

Comment Report

HSB 126

A bill for an act relating to the organization, structure, and functions of state government, providing for salaries of appointed state officers, providing for penalties, making appropriations, providing Code editor directives and transition provisions, and including applicability and effective date provisions.(See HF 662.)

Subcommittee Members: Bloomingdale-CH, Baeth, Johnson, Lundgren, Nielsen, Young, Zabner

Date: 02/20/2023

Time: 12:00 PM

Location: RM 102, Sup. Ct. Consult

Name: William Owens

Comment: I am the judicial branch representative on the Iowa Child Advocacy Board, and am currently serving as chair of that board. I make these comments as the board chair, and not as a representative of the Iowa Judicial Branch. ICAB opposes the current proposed realignment of ICAB with HHS, and I have attached a letter previously emailed to Chair Bloomingdale detailing the board's position. If I am available on the date when the subcommittee takes up this portion of HSB 126 I would welcome the chance to share our position with you in person. Thank you for your kind attention.

February 1, 2023

Hon. Jane Bloomingdale
State Representative – State Government Committee – Chair
Iowa State Capitol
1007 Grand Avenue
Des Moines, Iowa 50319

Re: HSB 126 - Proposed realignment of the Iowa Child Advocacy Board (ICAB), which operates the Iowa Citizen Foster Care Review Board (ICFCRB) and Iowa Court Appointed Special Advocate (CASA) programs, with the Iowa Department of Health and Human Services (HHS)

Representative Bloomingdale:

The nine member governor appointed Iowa Child Advocacy Board recently became aware of a proposed realignment of ICAB with the Department of Health and Human Services (HHS) as now proposed in HSB 126. I write as the Judicial Branch representative and elected chair of ICAB to inform you our board met in special session on January 20, 2023 and voted unanimously to oppose this proposed realignment. When the Governor appointed each member of our board she entrusted to us the responsibility of safeguarding the well-being of Iowa's children, and we each take that job seriously. We firmly believe the realignment proposed in HSB 126 threatens our ability to fulfill the oath we made to carry out the duties outlined in Iowa Code Section 237.16.

ICAB and the programs we are statutorily required to oversee are designed to be autonomous from HHS – the agency we are charged by statute to evaluate and report upon. This proposal casts doubt on that autonomy and in so doing compromises the ability of ICAB to evaluate the child welfare system and to make objective recommendations to the Governor's office and the Legislature as required by law. In individual cases it casts doubt on the ability of CASA and Foster Care Review Boards to make credible recommendations designed to foster the safety, permanency and well-being of Iowa's most valuable resource – its children.

Iowa's Foster Care Review Boards are an outgrowth of the Federal Child Abuse Prevention and Treatment Act (CAPTA). CAPTA requires that each state receiving Federal dollars to establish citizen review panels (42 U.S.C 5101 Sec. 106(c)). CAPTA prescribes specific duties each panel is required to perform including "examining policies, procedures, and practices of State and local agencies" in order to "evaluate the extent to which State and local child protection system agencies are effectively discharging their child protection responsibilities...".

There are about eleven states who satisfy the CAPTA requirement for citizen review panels using "foster care review boards". A review of those programs reflects only one (Massachusetts) is housed within the state child welfare agency, and they have made legislative attempts to relocate elsewhere in state government.

Iowa's enabling legislation – Iowa Code Chapter 237 was adopted in 1984 establishing ICAB, the state Foster Care Review Board and local Foster Care Review Boards. Iowa law (as modified in 2022 by HF 2390) requires ICAB to administer Iowa's foster care review board system, and in so doing to perform several duties, including, but not limited to the following: accumulate and evaluate data regarding children served by the board. (emphasis added). Most importantly ICAB is required – using data provided by the state and local citizen review boards to "[m]aintain an evaluation program regarding citizen foster care review programming. The evaluation program shall be designed to evaluate the effectiveness of citizen reviews in improving case permanency planning and meeting case permanency planning goals, identify the amount of time children spend in foster care placements, and identify problem issues in the foster care system". (emphasis added). ICAB is required each year to make this information available to the Governor and the General Assembly in the form of an annual report.

In effect, ICAB through the Foster Care Review Boards are charged with the responsibility of independently evaluating the extent to which HHS is adhering to the law and to their own rules and standards. The proposed realignment of Foster Care Review within HHS will diminish our ability to evaluate and report to the Legislature, Judicial Branch, Governor and HHS on the children served by Iowa's child welfare system. It also impedes the ability of ICAB to meet our statutory function of evaluating the state's foster care system, and to identify problem areas within the system that impact child protection and permanency.

The proposed realignment also impacts the ability of local Foster Care Review Boards to protect the interests of Iowa's children by removing their independent and objective evaluation of HHS adherence to law and policy in individual cases. The realignment will also hamper the ability of local boards to establish trusting relationships with families, and will cast doubt on the independence of their recommendations to the court. Local citizen Foster Care Review Boards are a trusted and independent child welfare partner that is able to present objective recommendations to the court and other system officials on what is in the best interest of children for their safety, permanency and well-being. The proposed realignment will cause a perception by the children and families the boards serve that they are merely a "branch" of HHS, and are subservient to the department's policies and case management.

The proposed realignment of the Court Appointed Special Advocate (CASA) program to HHS is as troubling a proposal as the realignment of Foster Care Review. CASA volunteers are appointed by local juvenile judges to advocate for a child's best interests. The citizen volunteer stays with each case until it is closed and the child is in a safe, permanent home. Iowa CASA volunteers serve children from birth through adulthood – but with permission of the court can remain as a resource for a youth beyond age eighteen. CASA volunteers work with legal and child welfare professionals, educators and service providers to ensure that juvenile judges in Iowa have all the information they need to make the most well-informed decisions for each child. CASA volunteer's best-interest advocacy is driven by the guiding principle that a child grows and develops best with their family of origin, if that can be safely achieved. CASA volunteers learn all they can about the child and his or her family by regularly visiting with the child. CASA volunteers collaborate with others in their case to ensure services necessary to achieve the child's permanency goal are being provided. Finally, the CASA volunteer reports to the court what they learned during meetings with the child and family, and then speak up for the child in court and make independent, fact-based recommendations to the juvenile court that are in the best interests of the child.

Under Iowa Law ICAB is responsible for administering Iowa's Court Appointed Special Advocate program. Iowa Code Section 237.18 (as amended by HF2390) requires ICAB to "review the activities and actions of...the court appointed special advocate program". Like the duties prescribed for ICAB as it relates to Foster Care Review Boards, Iowa law requires ICAB to accumulate and evaluate data regarding children served by the CASA program. (emphasis added).

The Iowa administrative rules already recognize the inherent conflict between the role of a CASA volunteer and Iowa's child welfare agency. IAC 489-4.2(3)(g) provides that a CASA volunteer "not be a person employed by the state board, the department of human services, the district court, or an agency with which the department of human services contracts for services for children". (emphasis added).

Similar to the proposal to merge Foster Care Review with HHS this proposal would make Iowa an outlier among publicly administered CASA programs. According to the National CASA/GAL Association there are currently 939 CASA programs across the country. Of those CASA programs, 49 are state organizations (which oversee local programming). Of those forty-nine programs fifteen are publicly administered. The majority of those – eleven – are contained within the administrative offices of the courts. The other four, including Iowa, are contained in other non-human services related state executive branch agencies.

Like their Foster Care Review Board volunteer counterparts the CASA volunteer establishes a trusting relationship with the child and family in order to understand the needs of the child they speak for and serve. The proposed realignment of CASA with HHS will diminish the ability of CASA volunteers to independently evaluate each child's situation, and to assess the needs of the child and family in order for the child to achieve safety, permanency and well-being. The voice of the CASA volunteer is designed to be independent in order that their recommendations can be viewed by the family and the court to

focus solely on what is in the child's best interests. This proposed realignment casts doubt on the credibility of the fact-based recommendations the CASA volunteer has sworn to the court they will provide on behalf of the child.

ICAB does not take lightly the decision to speak out against this proposed realignment. I appreciate your time in considering our position on this issue, and as chairperson of the board I would welcome the opportunity to discuss this with you, or your committee.

Thank you.

Best regards,

/s/ William S. Owens

William S. Owens

Chairperson – Iowa Child Advocacy Board

Copy to: Rep. Austin Harris

Rep. Amy Nielsen

Name: Shirley Hampton

Comment: Please see the attached file relating to Iowa School for the Deaf.

Shirley Hampton
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Davenport, Iowa 52807
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Hello! I'm Shirley Hampton, President of Iowa Association of the Deaf, but I'm writing for myself as an alumnus of Iowa School for the Deaf and an advocate of the deaf community.

I am concerned about the wording in HSB 126 on page 1560 lines 4 through 7 where it states "Current law prohibits the board of regents from merging the Iowa school for the deaf with the Iowa braille and sight saving school, or closing either of the schools, until certain requirements are met. The bill repeals this provision".

Deaf children need to have full options for their education. Iowa School for the Deaf provides one of the opportunities for them to enroll to obtain full education. Also, this school provides leadership training, social development, better chances of sport involvement, also role models. This school provides bi-lingual education which includes American Sign Language and speech training. We need protection in the state code from school being closed in the future.

I'm asking you to acknowledge the need to keep the Iowa Code as it reads and make an amendment to strike out the last sentence where it says, "the bill repeals this provision".

Thank you for your time reading and acting on this.