



Iowa Department of Human Services

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GENERAL LETTER NO. 17-B-6

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**, Title page, revised; Contents (page 3), revised; and pages 26, 27, and 28, revised.

Summary

Chapter 17-B is revised to implement the following law changes regarding the appeal rights for subjects of a child abuse report (child protective services assessment), as directed by 2012 Iowa Acts, House File 2226:

- ◆ A subject has the right to request correction to a child protective services assessment.
- ◆ A person alleged responsible has the right to file an appeal of the child protective services assessment.
- ◆ All other subjects have the right to file a motion to intervene in the appeal of the child protective services assessment, if an appeal is granted.
- ◆ Upon request of any party to the hearing, the administrative law judge may stay the hearing until the conclusion of the adjudicatory phase of a pending juvenile or district court case relating to the data or findings.
- ◆ If no party files an appeal within 10 days from the date of the proposed decision, the proposed decision becomes the final decision. If a party files an appeal within 10 days from the date of the proposed decision, the director has 45 days to issue a ruling. The proposed decision becomes the final decision if there is no ruling from the director within that 45 day period.
- ◆ A person alleged responsible has the right to file an appeal of the final agency action to the district or higher courts.

Effective Date

February 1, 2013

Material Superseded

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

<u>Page</u>	<u>Date</u>
Title page	November 21, 2006
Contents (page 3)	June 25, 2010
26, 27	November 21, 2006
28	July 1, 2011

Additional Information

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

Revised April 12, 2013

Employees' Manual
Title 17
Chapter B

CHILD WELFARE

ASSESSMENT POLICY



Iowa Department
of Human Services

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Completion of the Assessment Summary

Law: [Iowa Code section 232.71B\(12\)](#)

Rule: [441 Iowa Administrative Code 175.26\(232\)](#)

Policy Statement: The child protective worker shall prepare form [470-3240, *Child Protective Services Assessment Summary*](#), and include:

- ◆ The allegation of abuse,
- ◆ Evaluation of the child safety,
- ◆ Findings and contacts,
- ◆ Determination regarding allegation of child abuse,
- ◆ Recommendation for treatment services,
- ◆ Juvenile court recommendations,
- ◆ Criminal court recommendations,
- ◆ Evaluation of child and family functioning and history of services and
- ◆ Strengths and needs of the child's family and a suggested plan of action.

Notification of Outcome of Assessment and Appeal Rights

Law: [Iowa Code sections 232.71B\(12\), paragraph "g," 235A.19\(1\), paragraph "a," and 235A.19\(2\), paragraph "a"](#)

Rule: [441 Iowa Administrative Code Chapters 7 and 175.31\(2\)](#)

Policy Statement: When the assessment report is completed, the subjects shall be notified of the findings of the assessment and their rights to request correction. Any person alleged responsible for the abuse will also be notified of their right to request an appeal if the Department does not correct the data or findings as requested and a subject, other than the person alleged responsible for the abuse, will be notified of the opportunity to file a motion to intervene in the appeal hearing, if one is granted.

Addenda

Law: [Iowa Code section 232.71B, subsection 11](#)

Policy Statement: An addendum to a *Child Protective Assessment Services Summary* is required when additional information becomes available regarding the allegation or finding.

Disposition of Reports and Access to Child Abuse Information

Law: [Iowa Code sections 235A.15; 217.30; 232.71B\(14\)](#)

Rule: [441 Iowa Administrative Code 175.27\(232\)](#)

Policy Statement: The child protection worker shall provide a copy of the written report to subjects, the county attorney, and the juvenile court upon completion. Entities and individuals with access to child abuse information are specified in the Iowa Code.

Electronic Recordings

Law: [Iowa Code section 232.71B; 235A\(13\), subsection 10, paragraph "f"](#)

Rule: [441 Iowa Administrative Code 175.32\(232,235A\)](#)

Policy Statement: The audio or video recordings made during the course of an assessment shall be available to subjects who request them.

Court Action

Law: [Iowa Code section 232.71B, subsections 11 and 12](#)

Rule: [441 Iowa Administrative Code 175.25\(8\); 175.26\(1\); 175.27\(232\)](#)

Policy Statement: The child protection worker may orally contact juvenile court or the county attorney, or both, as circumstances warrant.

Duties of the County Attorney

Law: [Iowa Code section 232.90; 232.114](#)

Policy Statement: Upon the filing of a petition, the county attorney shall represent the state in all adversary proceedings and shall present evidence in support of the petition. However, if there is disagreement between the Department and the county attorney regarding the appropriate action to be taken, the Department may request to be represented by the attorney general in place of the county attorney.

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 Chapters 7](#) and [175.31\(2\)](#)

Policy Statement: Subjects may request correction of a child abuse report by contacting their local DHS office within 90 days of date on the outcome notice form. Any person alleged responsible for the abuse may request an appeal if the Department does not correct the data or findings as requested. If an appeal hearing is granted to the person alleged responsible for the abuse, then all other subjects may file a motion to intervene in the appeal hearing.

District and Higher Courts

Law: [Iowa Code sections 17A.19](#) and [235A.19\(3\)](#)

Rule: [441 Iowa Administrative Code Chapter 7](#)

Policy Statement: A person alleged responsible for the abuse, who is not satisfied with the decision of the administrative law judge or final agency action in an appeal hearing, may appeal the matter to the district or higher courts in accordance with Iowa Code section 17A.

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.