ARC 0721D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to abuse of children and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 175, "Abuse of Children," Iowa Administrative Code, and to adopt a new Chapter 175 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 232.67 through 232.70, 232.71B through 232.73 and 232.74 through 232.77.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 232.67 through 232.70, 232.71B through 232.73 and 232.74 through 232.77 and 2026 Iowa Acts, Senate File 2416.

Purpose and Summary

This proposed chapter outlines the procedures required by the Iowa Code for accepting reports of child abuse, assessing those reports, and taking necessary steps to ensure a reported child's safety. Protection is provided through encouraging the reporting of suspected cases of abuse, conducting a thorough and prompt assessment of the reports, and providing rehabilitative services to abused children and their families.

This proposed chapter was reviewed pursuant to Executive Order 10. As a result of that review, the Department:

- Removed reserved rules and renumbered remaining rules;
- Added language in rule 441—175.2(232) to describe the safety plans developed by the Department that identify immediate actions to keep a child safe;
- Revised the requirement that the Department observe and evaluate the child subject of reported abuse within one hour if there is an immediate threat to the child's safety. Paragraph 175.6(1)"b" now requires that reasonable efforts be made to observe the alleged child victim and evaluate the child's safety within 24 hours of receipt of the report of suspected child abuse. The proposed change is not about delaying responses to children who are in danger but rather removing a one-hour physical response requirement as the mechanism for ensuring safety. Iowa Code section 232.70(3) already mandates that child abuse reporters make a report to law enforcement when they believe that immediate protection is advisable. In an actual emergency, law enforcement and emergency medical services may be capable of reaching the child far sooner than a child protection worker traveling across a large service area. The expectation remains that when a child is in imminent danger, immediate action and coordination with law enforcement occurs.
- Removed language surrounding referrals to community care organizations. Community care referrals were discontinued in 2020 and replaced with referrals to family-centered services under 441—Chapter 172.
- Removed language regarding procedures for requesting information for research. This process is covered by the Department's rules on fair information practices in 441—Chapter 2505.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 30, 2026. A public hearing was held on the following date(s):

- October 20, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on December 1, 2026. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

December 1, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 225 217 179 078 528 Passcode: Rw3KT9yE
December 1, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 263 899 623 991 883 Passcode: qy9g7WW7

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 441—Chapter 175 and adopt the following **new** chapter in lieu thereof:

CHAPTER 175
ABUSE OF CHILDREN

441—175.1(232,235A) Definitions.

"Allegation" means a statement setting forth a condition or circumstance yet to be proven.

"Assessment" means the same as defined in Iowa Code section 232.68(5)*"a."*

"Assessment intake" means the process by which the department receives and records a report of suspected child abuse.

"Caretaker" means a person responsible for the care of a child.

"Case" means a report of suspected child abuse that has been accepted for assessment services.

"Child abuse assessment" means the same as set forth in Iowa Code section 232.68(5)*"b."*

"Custodial parent(s)" means a parent who has legal custody or physical care of the child and includes the parent with whom the child is residing at the relevant time of department involvement.

"Denial of critical care" means 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, and means any of the following:

1. Failure to provide adequate food and nutrition to the extent that there is danger of the child suffering injury or death.
2. Failure to provide adequate shelter to the extent that there is danger of the child suffering injury or death.
3. Failure to provide adequate clothing to the extent that there is danger of the child suffering injury or death.
4. Failure to provide adequate health care to the extent that there is danger of the child suffering injury or death. A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone will not be considered abusing the child and will not be placed on the child abuse registry. However, a court may order that medical service be provided where the child's health requires it.
5. Failure to provide the mental health care necessary to adequately treat an observable and substantial impairment in the child's ability to function.
6. Gross failure to meet the emotional needs of the child necessary for normal development.
7. Failure to provide for the adequate supervision of the child that a reasonable and prudent person would provide under similar facts and circumstances when the failure results in direct harm or creates a risk of harm to the child.
8. Failure to respond to the infant's life-threatening conditions (also known as withholding medically indicated treatment) by providing treatment (including appropriate nutrition, hydration and medication) that in the treating physician's reasonable medical judgment will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's reasonable medical judgment any of the following circumstances apply: the infant is chronically and irreversibly comatose; the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane.

"Facility providing care to a child" means any public or private facility, including an institution, hospital, health care facility, intermediate care facility for persons with an intellectual disability, residential care facility for persons with an intellectual disability, skilled nursing facility, group home, mental health facility, residential treatment facility, shelter care facility, detention facility, child care facility that includes licensed day care centers, all registered family and group day care homes, and licensed family foster homes. A public or private school is not a facility providing care to a child, unless it provides overnight care.

"Family assessment" means the same as defined in Iowa Code section 232.68(5)*"c."*

"Home" means a permanent or temporary structure where one resides, including a licensed foster family home. For the purpose of this chapter, "home" will not be construed to include any public or private facility, such as an institution, hospital, health care facility, intermediate care facility for persons

with an intellectual disability, residential care facility for persons with an intellectual disability, skilled nursing facility, group care, mental health facility, residential treatment facility, shelter care facility, detention facility, licensed day care center, or child foster care provided by an agency.

"Illegal drug" means any substance prohibited by law, or combinations or derivatives of illegal drugs that were not prescribed by a health practitioner.

"Immediate threat" or *"imminent danger"* means conditions that, if no response were made, would be more likely than not to result in sexual abuse, injury or death to a child.

"Infant," as used in the definition of "denial of critical care," numbered paragraph "8," means a child less than one year of age or an infant older than one year of age who has been hospitalized continuously since birth, who was born extremely prematurely, or who has a long-term disability.

"Nonaccidental physical injury" means an injury that was the natural and probable result of a caretaker's actions that the caretaker could have reasonably foreseen, or that a reasonable person could have foreseen in similar circumstances, or that resulted from an act administered for the specific purpose of causing an injury.

"Open service case" means a child welfare case that the department has opened for ongoing services and assigned to department staff for ongoing case management following a child protective assessment or a child in need of assistance adjudication that remains open until the department achieves case closure.

"Physical injury" means damage to any bodily tissue to the extent that the tissue must undergo a healing process in order to be restored to a sound and healthy condition or damage to any bodily tissue that results in the death of the person who has sustained the damage.

"Rejected intake" means a report of suspected child abuse that has not been accepted for assessment.

"Reporter" means the person making a verbal or written statement to the department alleging child abuse.

"Report of suspected child abuse" means a verbal or written statement made to the department by a person who suspects that child abuse has occurred.

"Reside" or *"resides"* means to habitually sleep or live. A person's subjective intent as to where the person resides is not relevant.

"Safety plan" means the same as defined in Iowa Code section 232.79B(1).

"Sex trafficking" means the same as defined in Iowa Code section 232.68(10).

"Sex trafficking victim" means the same as defined in Iowa Code section 232.68(11).

"Subject of a report of child abuse" means any of the following:

1. A child named in a report as having been abused, or the child's attorney or guardian ad litem.
2. A parent or the attorney for the parent of a child named in a child abuse assessment summary as having been abused.
3. A guardian or legal custodian, or that person's attorney, of a child named in a child abuse assessment summary as having been abused.
4. A person or the attorney for the person named in a child abuse assessment summary as having abused a child.

"Supervision" means supervision that a reasonable and prudent person would exercise under similar facts and circumstances, but in no event shall the person place a child in a situation that may endanger the child's life or health, or cruelly or unduly confine the child. Dangerous operation of a motor vehicle is a failure to provide proper supervision when the person responsible for the care of a child is driving recklessly, or driving while intoxicated with the child in the motor vehicle. The failure to restrain a child in a motor vehicle does not, by itself, constitute a cause to assess a child abuse report.

"Unduly" means improper or unjust, or excessive.

441—175.2(232) Safety plans.

175.2(1) *Use cases.* The department may enter into a safety plan with a family when the department determines that potential harm to a child may be mitigated by the development of a safety plan. A safety plan may be used when safety interventions and protective measures are necessary to manage imminent or impending danger, and the plan is developed to identify immediate actions to keep the child safe.

175.2(2) *Not a removal.* Absent a court order placing the child with someone other than a parent or guardian, a safety plan shall not be construed as a removal from parental or guardian custody.

a. Parents, guardians, and caretakers are encouraged to work with the department to identify appropriate strategies to ensure the child's safety in the home. Strategies may include bringing a safe and appropriate person into the home or identifying an alternative caregiver when safety cannot be assured within the family's home.

b. Entering into a safety plan will not, by itself, transfer custody, guardianship, or legal rights away from the parent.

175.2(3) *Time frames.* A safety plan must be reviewed within 20 business days from the date of a parent or guardian's signature unless the plan ends earlier. A date for review must be included on the safety plan.

a. A safety plan that places a child in the temporary care of someone other than the parent or guardian must be reviewed with the county attorney or the attorney general's office no later than 45 days from the date the safety plan is implemented.

b. No safety plan shall be implemented for longer than 90 days unless reviewed and approved by the county attorney or attorney general's office.

175.2(4) *Safety plan required content.* A safety plan must include the following:

a. The safety concerns identified and the specific danger to the child's well-being.

b. The specific actions needed to address the danger and provide safety for the child, including who will do what, by when, and how the action will be monitored.

c. The identity of all persons responsible for implementing or monitoring the plan, including informal supports, department staff, or service providers.

175.2(5) *Copies, documentation, and case records.* The department will provide a copy of the safety plan to each parent, guardian, caretaker and any other person involved in implementing or monitoring the safety plan. The department will maintain the safety plan and any modifications to a safety plan in the case record under the relevant assessment or service case.

175.2(6) *Modification, withdrawal, and escalation.* A safety plan may be reviewed or modified at any time due to a change in circumstance.

a. A parent or guardian may withdraw consent to the safety plan at any time by notifying the department.

b. If at any time a parent or guardian is unable or unwilling to implement a safety plan, or imminent or impending danger to a child cannot be adequately addressed by a safety plan, the department may take necessary protective action, including requesting court involvement and possible removal of the child from the home when it is determined necessary to protect the child.

175.2(7) *Duration and closure.*

a. A safety plan that occurs during a child protective assessment shall remain in effect until one of the following occurs:

(1) A subsequent safety decision indicates the child is safe without a plan; or

(2) The assessment closes; or

(3) The department initiates court action or obtains a court order that supersedes the safety plan.

b. When an assessment closes with a determination that an open service case will be initiated, a safety plan may be initiated at the close of the assessment. A safety plan initiated at the close of the assessment or during an open service case may remain in effect for up to 60 days from the date the safety plan is initiated.

441—175.3(232) Receipt of a report of suspected child abuse. Reports of suspected child abuse will be received by local department offices, the central abuse registry, or the child abuse hotline.

175.3(1) Any report made to the department that alleges child abuse, as defined in Iowa Code section 232.68, or constitutes a complaint that a child is a child in need of assistance, as defined in Iowa Code section 232.2(8), will be accepted for assessment.

175.3(2) Reports of suspected child abuse that do not meet the legal definition of child abuse will become rejected intakes.

a. If a report of suspected child abuse does not meet the legal definition of child abuse or is accepted as a family assessment, but a criminal act harming a child is alleged, the department will immediately refer the matter to the appropriate law enforcement agency.

b. If a report constitutes an allegation of child sexual abuse as outlined in Iowa Code section 232.68(2)*"a"*(3) except that the suspected abuse resulted from the acts or omissions of a person who was not a caretaker or was not a person who resides in a home with the child, the department will refer the report to law enforcement as soon as practicable and follow up in writing within 72 hours of receiving the report.

441—175.4(232) Sources of report of suspected child abuse.

175.4(1) *Reporting.* Any person reporting suspected child abuse shall make an oral report to the department. The department may accept and act upon written reports received, including by attempting to contact the reporter.

175.4(2) *Mandatory reporters.* Any person meeting the criteria of a mandatory reporter is required to make a report of the suspected child abuse to the department within 24 hours of becoming aware of the abusive incident. If the person making the report has reason to believe that immediate protection for the child is advisable, that person shall report the situation to an appropriate law enforcement agency.

175.4(3) *Others required to report.* In addition to mandatory reporters who are so designated by the Iowa Code, there are other classifications of persons who are required, either by administrative rule or department policy, to report suspected child abuse when this is a duty identified through the person's employment. Others required to report include:

a. Department community access and eligibility workers.

b. Certified adoption investigators.

175.4(4) *Permissive reporters.* Mandatory reporters may report as permissive reporters when they suspect abuse of a child outside the scope of their professions. A permissive reporter is not required by law to report abuse.

441—175.5(232) Assessment intake process. The primary purpose of intake is to obtain available and pertinent information regarding an allegation of child abuse and determine whether a report of suspected child abuse becomes accepted for assessment or is determined to be a rejected intake.

175.5(1) To result in an assessment, the report of suspected child abuse must include some information to indicate all of the following:

a. The alleged victim of child abuse is a child.

b. The alleged perpetrator of child abuse is:

(1) A caretaker; or

(2) A person who resides in a home with the child, if the allegation is sexual abuse as outlined in Iowa Code section 232.68(2)*"a"*(3); or

(3) A person who engages in or allows child sex trafficking as defined in Iowa Code section 232.68(2)*"a"*(11).

c. The alleged incident falls within the definition of child abuse.

175.5(2) If the report constitutes a child abuse allegation, a determination is made as to whether the assessment will be assigned as a child abuse assessment, to be commenced within 24 hours of receiving the report, or a family assessment, to be commenced within 72 hours of receiving the report.

a. A child abuse assessment is required for all accepted reports that allege child abuse as defined in Iowa Code section 232.68(2)*"a"*(1) through *"a"*(3) and *"a"*(5) through *"a"*(11); or that allege child abuse as defined in Iowa Code section 232.68(2)*"a"*(4) that also allege imminent danger, death, or injury to a child. If one or more of the following factors are met, a child abuse assessment shall be required:

(1) The alleged abuse type includes a category other than denial of critical care.

(2) The allegation alleges imminent danger, death, or injury to a child.

(3) The child has been taken into protective custody as a result of the allegation.

(4) There is an open service case on the alleged child victim or any sibling or any other child who resides in the home or in the home of the noncustodial parent if the noncustodial parent is the alleged person responsible.

(5) The alleged person responsible is not a birth or adoptive parent, a legal guardian, or a member of the child's household.

(6) There has been a termination of parental rights in juvenile court on the alleged person responsible or on any caretaker who resides in the home.

(7) There has been prior confirmed or founded abuse within the past six months that lists any caretaker who resides in the home as the person responsible.

(8) It is alleged that illegal drugs are being manufactured or sold from the family home.

(9) The allegation is failure to thrive or that the caretaker has failed to respond to an infant's life-threatening condition.

(10) The allegation involves an incident for which the caretaker has been charged with a felony under Iowa Code chapter 726.

b. A family assessment is required for all accepted reports that allege child abuse but do not allege imminent danger, death, or injury to a child. If all of the following factors are met, a family assessment shall be required:

(1) The alleged abuse type is denial of critical care only.

(2) The allegation does not allege imminent danger, death, or injury to a child.

(3) The child has not been taken into protective custody as a result of the allegation.

(4) There is no current open service case on the alleged child victim or any sibling or any other child who resides in the home or in the home of the noncustodial parent if the noncustodial parent is the alleged person responsible.

(5) The alleged person responsible is a birth or adoptive parent, a legal guardian, or a member of the child's household.

(6) There has not been a termination of parental rights in juvenile court on the alleged person responsible or on any caretaker who resides in the home.

(7) There has been no prior confirmed or founded abuse within the past six months that lists any caretaker who resides in the home as the person responsible.

(8) It is not alleged that illegal drugs are being manufactured or sold from the family home.

(9) The allegation is not failure to thrive or that the caretaker has failed to respond to an infant's life-threatening condition.

(10) The allegation does not involve an incident for which the caretaker has been charged with a felony under Iowa Code chapter 726.

175.5(3) Only the person making a report of suspected abuse may be contacted during the intake process to expand upon or to clarify information in the report. Any contact with subjects of the report or with anyone outside the department, other than the original reporter(s), automatically causes the report of suspected child abuse to be accepted for assessment.

175.5(4) A report of suspected child abuse fails to constitute a child abuse allegation when:

a. It is determined that the report of suspected child abuse fails to constitute a child abuse allegation. The report of suspected child abuse will become a rejected intake and will be evaluated to determine whether the information reported constitutes a complaint that a child is a child in need of assistance.

b. It is determined that a report of a child needing the assistance of the court fails to meet the definition of a child in need of assistance. The report will become a rejected intake.

Rejected intake information will be maintained by the department for three years from the date the report was rejected and will then be destroyed.

175.5(5) Intake information shall be provided as set forth in Iowa Code section 232.70(4)*"b."*

441—175.6(232) Assessment process. A child abuse assessment will be initiated within 24 hours following the report of suspected child abuse. A family assessment will be initiated within 72 hours following the report of suspected child abuse. The primary purpose in conducting an assessment is to protect the safety of the child named in the report. The secondary purpose of the assessment is to engage

the child's family in services in a culturally competent way, to enhance family strengths and to address needs, where this is necessary and desired.

175.6(1) *Observing and evaluating the child's safety.* A safety assessment and risk assessment will be completed during the course of a child abuse assessment or family assessment. When a child cannot remain safely in a parent's care, the least restrictive care must be secured for the child's placement with a preference for placement with the child's family or fictive kin.

a. During a child abuse assessment, when there is an immediate threat to the child's safety, the department will evaluate the threat and determine whether immediate response is needed to observe or evaluate safety of the child named in the report, consistent with the level of risk and the need to safeguard the child. The department will document the basis for determining any immediate threat, the protective actions taken, and the efforts made to observe the child.

b. Reasonable efforts will be made to observe the alleged child victim and evaluate the child's safety within 24 hours of receipt of the report of suspected child abuse.

(1) When the alleged perpetrator clearly does not have access to the alleged child victim, reasonable efforts will be made to observe the alleged child victim and evaluate the child's safety within 96 hours of receipt of the report of suspected child abuse.

(2) When reasonable efforts have been made to observe the alleged child victim within the specified time frames and the worker has established that there is no risk to the alleged child victim, the observation of the alleged child victim may be delayed or waived with supervisory approval.

c. During a family assessment, reasonable efforts will be made to observe the alleged child victim and evaluate the child's safety within 72 hours of receipt of the report of suspected child abuse.

(1) When reasonable efforts have been made to observe the alleged child victim within the specified time frame and the worker has established that there is no risk to the alleged child victim, the observation of the alleged child victim may be delayed or waived with supervisory approval.

(2) If at any time during a family assessment a child is determined to be unsafe or in imminent danger, it appears that the immediate safety or well-being of a child is endangered, it appears that the family may flee or the child may disappear, or that the facts otherwise warrant, the department will immediately commence a child abuse assessment according to Iowa Code section 232.71B.

(3) If the department determines that safety issues continue to require a child to reside outside of the child's home at the conclusion of a family assessment, the department will transfer the assessment to the child abuse assessment pathway for a disposition.

d. If the department has reasonable cause to believe that a child or youth for whom the department has responsibility for placement, care, or supervision is or is at risk of being a victim of sex trafficking or a severe form of trafficking in persons, the department will identify that child or youth as such, document it, and determine appropriate services, in accordance with 42 U.S.C. Section 671(c) as amended to August 1, 2026. Additionally, the department will report the child or youth immediately, and in no case later than 24 hours, to law enforcement authorities.

175.6(2) *Interviewing the alleged child victim.* The primary purpose of an interview with the child, during the course of a child abuse assessment or family assessment, is to gather information regarding the abuse allegation, the child's immediate safety, and risk of abuse. During a child abuse assessment, the child protection worker will also identify the person or persons responsible for the alleged abuse as well as the nature, extent, and cause of injuries, if any, to the child named in the report of suspected child abuse.

175.6(3) *Interviewing subjects of the report and other sources.*

a. During a child abuse assessment, attempts will be made to conduct interviews with subjects of the report and persons who have relevant information to share regarding the allegations. This may include contact with physicians to assess the child's condition. The child's custodial parents or guardians and the alleged perpetrator (if different) will be interviewed or offered the opportunity to be interviewed. The court may waive the requirement of the interview for good cause.

b. During a family assessment, the child's custodial parents or guardians will be interviewed or offered the opportunity to be interviewed. The child protection worker may request information from any person believed to have knowledge regarding a child named in an assessment. A family assessment

requires the cooperation of the family; should a family choose not to participate, the department is required to transfer the assessment to the child abuse assessment pathway for a disposition.

175.6(4) *Gathering of physical and documentary evidence.* During a child abuse assessment, evidence may be gathered from interviews, observations, photographs, medical and psychological reports and records, reports from child protection centers, written reports, audiotapes and their transcripts or summaries, videotapes and their transcripts or summaries, or other electronic forms.

175.6(5) *Evaluating the home environment and relationships of household members.* An evaluation of the home environment will be conducted during the course of an assessment with the consent of the parent or guardian. If permission is refused, the juvenile court may authorize the worker to enter the home to observe or interview the child.

a. If protective concerns are identified, the child protection worker will evaluate the child named in the report and any other children in the same home as the parents or other persons responsible for their care.

(1) Each assessment will include a full description of observations and information gathered during the assessment process. This description will provide information that evaluates the safety of the child named in the report.

(2) If the child protection worker has concerns about a child's safety or a family's functioning, the worker will conduct a more intensive assessment until those concerns are addressed.

b. When an assessment is conducted at an out-of-home setting, an evaluation of the environment and relationships where the abuse allegedly occurred will be conducted.

c. The child abuse assessment will include a description of the name, age, and condition of other children in the same home as the child named in the report.

175.6(6) *Evaluating the information.* During a child abuse assessment, evaluation of information will include an analysis that considers the credibility of the physical evidence, observations, and interviews and will result in a conclusion of whether or not to confirm the report of suspected child abuse.

175.6(7) *Determining placement on central abuse registry.* During a child abuse assessment, a determination of whether the report data and disposition data of a confirmed case of child abuse is subject to placement on the central abuse registry pursuant to Iowa Code section 232.71D will be made on each assessment. Determining placement on the central abuse registry is not applicable in a family assessment.

175.6(8) *Service recommendations and referrals.* During or at the conclusion of a child abuse assessment or a family assessment, the department will consult with the child's family to offer services to the child and the child's family that address strengths and needs identified in the assessment. The department may recommend information, information and referral, community care referral, or services provided by the department. If it is believed that services are necessary for the protection of the abused child or other children in the home, juvenile court intervention will be sought.

a. Information or information and referral. Either information or information and referral will be offered when:

(1) A family assessment has identified the child to be at low risk of future abuse or neglect;

(2) A child abuse assessment has identified the abuse is not confirmed and the child is believed to be at low risk of future abuse or neglect; or

(3) A child abuse assessment has identified the abuse is confirmed and not placed on the registry and the child is believed to be at low risk of future abuse or neglect.

b. Recommendation options for information and information and referral.

(1) When no service needs are identified, the worker may recommend no service; or

(2) When service needs are identified, the worker may recommend new or continuing services to the family to be provided through informal supports; or

(3) When service needs are identified, the worker may recommend new or continuing services to the family to be provided through community organizations.

c. Referral for department services.

(1) The department will provide or arrange for and monitor services for abused children and their families on a voluntary basis or under a final or intermediate order of the juvenile court when:

1. A child abuse assessment has identified the abuse is confirmed and not placed on the registry and the child is believed to be at high risk of future abuse or neglect; or

2. A child abuse assessment has identified the abuse is founded.

(2) The worker will recommend new or continuing services to the family to be provided by the department, either directly or through contracted agencies.

(3) Families that refuse voluntary services will be referred for a child in need of assistance petition through juvenile court.

175.6(9) *Court action following assessment.* If, upon completion of an assessment performed under Iowa Code section 232.71B, the department determines that the best interests of the child require juvenile court action, the department will act appropriately to initiate the action.

a. If at any time during the assessment process the department believes court action is necessary to safeguard a child, the department will act appropriately to initiate the action.

b. The department will assist the juvenile court or district court during all stages of court proceedings involving an alleged child abuse case in accordance with Iowa Code section 232.71C.

441—175.7(232) Completion of a written assessment report. The child protection worker will complete a written assessment report as follows.

175.7(1) *Completion of a child abuse assessment report.* A child abuse assessment report will be completed within 20 business days of the receipt of the child abuse report. In most instances, a child abuse assessment report will be developed in conjunction with the child and family being assessed. A child abuse assessment report will consist of two parts as follows.

a. Report and disposition data. A child abuse assessment report will include report and disposition data as follows:

(1) Allegations: the report of suspected child abuse that caused the assessment to be initiated and additional allegations raised after the report of suspected child abuse becomes a case that have not been previously investigated or assessed. If the report of suspected child abuse was initially accepted as a family assessment, the reason why it was transferred to a child abuse assessment will be identified.

(2) Evaluation of the child's safety: evaluation of the child's safety and the risk for occurrence or reoccurrence of abuse. Criteria to be used in the evaluation of the child's safety include but are not limited to the severity of the incident or condition, chronicity of the incident or condition, age of the child, attitude of the person alleged responsible, current services or supports, access of the person alleged responsible for the abuse to the child, and protectiveness of the parent or caretaker who is not alleged responsible for the abuse.

(3) Findings and contacts: a description of the child's condition, including identification of the nature, extent, and cause of the injuries, if any, to the child named in the report; identification of the injury or risk to which the child was exposed; the circumstances that led to the injury or risk to the child; the identity of the person alleged to be responsible for the injury or risk to the child; an evaluation of the home environment; the name and condition of other children in the same home as the child named in the report if protective concerns are identified; a list of collateral contacts; and a history of confirmed or founded abuse.

(4) Determination regarding the allegations of child abuse: a statement of determination of whether the allegation of child abuse was founded, confirmed but not placed on the central abuse registry, or not confirmed. The statement will include a rationale for placing or not placing the report on the central abuse registry.

(5) Recommendation for services and a statement describing whether services are necessary to ensure the safety of the child or to prevent or remedy other identified problems.

1. The statement will include the type of services recommended, if any, and whether these services are to be provided by the department, a child welfare service contractor, another community organization, other informal supports, or another source.

2. If services are already being provided, the statement will include a recommendation whether these services should continue.

(6) Juvenile court recommendation: a statement describing whether juvenile court action is necessary to ensure the safety of the child; the type of action needed, if any; and the rationale for the recommendation.

(7) Criminal court recommendation: a statement describing whether criminal court action is necessary and the rationale for the recommendation.

(8) Addendum: An addendum to a child abuse assessment report will be completed within 20 business days when any of the following occur:

1. New information becomes available that would alter the finding, conclusion, or recommendation of the report.

2. Substantive information that supports the finding becomes available.

3. A subject who was not previously interviewed requests an interview to address the allegations of the report.

4. A review or a final appeal decision modifies the report.

b. Use of assessment data. A safety assessment, family risk assessment, and safety plan, if applicable, may be used as part of the child's initial case plan for cases in which the department will provide services.

175.7(2) *Completion of a family assessment report.* A family assessment report will be completed within ten business days of the receipt of the report of suspected child abuse. A family assessment report will consist of assessment data only.

a. Assessment data. A family assessment report will include information pertaining to the department's evaluation of a family, which includes:

(1) Allegations: the report of suspected child abuse that caused the assessment to be initiated and additional allegations raised after the report of suspected child abuse becomes a case that have not been previously assessed.

(2) Evaluation of the child's safety: evaluation of the child's safety and the risk for occurrence or reoccurrence of abuse. Criteria to be used in the evaluation of the child's safety include but are not limited to the severity of the incident or condition, chronicity of the incident or condition, age of the child, attitude of the person alleged responsible, current services or supports, access of the person alleged responsible for the abuse to the child, and protectiveness of the parent or caretaker who is not alleged responsible for the abuse.

(3) Contacts: description of the circumstances that led to the allegations of abuse; strengths and needs of the child and of the child's parent, home, and family; any information obtained from others during the assessment; a history of confirmed or founded abuse; and an evaluation of the home environment and evaluation of any other children in the same home as the parents or other persons responsible for the children's care.

(4) Recommendation for services and a statement describing whether services are necessary to ensure the safety of the child or to prevent or remedy other identified problems.

1. The statement will include the type of services recommended, if any, and whether these services are to be provided by the department, a child welfare service contractor, another community organization, other informal supports, or another source.

2. If services are already being provided, the statement will include a recommendation whether these services should continue.

b. Use of assessment data. A safety assessment, family risk assessment, and safety plan may be used as part of the information referred for any services in which the family voluntarily agrees to participate.

441—175.8(232) Contact with juvenile court or the county attorney. The child protection worker may contact juvenile court or the county attorney, or both, as circumstances warrant.

175.8(1) *Report of intake.* When a report of suspected child abuse is accepted or rejected for assessment, the county attorney will be provided a child protective service intake form with information about the allegation of child abuse and with identifying information about the subjects of the report.

175.8(2) *Report of disposition.* The department will provide the juvenile court and the county attorney with a copy of the child abuse assessment report that pertains to the findings, determinations, and recommendations regarding the child abuse assessment.

175.8(3) *Report of assessment.* The department will provide the county attorney and the juvenile court with a copy of the family risk assessment, safety assessment, safety plan, and family assessment report when any of the following occur.

a. County attorney's or juvenile court's assistance necessary. The worker requires the court's or the county attorney's assistance to complete the assessment process.

b. Court's protection needed. The worker believes that the child requires the court's protection.

c. Child adjudicated. The child is currently adjudicated or pending adjudication under a child in need of assistance petition or a delinquency petition.

d. County attorney or juvenile court requests copy. The county attorney or juvenile court requests a copy of the child abuse assessment data. The child protection worker will document when the assessment data is provided to the county attorney or juvenile court and the rationale provided for the request.

441—175.9(232) Consultation with health practitioners or mental health professionals. The child protection worker may contact a health practitioner or a mental health professional as circumstances warrant and will contact a health practitioner or a mental health professional when the worker requires the assistance of the health practitioner or mental health professional in order to complete the assessment process or when the worker requires the opinion or advice of the health practitioner or mental health professional in order to determine whether the child requires or should have required medical, health or mental health care as a result of suspected abuse.

441—175.10(232) Consultation with law enforcement.

175.10(1) During the course of a child abuse assessment, the child protection worker may contact law enforcement as warranted and will contact law enforcement when the worker believes that:

a. The abuse reported is more likely than not to result in a criminal investigation and subsequent prosecution.

b. The child needs to be separated from the person responsible for the abuse.

c. Contact by the child protection worker with the family will result in a volatile and dangerous response by the child or family members.

175.10(2) During the course of a family assessment, the child protection worker will not involve law enforcement for the purposes of a joint investigation but will immediately refer any information regarding a criminal act harming a child to the appropriate law enforcement agency.

441—175.11(232) Information shared with law enforcement. When the department is jointly conducting a child abuse assessment with law enforcement personnel, the department may share information gathered during the child abuse assessment process when an assessment is conducted in conjunction with a criminal investigation. When the department has rejected an intake or an intake is accepted for a family assessment, only the information collected at intake (excluding reporter information) may be shared with law enforcement.

441—175.12(232) Completion of required correspondence.

175.12(1) *Notification to parents that an assessment is being conducted.* Written notice will be provided to the parents of a child who is the subject of an assessment within five working days of commencing an assessment. Both custodial and noncustodial parents will be notified, if their whereabouts are known. If it is believed that notification will result in danger to the child or others, an emergency order to prohibit parental notification will be sought from juvenile court.

175.12(2) *Notification of completion of assessment and right to request correction.* Written or electronic notice that indicates that the child abuse assessment is completed will be provided to all subjects of a child abuse assessment and to the mandatory reporter who made the report of child abuse. Both custodial and noncustodial parents will be notified if their whereabouts are known.

a. The notice will contain the following information pursuant to Iowa Code section 235A.19:

(1) A subject may request correction of the information contained within the child abuse assessment report if the subject disagrees with the information.

(2) A person named responsible for the abuse has the right to appeal if the department does not correct the data or findings as requested.

(3) A subject, other than the person named responsible for the abuse, has the opportunity to file a motion to intervene in an appeal hearing.

b. If the child abuse assessment results in a determination that abuse is confirmed, the notice will indicate the type of abuse, name of the child and name of the person responsible for the abuse and whether the report has been placed on the central abuse registry.

c. The department will provide written or electronic notice to the parent or guardian of each child listed in the family assessment report of the completion of the assessment and review any service recommendations. Because no determination concerning child abuse or neglect is made and nothing is reported to the central abuse registry, a subject of a family assessment will not be afforded the opportunity for a contested case hearing.

175.12(3) *Notification to relatives that a child has been removed.* The department will exercise due diligence in identifying and providing written or electronic notice to relatives within 30 days after an order removing a child from the custody of a parent or parents of the child pursuant to Iowa Code section 232.84.

175.12(4) *Notification to department staff.* When the department staff are the mandatory reporters to an assessment, the department will issue the following notices electronically:

a. Notice of intake decision as required under Iowa Code section 232.70.

b. Outcome notice pursuant to Iowa Code sections 232.71B, 235A.15, and 235A.17(2).

441—175.13(232,235A) Case records. The assessment case record will contain the assessment report and any related correspondence or information that pertains to the assessment or to the child and family. The name of the person who made the report of child abuse will not be disclosed.

175.13(1) *Child abuse assessment report.* A child abuse assessment report has two parts.

a. Report and disposition data. Subjects of the report have access to report and disposition data, including, where applicable, confirmation of placement on the central abuse registry for abuse reports meeting the criteria pursuant to Iowa Code section 232.71D. A child abuse assessment report will be submitted to the central abuse registry only if the abuse is confirmed and determined to meet the criteria pursuant to Iowa Code section 232.71D.

b. Assessment data will be available to subjects. Release of assessment data will be accomplished only when the parent or guardian approves the release. Assessment data will not be submitted to the central abuse registry.

175.13(2) *Family assessment report.* A family assessment report includes assessment data only. Assessment data will be available to subjects. Release of assessment data will be accomplished only when the parent or guardian of a child named in a family assessment report approves the release as provided in Iowa Code section 217.30 or as specified in Iowa Code section 235A.15. Assessment data will not be submitted to the central abuse registry.

175.13(3) *Child abuse assessments where abuse was confirmed but not placed on the central abuse registry.* The following conditions apply to case records for assessments in which abuse was confirmed but not placed on the central registry.

a. Access to the report data and disposition data is authorized only to the subjects of the report, the child protection worker, the law enforcement officer responsible for assisting in the assessment or for the temporary emergency removal of a child from the child's home, the multidisciplinary team assisting the department in the assessment of the abuse, the county attorney, juvenile court, a person or agency responsible for the care of the child if the department or juvenile court determines that access is necessary, the department or contract personnel necessary for official duties, the department of justice, and the attorney for the department.

b. The child abuse assessment is retained for five years from the date of intake or five years from the date of closure of the service record, whichever occurs later.

c. The child abuse assessment report is subject to the confidentiality provisions of Iowa Code section 217.30. No confidential information will be released without consent except where there is otherwise authorized access to information as specified in the provisions of Iowa Code section 235A.15.

175.13(4) *Child abuse assessments not placed on the central abuse registry where abuse was not confirmed.* The following conditions apply to case records for assessments in which abuse was not confirmed and not placed on the central registry:

a. Access to the assessment data on a child abuse assessment summary where abuse was not determined to have occurred and, therefore, the assessment was not placed on the central abuse registry is authorized only to the subjects of the assessment, the child protection worker, the county attorney, juvenile court, a person or agency responsible for the care of the child if the department or juvenile court determines that access is necessary, the department of justice, and department or contract personnel necessary for official duties.

b. Records are retained for five years from the date of intake or five years from the date of closure of the service record, whichever occurs later.

c. The child abuse assessment report is subject to the confidentiality provisions of Iowa Code section 217.30. No confidential information will be released without consent except where there is otherwise authorized access to information as specified in the provisions of Iowa Code section 235A.15.

175.13(5) *Family assessment.* The following conditions apply to case records for all family assessments:

a. Access to the assessment data on a family assessment report is authorized only to the subjects of the assessment, the child protection worker, a person or agency responsible for the care of the child if the department or juvenile court determines that access is necessary, the department of justice, and department or contract personnel necessary for official duties.

b. Records are retained for five years from the date of intake or five years from the date of closure of the service record, whichever occurs later.

c. The family assessment report is subject to the confidentiality provisions of Iowa Code section 217.30. No confidential information will be released without consent except where there is otherwise authorized access to information as specified in the provisions of Iowa Code section 235A.15.

441—175.14(232,235A) Child protection centers. The department may contract with designated child protection centers for assistance in conducting child abuse assessments. When a child who is the subject of an assessment is interviewed by staff at a child protection center, that interview may be used in conjunction with an interview conducted by the child protection worker. Written reports developed by the child protection center shall be provided to the child protection worker and may be included in the assessment case record. Video or audio records are considered to be part of the assessment process and shall be maintained by the child protection center under the same confidentiality provisions of Iowa Code section 217.30. Services or assistance from a child protection center will not be available through a family assessment.

441—175.15(232) Department-operated facilities. When an allegation of child abuse occurs at a department-operated facility, the allegation will be referred to the department of inspections, appeals, and licensing for investigation or assessment.

441—175.16(232,235A) Jurisdiction of assessments. Child protection workers serving the county in which the child's home is located have primary responsibility for completing the assessment except when the suspected abuse occurs in an out-of-home placement. Circumstances in which the department will conduct an assessment when another state is involved include the following.

175.16(1) *Child resides in Iowa but incident occurred in another state.* When the child who is the subject of a report of suspected abuse physically resides in Iowa but has allegedly been abused in another state, the worker will do all of the following:

a. Obtain available information from the reporter.

b. Make a report to the office of the other state's protective services agency and request assistance from the other state in completing the assessment.

c. Complete the assessment with assistance, as available, of the other state.

175.16(2) *Child resides in another state, but is present within Iowa.* When the child who is the subject of a report of abuse is a legal resident of another state, but is present within Iowa, the worker receiving the report will do all of the following:

a. Act to ensure the safety of the child.

b. Contact the child's state of legal residency to coordinate the assessment of the report.

c. Commence an assessment if the state of legal residency declines to conduct an investigation.

175.16(3) *Child resides in another state and perpetrator resides in Iowa.* When the child who is the subject of a report of abuse resides in another state and the perpetrator resides in Iowa, the worker receiving the report will do all of the following:

a. Contact the state where the child resides and offer assistance to that state in its completion of a child abuse assessment. This assistance will include an offer to interview the person allegedly responsible for the abuse and any other relevant source of information.

b. Commence an assessment if the child's state of legal residency declines to conduct an investigation.

441—175.17(235A) Multidisciplinary teams. Multidisciplinary teams will be developed in county or multicounty areas in which more than 50 child abuse cases are received annually. These teams may be used as an advisory group to assist the department in conducting child abuse assessments. Multidisciplinary teams consist of professionals practicing in the disciplines of medicine, public health, mental health, social work, child development, education, law, juvenile probation, law enforcement, nursing, and substance abuse counseling. Members of multidisciplinary teams shall maintain confidentiality of cases in which they provide consultation. Rejected intakes will not be shared with multidisciplinary teams since the rejected intakes are not considered to be child abuse information. During the course of a child abuse assessment, information regarding the initial report of child abuse and information related to the child and family functioning may be shared with the multidisciplinary team. After a conclusion is made, only report data and disposition data on confirmed cases of child abuse may be shared with the team members. When the multidisciplinary team is created, all team members shall execute an agreement, filed with the central abuse registry, that specifies:

175.17(1) *Consultation.* The team will be consulted solely for the purpose of assisting the department in the child abuse assessment and diagnosis of child abuse cases.

175.17(2) *Redissemination.* No team member shall redisseminate child abuse information obtained through the multidisciplinary team. This does not preclude redissemination of information as authorized by Iowa Code section 235A.17 when an individual team member has received information as a result of another authorized access provision of the Iowa Code.

175.17(3) *Department not bound.* The department will consider the recommendation of the team in a specific child abuse case but will not, in any way, be bound by the recommendation.

175.17(4) *Confidentiality provisions.* Any written report or document produced by the team pertaining to an assessment case shall be made a part of the file for the case and shall be subject to all confidentiality provisions unless the child abuse assessment results in placement on the central abuse registry, in which case the written report or document shall be subject to all confidentiality provisions of Iowa Code chapter 235A.

175.17(5) *Written records.* Any written records maintained by the team that identify an individual child abuse assessment case shall be destroyed when the agreement lapses.

175.17(6) *Compensation.* Consultation team members shall serve without compensation.

175.17(7) *Withdrawal from contract.* Any party to the agreement may withdraw with or without cause upon the giving of 30 days' notice.

175.17(8) *Expiration date.* The date on which the agreement will expire shall be included.

441—175.18(232) Publicity, education, and training. The department will conduct publicity, education, and training pursuant to Iowa Code section 232.76.

441—175.19(235) Written authorizations. Requests for information from members of the general public as to whether a person is named on the central abuse registry as having abused a child shall be submitted on the Authorization for Release of Child Abuse Information form to the county office of the department or the central abuse registry. The form shall be completed and signed by the person requesting the information and the person authorizing the check for the release of child abuse information.

441—175.20(232) Founded child abuse. Reports of child abuse where abuse has been confirmed will be placed on the central abuse registry as founded child abuse for either five or ten years under any of the circumstances specified by Iowa Code section 232.71D. When none of the placement criteria listed in Iowa Code section 232.71D(3)*"b"* are applicable, reports of denial of critical care by failure to provide adequate clothing or failure to provide adequate supervision and physical abuse where abuse has been confirmed and determined to be minor, isolated, and unlikely to reoccur will not be placed on the central abuse registry as a case of founded child abuse.

175.20(1) *Confidentiality of founded child abuse report and data.* The confidentiality of report and disposition data pertaining to founded child abuse will be maintained as provided in Iowa Code chapter 235A. Access to the report and disposition data on founded child abuse is authorized only as provided in Iowa Code section 235A.15.

175.20(2) *Sealing and expungement of founded child abuse report and data.* Report and disposition data pertaining to founded child abuse will be sealed and expunged as provided in Iowa Code section 235A.18.

441—175.21(235A) Access to child abuse information. Requests for child abuse information shall include sufficient information to demonstrate that the requesting party has authorized access to the information.

175.21(1) *Written requests.* Requests for child abuse information shall be submitted on a Request for Child Abuse Information form to the county office of the department. Requests made for the purpose of determining employability of a person in a department-operated facility will be submitted to the central abuse registry. Subjects of a report may submit a request for child abuse information to the county office of the department on a Request for Child Abuse Information form, a Notice of Child Abuse Assessment: Founded form, a Notice of Child Abuse Assessment: Confirmed Not Registered form, a Notice of Child Abuse Assessment: Not Confirmed form, or a Family Assessment Report form. The county office is granted permission to release child abuse information to the subject of a report immediately upon verification of the identity and subject status.

175.21(2) *Oral requests.* Oral requests for child abuse information may be made when a person making the request believes that the information is needed immediately and if the person is authorized to access the information. When an oral request to obtain child abuse information is granted, the person approving the request will document the approval to the central abuse registry through use of a Request for Child Abuse Information form or a Notice of Child Abuse Assessment: Founded form. Upon approval of any request for child abuse information authorized by this rule, the department will withhold the name of the person who made the report of child abuse unless ordered by a juvenile court or district court after a finding that the person's name is needed to resolve an issue in any phase of a case involving child abuse. Written requests and oral requests do not apply to child abuse information that is disseminated to an employee of the department, to a juvenile court, or to the attorney representing the department as authorized by Iowa Code section 235A.15.

175.21(3) *Written authorizations.* Requests for information from members of the general public as to whether a person is named on the central abuse registry as having abused a child shall be submitted on an Authorization for Release of Child Abuse Information form to the county office of the department or the central abuse registry. The form shall be completed and signed by the person requesting the information and the person authorizing the check for the release of child abuse information. The department will not provide requested information when the authorization form is incomplete. Incomplete authorization forms are returned to the requester.

441—175.22(235A) Research. Access to child abuse information for bona fide research purposes is governed by Iowa Code section 235A.15 and the fair information practice standards of 441—Chapter 2505.

441—175.23(235A) Citizen review panels. The department will convene child protection services citizen review panels as set forth in the federal Child Abuse Prevention and Treatment Act as amended to August 1, 2026.

These rules are intended to implement Iowa Code sections 232.67 through 232.70, 232.71B, 232.71C, 232.71D, 232.72 through 232.77, and 232.79B and chapter 235A.