

**Meeting Minutes**  
**Iowa Child Abuse Registry Meeting**  
**November 18, 2011**

**Location:** Neal & Bea Smith Law Center; Second Floor; Clinic Library; 2400 University Avenue; Des Moines, Iowa.

**Members Present:** Vern Armstrong, Ruth Cooperrider, Jean Davis, Anna Dey, Amber DeSmet, Jerry Foxhoven, Shellie Mackel, Denise Moore, Chuck Palmer, John Pollak, Steve Scott, , Diane Stahle, Deborah Thompson, Brad Trow, Barbara Van Allen.

**Members Absent:** Susan Ault, , Jeff Farrell, Keith Kudej, Jana Lewis, Amber Markham, Wendy Rickman, Rod Roberts, Mike Sorci and Beverly Zylstra.

**Pre-Meeting Meeting Handouts:** Agenda; Minutes from the meeting of October 21, 2011; Interim Report to the Congress on the Feasibility of a National Child Abuse Registry (from HHS, May 2009); A summary of Expungement Statutes from the Child Welfare Information Gateway (prepared by the Children's Bureau of HHS and dated November 2008).

**Meeting Handouts:** Agenda; Minutes from the meeting of October 21, 2011; Appendix B from the Interim Report to the Congress on the Feasibility of a National Child Abuse Registry (from HHS, May 2009); Prehearing Order Form; Notice of Child Abuse Assessment with Proposed Notice Language for Placement on the Registry; Summary of Issues Identified and Recommendations made to date; Workplan for the Child Abuse Registry Workgroup; Memo from Ruth Cooperrider.

**The meeting was called to order at 10:00 a.m.**

**Introductions and Welcome:** All members and guests were welcomed and introduced themselves. Jerry Foxhoven passed out the meeting exhibits and reviewed the Agenda.

**Approval of Minutes from Previous Meeting.** There were no additions or corrections to the minutes from the meeting of October 21, 2011 and they were approved as written.

**Revision of Notice Language:** DHS, at the request of the group, drafted language changes given to notify a person of placement on Iowa's Child Abuse Registry, with the intent that the language more clearly delineate the effects of being placed on the registry. The workgroup reviewed the changes and recommended four changes: (1) creating a box around the notice of implications of placement to highlight the issue; (2) adding language showing that placement would be for ten years; (3) adding a link to the

internet for a form for appeal; and (4) ensuring that the language used was plain English and easily understood. Vern Armstrong agreed to those changes and agreed to make those changes and provide the new notice version for the next meeting (with the exception of the plain language suggestion which would be routinely performed by DHS prior to implementation).

**Time Limits for Processing of Appeals:** Ruth Cooperrider, prior to the meeting, advised the facilitator that she wished the group to have a discussion of setting time limits for the processing of Child Abuse Registry Appeals, including some flexibility to accommodate the desires of the parties. The group discussed a number of options and concluded that the recent changes that led to expedited appeals where employment issues were involved were satisfactory at this point, but that the group should recommend that the legislature require DHS and DIA to report back to the legislature in one year as to the length of time taken for expedited appeals (those involving employment) as well as the timeframe for the universe of appeals of registry placement. Ruth Cooperrider asked that a minority view should be included in the report asking that a set time limit be established for registry appeals, including some flexibility to accommodate the desires of the parties and good cause.

The group also discussed the timeframe for final decisions by the Director of DHS on registry appeals. After extensive discussion, the group recommends that the Code be changed to include the following procedure upon appeal of a ruling by the administrative law judge (ALJ) to the Director: if the Director does not take any action within 90 days of the taking of an appeal from the ALJ decision, the ruling is automatically affirmed. If the Director takes any action within 90 days of the appeal (including issuing a notice of intent to issue decision) the director shall have a total of 120 days to issue a ruling.

**Differential Response:** At the previous meeting, the members identified the three areas of change that they would like to discuss at the next meeting: (1) varying the length of time that a person is placed on the child abuse registry; (2) making provisions for a way for someone on the child abuse registry to be removed from the registry before expiration of the time for the original placement on the registry; and (3) determining rules concerning the sealing of records upon removal from the child abuse registry. The workgroup also decided to review the issue of whether or not placement on the registry should occur prior to the conclusion of the appellate process.

The group was closely divided on the issue of whether or not the length of time for placement on the registry should vary dependent upon the severity of the abuse and the level of risk. A small majority recommended that the current universal ten-year placement continue. A close minority recommended that the length of time for placement on the registry should vary based upon severity and risk. This will be included on the minority report.

After discussion, the workgroup recommended that the code be amended to allow DHS to exercise the discretion, after applying established criteria, to remove an offender from the registry. Also, a procedure should be created allowing the person on the registry to ask DHS to exercise its discretion to remove that person from the registry after a set period of time has expired since placement on the registry. The group also recommended that, if a person is removed from the registry, the current rules concerning the sealing of records should continue as if the person had remained on the registry for the entire term.

A significant majority of members believe that the current procedure of immediate placement on the registry pending an appeal should be continued. However, a minority of group members believed that the Code should be amended to provide a “middle ground” where either persons with employment issues should not be placed on the registry until the appeals process is completed or where a determination is made as to “high risk” cases and only those cases would be placed on the registry before the appeals process expires.

**Review of Previous Findings and Recommendations:** Jerry Foxhoven presented the workgroup with a summary of what the group had previously identified as structural and procedural issues as well as solutions and recommendations previously made by the workgroup. The workgroup agreed that the list properly stated earlier recommendations. The members specifically discussed the issue of differential response at the “front end”, meaning the initial response of DHS upon a report of abuse. The group concluded that this issue was too substantial for resolution by this workgroup, as it involves issues substantially different from the other issues reviewed by the group. However, the group recommends that the Legislature direct DHS to study the issue and explore the possibility of developing a differential response to child abuse reports “at the front end”.

**Next Meeting:** The final meeting of the workgroup will be held on Friday, December 2, 2011 at 10:00 a.m. at the Drake Legal Clinic at 2400 University Avenue in Des Moines. Jerry Foxhoven agreed to circulate the minutes from this meeting and a draft of the report of the workgroup to members by the end of the business day of Tuesday, November 22, 2011 to give the members adequate time to review the draft of the final report prior to the final meeting. The group agreed that the sole purpose of the final meeting will be to finalize the report to the General Assembly.

**Public Comment:** Jerry Foxhoven called for public comment. None was offered.

**The meeting was adjourned at 11:55 a.m.**

*Jerry R. Foxhoven*

Jerry Foxhoven, Meeting Facilitator