.

### **Reasonable Efforts to Achieve Permanency Goal**

**Law:** 42 USC 671(a)(15)(B)(ii), 675(1)(a), 675(5);  
[Iowa Code section 232.102](#)

**Rule:** 45 CFR 1355.20; [441 Iowa Administrative Code 130.7\(3\)](#)

**Policy Statement:** The Department shall make reasonable efforts to provide to the family the services necessary for the safe return of the child to the child's home, or if reunification is not possible to achieve an alternate permanency goal. The case plan shall document child-specific recruitment efforts to facilitate a timely in-state or interstate permanency placement.

### **Concurrent Planning**

**Law:** [Iowa Code sections 232.2\(4\)](#) and [232.102\(10\)](#)

**Rule:** [441 Iowa Administrative Code 130.7\(234\)](#)

**Policy Statement:** Concurrent planning means the Department may, depending on the assessment of the child and family, make plans for reunification of the child while simultaneously establishing one or more alternative permanency options.

### **Termination of Parental Rights**

**Law:** [Iowa Code section 232.111\(2\)“b”](#)

**Policy Statement:** When a child has been in foster care under the responsibility of the state for 15 of the most recent 22 months, the Department shall initiate the process to file a petition to terminate parental rights.

The petition must be filed by the end of the child’s fifteenth month in foster care unless the case plan documents compelling reasons why termination of parental rights would not be in the child’s best interest.

### **Transition Planning**

**Law:** 42 USC 675(1)(c); 42 USC 677; [Iowa Code Supplement section 232.2\(4\)“f”](#); [Iowa Code section 232.91; 232.147-151](#)

**Policy Statement:** For all youth in foster care who are 16 years of age and older, the transition planning process shall include all of the following:

- ◆ Creation of a transition team.
- ◆ Initial and ongoing assessment of the youth’s preparedness for adulthood.
- ◆ A written plan of services to assist the youth in preparing for the transition from foster care to adulthood.

Before the youth reaches age 17 1/2, a transition committee for the area in which the youth resides must review and approve the transition plan.

Transition assessment and transition plan development is also available upon request to youth who have exited foster care at age 16 and older in order to be adopted or to enter a subsidized guardianship arrangement.

### **Transfer of Records**

**Law:** 42 USC 675(1)(c); 42 USC 677; [Iowa Code section 232.2\(4\)“f”](#)

**Policy Statement:** A free copy of the youth’s health and education record must be provided to youth when the youth exits from foster care at 18 years of age or older.

On or before the youth's eighteenth birthday, the Department or its designee shall provide to the youth a certified copy of the youth's birth certificate and facilitate securing a federal social security card. The state or county registrar shall waive the fee for the certified copy that is otherwise chargeable under Iowa law.

### **Developing the Initial Case Plan**

**Law:** 42 USCA 671(a)(15)(A), 671(a)22, 675(1), and 675(15);  
[Iowa Code Supplement section 232.2\(4\)](#)

**Rule** [441 Iowa Administrative Code 130.7\(234\)](#) and [202.15\(234\)](#)

**Policy Statement:** The Department shall develop a case plan for each child and family receiving services that meets federal and state requirements. A case plan shall be developed in partnership with the child and family. The case plan shall:

- ◆ Define the change requirements to be met by the family;
- ◆ Frame a long-term view of what it takes for the family to live together safely and successfully, independent of outside supervision;
- ◆ Specify the necessary behavior patterns that the caregiver must consistently demonstrate to reunify the family and conclude external supervision by the court and the Department.
- ◆ Include sustainable conditions and supports necessary to reunify the family and conclude external supervision by the court and the Department.

### **Family Strengths and Needs**

**Law:** 42 USCA 671(a)(15)(A), 671(a)22, 675(1), and 675(15);  
[Iowa Code section 232.2\(4\)](#)

**Rule:** [441 Iowa Administrative Code 130.6\(2\)](#)

**Policy Statement:** The Department is committed to completing a thorough assessment that identifies strengths and needs for each child and family. Strengths are the foundation for the case planning process and the basis upon which solutions to concerns are based.

Strengths must be family member assets that can be used to help families change. Strengths are defined and connected with a family need. There must be a clear connection between the strategies or intervention utilized to help the family change and the identified strengths.

### **Addressing Safety Issues**

**Law:** 42 USCA 671(a)(15)(A), 671(a)22, 675(1), and 675(15);  
[Iowa Code section 232.2\(4\)](#)

**Rule:** [441 Iowa Administrative Code 130.7\(234\)](#)

**Policy Statement:** The safety of children is the paramount concern that must guide all child welfare services. Children shall be protected from abuse and shall be safely maintained in their homes whenever possible.

When the child is residing with the child's parents, the case plan shall state whether the child would be at "imminent risk of removal" from the home if in-home services were not provided. Cases that meet this standard are eligible for federal Title IV-E funding as candidates for foster care.

The worker shall document in the initial case plan whether DHS would ask the court to consider removal if the family refused or terminated in-home services and why.

A redetermination of whether the child remains at "imminent risk of removal" from the home shall be conducted at minimum once every six months. If it is determined that the child remains at "imminent risk of removal" if in-home service were not provided, document this and why in the case plan.

### **Goals, Services, and Strategies**

**Law:** 42 USCA 671(a)(15)(A), 671(a)22, 675(1), and 675(15);  
[Iowa Code section 232.2\(4\)](#)

**Rule:** [441 Iowa Administrative Code 130.7\(1\)](#)

**Policy Statement:** In partnership with the family, the worker shall develop goals and strategies that are measurable and build on client strengths whenever possible. The foundation for developing effective strategies is rooted in a thorough functional assessment. The purposes of strategies are to identify actions that must occur in order to reach the desired goals.

### **Health and Education Needs**

**Law:** 42 USCA 675(1)(c); [Iowa Code Supplement section 232.2\(4\)](#)

**Rule:** [441 Iowa Administrative Code 130.7\(2\)](#)

**Policy Statement:** The case plan for a child entering out-of-home placement shall:

- ◆ Include the most recent information available concerning the child's health and education records.

- ◆ Document completion of the following efforts to maintain educational stability:
  - An evaluation of the appropriateness of the child's education setting while in placement;
  - An evaluation of the proximity of the educational setting to the setting in which the child was enrolled at time of placement.
  - Coordination with the appropriate local education agencies to identify how the child could remain in the educational setting in which the child was enrolled at time of placement.
  - Immediate and appropriate enrollment of the child in another educational setting if it is determined not in the child's best interest to remain in the same setting.
  - Transfer of the child's educational records to the new educational setting within five days of notice that the child is changing schools.

### **Completing the Case Plan**

**Law:** 42 USCA 675(5)(c)(iii); [Iowa Code section 232.2\(4\)](#)

**Rule:** [441 Iowa Administrative Code 130.7\(234\)](#)

**Policy Statement:** The case plan shall be developed and filed in the case record before purchased services begin unless:

- ◆ The Department receives judicial notice that services have been court-ordered. The case plan shall be completed within 45 days from the date notice is received.
- ◆ An unanticipated service is provided for the protection and well being of a child. Assessment begins immediately. The case plan shall be completed within 45 days from the date one of the following services begins:
  - Emergency shelter care or other foster care
  - Family-centered services

### **Documenting Family Participation in the Case Plan**

**Law:** 42 USCA 675(5)(c)(iii); [Iowa Code section 232.2\(4\)](#)

**Rule:** 42 CFR 1355.25; [441 Iowa Administrative Code 130.7\(234\)](#)

**Policy Statement:** To the fullest extent possible the Department shall provide opportunities for the family to participate in the development of the case plan. The family will be provided opportunities to make comments or indicate their agreement with the case plan.

### **Reviewing the Case Plan**

**Law:** 42 USCA 675; [Iowa Code section 232.2](#)

**Rule:** [441 Iowa Administrative Code 130.7\(4\)](#)

**Policy Statement:** The status of each child shall be reviewed periodically but no less frequently than every six months by a court or by administrative review in order to determine:

- ◆ The safety of the child,
- ◆ The continuing necessity for and appropriateness of placement, and
- ◆ The extent of compliance with the case plan and the extent of progress that has been made toward alleviating or mitigating the causes necessitating services.

“Administrative review” means a review open to the participation of the parent of the child, conducted by a panel of appropriate persons, at least one of whom is not responsible for the case management of or delivery of services to either the child or the parents who are the subject of the review.

### **Safety Assessment**

**Law:** Statewide Required Practice

**Policy Statement:** Form 470-4132, *Safety Assessment*, shall be completed at critical junctures throughout the course of the Department’s involvement with the family:

- ◆ Whenever circumstances suggest the child is in an unsafe situation,
- ◆ Before the decision to recommend unsupervised family visits,
- ◆ Before the decision to recommend reunification, and
- ◆ Before the decision to recommend closure of protective services.

### **Risk Reassessment**

**Law:** Statewide Required Practice

**Policy Statement:** Risk is formally and informally reassessed periodically throughout the life of the case. The results of the risk reassessments and the assessment of the family's functioning are used to gauge progress and determine appropriate services.

Formal risk reassessments are completed using form 470-4134, *Risk Reassessment*:

- ◆ During case permanency plan reviews, and
- ◆ Before case closure

Informal risk reassessments are completed without the use of a tool at the following points during the life of a case:

- ◆ Before reunification,
- ◆ At family team meetings,
- ◆ In unsafe situations,
- ◆ During any contact with child, caregiver, or future caregiver,
- ◆ After review of reports,
- ◆ In clinical case consultations with the supervisor and other professionals,
- ◆ Before unsupervised visits, and
- ◆ Whenever circumstances suggest.

### **Evaluating the Case Plan**

**Rule:** [441 Iowa Administrative Code 130.7\(4\)](#)

**Policy Statement:** The worker shall to determine progress toward achieving the desired results. The plan must include a likely date by which the child may be returned to and safely maintained in the home or placed for adoption or legal guardianship.

### **Reassessing Strengths and Needs of the Child and Family**

**Rule:** [441 Iowa Administrative Code 130.7\(4\)](#), [130.7\(5\)](#)

**Policy Statement:** Throughout the service process, the worker shall continuously reassess the strengths and needs of the child and family and use this information to modify and update the family case plan.

## **Case Planning for Native American Children**

### **Inquiry About Native American Ancestry**

**Law:** Public Law 95-608, section 4(4); [Iowa Code section 232B.4](#)

**Policy Statement:** Department staff shall make inquiries regarding tribal membership or eligibility for tribal membership for all children accepted for services. Staff shall document these inquiries and inform the court about them.

### **Involvement of Tribal Representatives**

**Law:** Public Law 95-608; [Iowa Code section 232B.2](#)

**Policy Statement:** The Department shall seek the involvement of tribal representatives, as well as other persons with specific knowledge of Native American culture and child-rearing practices in child welfare case assessment and case planning for Native American children.

### **Child Custody Proceedings**

**Law:** Public Law 95-608, sections 101(c), 102(a), 103(a);  
[Iowa Code section 232B.5](#)

**Policy Statement:** In a state court proceeding for the placement of an Indian child in foster care or a termination of parental rights, the Indian child's custodian or the tribe shall have the right to intervene at any point in the proceeding.

### **Notification of Involuntary Custody Proceedings**

**Law:** Public Law 95-608, section 102(f); [Iowa Code section 232B.5](#)

**Policy Statement:** When an Indian child is involved in a foster care placement or termination of parental rights, the party seeking the action shall notify the parent, the Indian custodian, or the Indian child's tribe of the pending proceedings by registered mail.

If the identity or location of the parent, the Indian custodian, or the Indian child's tribe cannot be determined, the Secretary of the Interior shall be notified by registered mail.

No foster care placement shall be made nor shall there be a hearing for termination of parental rights until at least ten days after receipt of notification by the parents or custodian or the tribe.

### **Transfer to Indian Tribal Court**

**Law:** Public Law 95-608, sections 101(a), (b), & (c);  
[Iowa Code section 232B.5](#)

**Policy Statement:** Proceedings involving an Indian child shall be transferred to the Indian tribal court when the child:

- ◆ Resides on a reservation that has a tribal court, or
- ◆ Is a ward of the tribal court, regardless of where the child resides, or
- ◆ Resides on the reservation of heritage and federal law does not specify contrary jurisdiction, or
- ◆ Is a resident of a reservation that has a tribal court although presently residing off the reservation.

Either parent of the child, the custodian, or the tribal court may object to this transfer. If objection occurs, the case shall proceed in state court.

### **Interstate Transfer of an Indian Child**

**Law:** Public Law 95-608; [Iowa Code section 232B.5](#)

**Policy Statement:** When a child has tribal heritage with a tribe whose residence is in a state other than Iowa, and the child is involved in initial proceedings in a child custody action, the Department shall notify the parents and custodian, the tribe, and the Secretary of the Interior, and will initiate transfer proceedings to that tribe.

### **Efforts to Maintain the Family Unit**

**Law:** Public Law 95-608, section 102(d); [Iowa Code section 232B.5\(19\)](#)

**Policy Statement:** Any party seeking to effect a foster care placement or termination of parental rights to an Indian child under state law shall satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have been unsuccessful.

### **Standards of Evidence**

**Law:** Public Law 95-608; [Iowa Code section 232B.5\(2\)](#)

**Policy Statement:** The standard of evidence for foster care placements of Indian children is "clear and convincing" evidence that continued custody of the child by the child's parent or Indian custodian is likely to result in serious emotional or physical damage to the child. For termination of parental rights and pre-adoptive or adoptive proceedings, the evidentiary standard is "beyond a reasonable doubt."

### **Use of Expert Witnesses**

**Law:** Public Law 95-608, section 102(f); [Iowa Code section 232B.10](#)

**Policy Statement:** Before ordering foster care or termination of parental rights, the judge must hear testimony from one or more qualified expert witnesses with specific knowledge of the child's Indian tribe. Placement shall be ordered only with a determination supported by clear and convincing evidence, including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

## **Placement Requirements**

### **Voluntary Placement of Indian Children**

**Law:** Public Law 95-608; [Iowa Code section 232B.7](#)

**Policy Statement:** To be valid, a voluntary consent to either foster care placement or termination of parental rights for an Indian child must:

- ◆ Be executed in writing;
- ◆ Be executed at least ten days after the child's birth;
- ◆ Be recorded before a judge; and
- ◆ Be accompanied by the judge's certification that all terms and consequences of the consent were fully explained in detail and were fully understood by the child's parent or custodian.

### **Emergency Removal of Indian Child**

**Law:** Public Law 95-608, section 112; [Iowa Code section 232B.6](#)

**Policy Statement:** An Indian child may be removed from the parental home and placed in an emergency foster home when the child is in imminent danger or physical danger or harm. The placement shall end immediately when no longer necessary to prevent physical danger or have, and the child shall be returned to the child's parent or Indian custodian, unless otherwise ordered or agreed.

### **Placement Preference Hierarchy**

**Law:** Public Law 95-608, sections 105(d) and 301(a);  
[Iowa Code section 232B.9](#)

**Policy Statement:** Preference requirements shall be the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or maintains cultural ties.

Preference will be given to placing Indian children with relatives and extended family members, as defined by tribal customs and practices, rather than in non-related foster care settings.

In the absence of such law or custom, the extended family shall include a person who has reached the age of 18 and who is the Indian child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first or second cousin or step-parent.

### **Foster Care or Pre-Adoptive Placement Preference**

**Law:** Public Law 95-608, section 105(d);  
[Iowa Code section 232B.9\(2\)](#)

**Policy Statement:** Any child accepted for foster care or pre-adoptive placement shall be placed in the least restrictive setting which most approximates a family and in which the child's special needs, if any, may be met. In the absence of good cause to the contrary, preference shall be given to:

- ◆ A member of the Indian child's extended family,
- ◆ A foster home approved by the Indian child's tribe,
- ◆ An Indian foster home approved by the Department, or
- ◆ An institution for children approved by the Indian tribe.

### **Adoptive Placement Preference**

**Law:** Public Law 95-608, section 105(c); [Iowa Code section 232B.9](#)

**Policy Statement:** Placement preference shall be given (in absence of good cause to the contrary) in the following in order:

- ◆ A member of the child's extended family,
- ◆ Other members of the Indian child's tribe, or
- ◆ Another Indian family.

However, if the child's tribe has established a different order or preference by resolution, the agency or court affecting the plan shall follow such order so long as the plan is in the least restrictive environment appropriate to the needs of the particular child.

### **Adoption Vacated Upon Voluntary Consent of Adoptive Parents**

**Law:** Public Law 95-608, section 106(a); [Iowa Code section 232.116](#)  
and [232B.8](#)

**Policy Statement:** Whenever a final decree of adoption of an Indian child has been vacated and the adoptive parents have voluntarily consented to termination of their parental rights, a biological parent or prior Indian custodian may petition for return of child. The court shall grant such petition unless there is showing that such return of child is not in the best interests of the child.

## **Records Retention and Access**

### **Child Welfare Records**

**Law:** Public Law 95-608, section 105(e); [Iowa Code section 232B.13](#)

**Policy Statement:** If placement is made of an Indian child, the state must keep a record of such placement that evidences the efforts to comply with the order of preference specified. Such records will be made available at any time upon the request of the Secretary or the Indian child's tribe.

### **Adoption Records**

**Law:** Public Law 95-608, section 201; [Iowa Code section 232B.13](#)

**Policy Statement:** Any state court entering a final decree or order of any Indian child adoptive placement after the date of enactment of this Act shall provide the Secretary of the Interior with a copy of such decree or order together with such other information that documents:

- ◆ The name and tribal affiliation of the child.
- ◆ The names and addresses of the biological parents.
- ◆ The names and addresses of the adoptive parents.
- ◆ The identity of any agency having files or information relating to such adoptive placement.

## **Case Planning for Children With Mexican Citizenship**

**Law:** Vienna Convention on Consular Relations; Consular Convention Agreement between the United States and Mexico

**Policy Statement:** The Department shall assess whether a child taken into state custody is a Mexican national or a multiple-nationality minor. If so, the Department shall involve the Mexican Consulate in case planning for the child according to the terms of the Memorandum of Understanding Between the State of Iowa and the United States of Mexico Concerning Child Welfare Cases Involving Mexican National and Multiple Nationality Minors.

## **Interstate Placement**

**Law:** 42 USC 471(a), Kinship Care; [Iowa Code sections 232.158 – 232.164](#)

**Policy Statement:** All placements of children across state lines shall comply with the requirements of the Interstate Compact on Placement of Children. When the placement involves a parent or relative, the permanency planning and best interests of the child need to be maintained.