



# STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR  
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES  
CHARLES M. PALMER, DIRECTOR

July 1, 2011

## GENERAL LETTER NO. 17-B-5

ISSUED BY: Bureau of Child Welfare and Community Services,  
Division of Adult, Children and Family Services

SUBJECT: Employees' Manual, Title 17, Chapter B, **ASSESSMENT POLICY**, pages  
3, 18, and 28, revised.

### Summary

Chapter 17-B is revised to:

- ◆ Add a new law reference.
- ◆ Update the definition of denial of critical care as amended by 2011 Iowa Acts, House File 562.
- ◆ Shorten the time limit for appeal submittals from six months to 90 days as directed by 2011 Iowa Acts, House File 562. Subjects of a child abuse report may request correction or expungement of a child abuse report by submitting a written and signed request within 90 days of the date on the notification form.

### Effective Date

July 1, 2011

### Material Superseded

This material replaces the following pages from Employees' Manual, Title 17, Chapter B:

<u>Page</u>	<u>Date</u>
3	November 21, 2006
18	June 25, 2010
28	November 21, 2006

### Additional Information

Refer questions about this general letter to your area service administrator.

### **Scope of Chapter**

This chapter includes “high level” statements that summarize the essence of the laws, rules, and Department-required practices associated with assessment. The administrative rule and state law references are linked to the actual state rule or law chapter. The CPS and CINA policy sections each end with a table that identifies the topic of the policy and the applicable legal references.

Links to “Procedure” in this chapter refer either to Chapter 17-B(1), which describes state procedures for carrying out the assessment process for child protective services, or to Chapter 17-B(2), which describes state procedures for the assessment phase of a child in need of assistance case.

Links to “Practice Guidance” refer to Chapter 17-B(3), which provides background information to support the procedures or policy and the clinical or programmatic rationale for the actions that are required during the assessment phase.

### **Legal Basis**

Federal laws related to child welfare services include:

- ◆ Public Law 93-247, the “Child Abuse Prevention and Treatment Act of 1974,” as amended
- ◆ 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 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”
- ◆ Public Law 111-320, the “CAPTA Reauthorization Act of 2010”

Federal regulations pursuant to these laws are found in Title 45 Code of Federal Regulations (CFR) 1340, “Child Abuse and Neglect Prevention and Treatment.”

Specific reference to assessment of child abuse can be found in Iowa Code Chapter 232 “Juvenile Justice,” Division III, Part 2, “Child Abuse Reporting, Assessment, and Rehabilitation,” and section 232.81.

### **Invasion of Privacy-Nudity**

**Law:** [Iowa Code section 709.21](#)

**Policy Statement:** A person who knowingly views, photographs, or films a child for the purpose of arousing or gratifying the sexual desires of any person commits invasion of privacy sexual abuse.

### **Incest**

**Law:** [Iowa Code section 726.2](#)

**Policy Statement:** A person who performs a sex act with a child known to be related commits incest.

### **Denial of Critical Care**

**Law:** [Iowa Code section 232.68\(2\)\(d\)](#) as amended by 2011 Iowa Acts, House File 562

**Rule:** [441 Iowa Administrative Code 175.21\(232,235A\)](#)

**Policy Statement:** The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing, medical or mental health treatment, supervision, or other care necessary for the child's health and welfare when financially able to do so, or when offered financial or other reasonable means to do so.

### **Failure to Provide Adequate Food**

**Law:** [Iowa Code section 232.68\(2d\)](#)

**Rule:** [441 Iowa Administrative Code 175.21\(232,235A\)](#)

**Policy Statement:** Failure to provide adequate food and nutrition to the extent that there is danger of the child suffering injury or death constitutes denial of critical care.

### **Failure to Provide Adequate Shelter**

**Law:** [Iowa Code section 232.68\(2d\)](#)

**Rule:** [441 Iowa Administrative Code 175.21\(232,235A\)](#)

**Policy Statement:** Failure to provide adequate shelter to the extent that there is danger of the child suffering injury or death constitutes denial of critical care.

### **Testimony in Juvenile Court**

**Law:** [Iowa Code section 232.71B](#); [235A.13](#); [235.A15, subsection 2d](#), [235A.20](#); [235A.21](#)

**Policy Statement:** The county attorney and juvenile court have access to the entire written assessment report. The child protection worker may testify regarding all aspects of the assessment except the identity of the reporter.

### **Testimony in Non-Juvenile Court Cases**

**Law:** [Iowa Code section 235A.15, subsection 2d](#); [235A.20](#); [235A.21](#)

**Policy Statement:** The child protection worker may testify in non-juvenile court cases if ordered to do so by the court. Child abuse information may be provided in a non-juvenile proceeding upon a finding by the district court that the information is required for resolution of a matter involving child abuse.

## **Reviews and Appeals**

### **Administrative Appeal**

**Law:** [Iowa Code section 235A.19\(2\)](#)

**Rule:** [441 Iowa Administrative Code 175.31\(2\)](#) as amended by 2011 Iowa Acts, House File 562

**Policy Statement:** Subjects may request correction or expungement of a child abuse report by submitting a written and signed request within 90 days of date on the notification form.

### **District and Higher Courts**

**Law:** [Iowa Code section 17A.19](#)

**Policy Statement:** A requester who is not satisfied with the decision of the administrative law judge may appeal the matter the district or higher courts.

### **Record Check Evaluation**

**Law:** [Iowa Code sections 125.14A\(2\)](#); [135H.7\(2\)](#); [232.71B\(7\)](#); [235A.15](#); [237.8\(2\)](#); [237A.5\(2\)](#)

**Policy Statement:** A person who has a founded child abuse assessment or a criminal record may be prohibited from employment, licensure, or registration in a regulated setting. The person may be prohibited from providing child care, foster care, adoption, or caring for a dependent adult. Any prohibition will depend on the Department's [Record Check Evaluation form 470-2310](#), of the child abuse and or criminal record.