

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 235.3 and 2013 Iowa Acts, House File 590, the Department of Human Services amends Chapter 172, “Family-Centered Child Welfare Services,” Chapter 175, “Abuse of Children,” and Chapter 186, “Community Care,” Iowa Administrative Code.

These amendments establish a new assessment process (a Differential Response System) for reports that constitute child abuse allegations. The amendments require a current determination of abuse to be founded if a previous incident of abuse was confirmed within the past five years. The amendments also provide for the removal of a person’s name from the central abuse registry after five years if the report and disposition data determined the person committed physical abuse, failure to provide critical care, or the presence of an illegal drug in a child’s body so long as the abuse did not result in the child’s death or serious injury and there was not further confirmed abuse within that five-year time period. Finally, the amendments define and structure community care services and family-centered child welfare services as they relate to differential response.

The amendments bring the Department into compliance with legislative requirements found in 2013 Iowa Acts, House File 590, and the CAPTA Reauthorization Act of 2010.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 0915C** on August 7, 2013.

The Department received comments from one respondent on the proposed amendments. A compilation of the comments and the Department’s response are as follows:

**Respondent comment:** The proposed amendment of rule 441—175.39(232) allows for removal of a person’s name from the central abuse registry after five years if the report and disposition data determined the person to have committed physical abuse, failure to provide critical care, or the presence of illegal drugs in a child’s body, so long as the abuse did not result in serious injury or death to the child. There is no provision in this amendment for allowing people who are currently on the central abuse registry to be removed after five years.

The regulation needs to specify that individuals who have been on the registry for five years for physical abuse, failure to provide critical care, or the presence of illegal drugs in a child’s body that did not result in serious injury or death to the child will have their names removed from the registry. This change in the statute and regulation reflects a realization that a one-size-fits-all response to founded abuse reports is essentially unfair and not good public policy. The state is now committed to the utilization of a fairer process. It is a righteous change, but it is incomplete if it does not apply to those who have already been on the registry for five years. Justification cannot be found in the fact that the assessment was made before or after a given date. This is especially so given the number of individuals who were unlawfully placed on the registry for denial of critical care regarding supervision prior to the *Doe vs. Iowa Department of Human Services* case.

**Department response:** Pursuant to 2013 Iowa Acts, House File 590, section 20(2), Iowa Code section 235A.18 as amended by 2013 Iowa Acts, House File 590, section 13, “shall apply to the name of an alleged perpetrator of the alleged child abuse which is placed in the central registry pursuant to [Iowa Code] section 232.71D on or after the effective date,” which is stated in the Act as January 1, 2014. This law does not allow the Department to create administrative rules which would contradict the amendment as set forth in the law.

It should also be noted that pursuant to the direction of 2012 Iowa Acts, House File 2226, section 6, the Department was charged with reviewing and recommending “the length of time a person named in a child abuse report as having abused a child should remain on the child abuse registry and the circumstances under which the department may remove the name of a person named in the report as having abused a child from the report and disposition data prior to the expiration of a ten-year period.” As the legislative report “Summary of Child Abuse Registry Length of Time Review” indicated, the workgroup discussed the potential for discretion to allow the Department to remove a person from the registry prior to the

expiration of the time period mandated in Iowa Code chapter 235A. The Department ultimately decided against that recommendation due to two critical factors:

1. The entire purpose of the review was to make recommendations that would reduce the number of appeals in the system and reduce the amount of time for appeals to be satisfied. A recommendation to allow the Department such discretion was considered to be wholly counterproductive to the purpose of the effort.

2. All persons listed on the registry have had the opportunity to pursue reevaluation of their placement on the registry using their due process rights, and many have taken advantage of that opportunity. As a result of that review and the corresponding rulings, those persons continue to be listed on the registry. To open the whole registry to a potential second or third review was not feasible because, even though it was initially thought that such a “discretionary decision” by the Department would not be subject to due process rights, the Department with confirmed support by the Attorney General’s Office ascertained it was not possible to deny such rights. As a result, an entirely new loop of appeal processes and decisions would have to be enacted. Again, this strategy was deemed to be wholly counterproductive to the purpose.

In addition to the comments received from the respondent, the Department conducted an internal review of the proposed amendments to ensure compliance with legislative intent. As a direct result of the review, changes were made in subrules 175.24(2), 175.24(3), 175.25(9), 175.26(1), 175.26(2), 175.31(2), 175.32(2), 175.32(4) and 175.32(5) and in rule 441—175.33(232,235A).

The Council on Human Services adopted these amendments on October 9, 2013.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, there is a potential impact on private sector jobs. More individuals across the state will have the ability to work in additional fields of employment and have access to additional educational opportunities if their names are removed from the registry in five years versus ten years.

These amendments are intended to implement Iowa Code chapter 235 and 2013 Iowa Acts, House File 590.

These amendments will become effective January 1, 2014.

The following amendments are adopted.

ITEM 1. Amend rule **441—172.1(234)**, definition of “Conditionally safe,” as follows:

“*Conditionally safe*” means that one or more signs of present or impending danger to a child that are identified on Form 470-4132 or 470-4132(S), on the Safety Assessment form, which are not offset by the child’s degree of vulnerability or the caretaker’s protective capacity. A safety plan is required.

ITEM 2. Amend rule 441—172.3(234) as follows:

**441—172.3(234) Authorization.** When the agency has approved provision of family-centered child welfare services for a child and family, the agency worker shall notify the contractor by issuing ~~Form 470-3055~~; the Referral and Authorization for Child Welfare Services form. ~~The~~ This referral form shall indicate:

1. The specific service category authorized (safety plan; family safety, risk, and permanency; ~~drug testing; family team meeting facilitation; or legal services for permanency~~); and
2. The duration of the authorization.

ITEM 3. Amend paragraph **172.13(2)“d”** as follows:

d. Make daily face-to-face contact with the alleged child victim or child subject and the child’s parents as identified in ~~Form 470-4661 or 470-4661(S)~~; the Safety Plan, form and Form 470-5011, the Safety Plan Services Referral Face Sheet. The frequency of contact with siblings and others involved in the case shall be as identified on ~~Form 470-5011~~ the Safety Plan Service Referral Face Sheet.

ITEM 4. Amend paragraph **172.22(1)“c”** as follows:

c. Evaluation of the ~~child’s age~~; the findings of a child abuse assessment report; and the family’s risk assessment score.

ITEM 5. Amend rule 441—175.21(232,235A) as follows:

**441—175.21(232,235A) Definitions.**

*“Adequate food, shelter, clothing, medical or mental health treatment, supervision or other care”* means that food, shelter, clothing, medical or mental health treatment, supervision or other care which, if not provided, would constitute a denial of critical care.

*“Allegation”* means a statement setting forth a condition or circumstance yet to be proven.

*“Assessment”* means the process by which the department carries out its legal mandate to ascertain if child abuse has occurred, to record findings, to develop conclusions based upon evidence, to address the safety of the responds to all accepted reports of alleged child abuse. An “assessment” addresses child and safety, family functioning, engage culturally competent practice, and identifies the family strengths and needs, and engages the family in services if needed, enhance family strengths and address needs in a culturally sensitive manner. The department’s assessment process occurs either through a child abuse assessment or a family assessment.

*“Assessment intake”* means the process by which the department receives and records reports a report of suspected child abuse.

*“Caretaker”* means a person responsible for the care of a child as defined in Iowa Code section 232.68.

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

*“Child abuse assessment”* means an assessment process by which the department responds to all accepted reports of child abuse which allege child abuse as defined in Iowa Code section 232.68(2) “a”(1) through (3) and (5) through (10); or which 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. A “child abuse assessment” results in a disposition and a determination of whether a case meets the definition of child abuse and a determination of whether criteria for placement on the registry are met.

*“Community care,”* as provided in rule 441—186.1(234), means child- and family-focused services and supports provided to families referred from the department. Services shall be geared toward keeping the children in the family safe from abuse and neglect; keeping the family intact; preventing the need for further intervention by the department, including removal of the child from the home; and building ongoing linkages to community-based resources that improve the safety, health, stability, and well-being of families served.

*“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 shall mean 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 shall not be considered abusing the child and shall 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) which 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.

*"Department"* means the department of human services.

*"Differential response"* means an assessment system in which there are two discrete pathways to respond to accepted reports of child abuse, a child abuse assessment and a family assessment. The child abuse assessment pathway shall require a determination of abuse and a determination of whether criteria for placement on the central abuse registry are met.

*"Facility providing care to a child"* means any public or private facility, including an institution, hospital, health care facility, intermediate care facility for ~~mentally retarded~~ persons with an intellectual disability, residential care facility for ~~mentally retarded~~ persons with an intellectual disability, or skilled nursing facility, group home, mental health facility, residential treatment facility, shelter care facility, detention facility, or child care facility which 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. Public facilities which are operated by the department of human services are assessed by the department of inspections and appeals.

*"Family assessment"* means an assessment process by which the department responds to all accepted reports of child abuse which allege child abuse as defined in Iowa Code section 232.68(2)"a"(4), but do not allege imminent danger, death, or injury to a child. A "family assessment" does not include a determination of whether a case meets the definition of child abuse and does not include a determination of whether criteria for placement on the central abuse registry are met.

*"Illegal drug"* means cocaine, heroin, amphetamine, methamphetamine or other illegal drugs, including marijuana, or combinations or derivatives of illegal drugs which were not prescribed by a health practitioner.

*"Immediate threat" or "imminent danger"* means conditions which, 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 an infant 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 which was the natural and probable result of a caretaker's actions which the caretaker could have reasonably foreseen, or which a reasonable person could have foreseen in similar circumstances, or which resulted from an act administered for the specific purpose of causing an injury.

*"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 which results in the death of the person who has sustained the damage.

*"Preponderance of evidence"* means evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it.

*"Proper supervision"* means that supervision which 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.

*"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.

“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.

“Unduly” shall mean improper or unjust, or excessive.

ITEM 6. Amend rule 441—175.22(232) as follows:

**441—175.22(232) Receipt of a report of suspected child abuse.** Reports of suspected child abuse shall be received by local department offices, the central abuse registry, or the Child Abuse Hotline.

**175.22(1)** No change.

**175.22(2)** Reports of suspected child abuse which do not meet the legal definition of child abuse shall 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 shall immediately refer the matter to the appropriate law enforcement agency.

*b.* If a report constitutes an allegation of child sexual abuse as defined under Iowa Code section 232.68(2) “c,” ~~paragraph “e”~~ or “e,” except that the suspected abuse resulted from the acts or omissions of a person who was not a caretaker, the department shall refer the report to law enforcement orally and, as soon as practicable, follow up in writing within 72 hours of receiving the report.

ITEM 7. Amend rule 441—175.23(232) as follows:

**441—175.23(232) Sources of report of suspected child abuse.**

**175.23(1) Mandatory reporters.** Any person meeting the criteria of a mandatory reporter is required to make an oral report of the suspected child abuse to the department within 24 hours of becoming aware of the abusive incident and make a written report to the department within 48 hours following the oral report. If the person making the report has reason to believe that immediate protection for the child is advisable, that person shall also make an oral report to an appropriate law enforcement agency.

**175.23(2) Others required to report.** In addition to mandatory reporters which 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.* Income maintenance workers.
- b.* Certified adoption investigators.

**175.23(3)** No change.

ITEM 8. Amend rule 441—175.24(232) as follows:

**441—175.24(232) ~~Child abuse assessment~~ 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 a ~~case~~ accepted for assessment or a rejected intake.

**175.24(1)** To result in a ~~case~~ 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 a caretaker.

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

**175.24(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 which allege child abuse as defined in Iowa Code section 232.68(2) “a”(1) through (3) and (5) through (10); or which allege child abuse as defined in Iowa Code section 232.68(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 requires a one-hour response or 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 which 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 which allege child abuse as defined in Iowa Code section 232.68(2) “a”(4) 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 require a one-hour response or 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 which 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.

**175.24(2) 175.24(3)** Only mandatory reporters or the person making the 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 nonmandatory reporters anyone outside the department of human services, other than the original reporter reporter(s), automatically causes the report of suspected child abuse to be accepted for assessment.

~~175.24(3)~~ **175.24(4)** When it is determined that the report of suspected child abuse fails to constitute an allegation of child abuse, the report of suspected child abuse shall become a rejected intake. Rejected intake information shall be maintained by the department for three years from the date the report was rejected and shall then be destroyed.

~~175.24(4)~~ **175.24(5)** The county attorney shall be notified of all reports of suspected child abuse. When a report of suspected child abuse is received which does not meet the requirements ~~to become a case, but has~~ for an assessment or is accepted as a family assessment, and there is information about illegal activity a criminal act harming a child, the department shall notify law enforcement of the report.

~~175.24(5)~~ **175.24(6)** When it is determined that a report of a child needing the assistance of the court fails to meet the definition of “child in need of assistance” in Iowa Code section 232.2(6), the report shall become a rejected child in need of assistance intake. The department shall maintain the report for three years from the date the report was rejected and shall then destroy it.

ITEM 9. Amend rule 441—175.25(232) as follows:

~~441—175.25(232)~~ **Child abuse assessment Assessment process.** ~~An~~ A child abuse assessment shall be initiated within 24 hours following the report of suspected child abuse ~~becoming a case.~~ A family assessment shall 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. ~~There are eight tasks associated with completion of the assessment. These are:~~

**175.25(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.

a. In instances During a child abuse assessment, when there is an immediate threat to the child’s safety, reasonable efforts shall be made to observe the alleged child victim and evaluate the safety of the child named in the report within one hour of receipt of the report of suspected child abuse. Otherwise, reasonable efforts shall 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 ~~becoming a case.~~

(1) When the alleged perpetrator clearly does not have access to the alleged child victim, reasonable efforts shall 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.

b. During a family assessment, reasonable efforts shall 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 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 shall immediately commence a child abuse assessment as defined in Iowa Code section 232.71B as amended by 2013 Iowa Acts, House File 590.

(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 shall transfer the assessment to the child abuse assessment pathway for a disposition.

**175.25(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 shall 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.

**175.25(3) *Interviewing subjects of the report and other sources.***

a. Attempts During a child abuse assessment, attempts shall 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) shall 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 shall 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.

**175.25(4) *Gathering of physical and documentary evidence.*** ~~Evidence~~ During a child abuse assessment, evidence shall be gathered from, but not be limited to, 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.

**175.25(5) *Evaluating the home environment and relationships of household members.*** ~~The evaluation may, An evaluation of the home environment shall be conducted during the course of an assessment with the consent of the parent or guardian, include a visit to the home where the child resides. If permission is refused, the juvenile court may authorize the worker to enter the home to observe or interview the child. An evaluation of the home environment shall be conducted during the course of the child abuse assessment.~~

a. If protective concerns are identified, the child protection worker shall 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 ~~ease~~ assessment shall include a full description of observations and information gathered during the assessment process. This description shall provide information which 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 shall 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 shall be conducted.

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

**175.25(6) *Evaluating the information.*** ~~Evaluation~~ During a child abuse assessment, evaluation of information shall include an analysis, which considers the credibility of the physical evidence, observations, and interviews, and shall result in a conclusion of whether or not to confirm the report of suspected child abuse.

**175.25(7) *Determining placement on central abuse registry.*** ~~A~~ 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 as amended by 2011 Iowa Acts, House File 562, shall be made on each assessment. Determining placement on the central abuse registry is not applicable in a family assessment.

**175.25(8) *Service recommendations and referrals.*** During or at the conclusion of a child abuse assessment or a family assessment, the department shall consult with the child's family to offer services to the child and the child's family which 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 ~~treatment~~ services are necessary for the protection of the abused child or other children in the home, juvenile court intervention shall be sought.

a. Information or information and referral.



~~(1) Families with children of any age that have confirmed or not confirmed abuse and low risk of abuse shall be provided either information or information and referral when: Either information or information and referral shall be offered when:~~

- ~~1. A family assessment has identified the child to be at low risk of future abuse or neglect; or~~
- ~~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.~~

~~(2) Recommendation options for information and information and referral.~~

- ~~(1) 1. No When no service needs are identified, and the worker recommends may recommend no service; or~~
- ~~(2) 2. Service When service needs are identified, and the worker recommends may recommend new or continuing services to the family to be provided through informal supports; or~~
- ~~(3) 3. Service When service needs are identified, and the worker recommends may recommend new or continuing services to the family to be provided through community agencies organizations.~~

~~b. Referral to community care.~~

~~(1) With the exception of families of children with an open department service case, court action pending, or abuse in an out-of-home setting, a referral to community care shall be offered to: A referral to community care shall be offered when:~~

- ~~(1) 1. Families with children whose abuse is not confirmed when there is moderate to high risk of abuse, service needs are identified, and the worker recommends community care. A family assessment has identified the child to be at moderate or high risk of future abuse or neglect; or~~
- ~~(2) 2. Families with children that have confirmed but not founded abuse and moderate or high risk of abuse when service needs are identified and the worker recommends community care. A child abuse assessment has identified the abuse is not confirmed and the child is believed to be at moderate or high risk of future abuse or neglect; or~~
- ~~(3) 3. Families with children with founded abuse, a victim child six years of age or older, and a low risk of repeat abuse when service needs are identified and the worker recommends community care. A child abuse assessment has identified the abuse is confirmed and not placed on the registry and the child is believed to be at moderate risk of future abuse or neglect.~~

~~(2) Referral to community care not offered. A referral to community care shall not be offered when any child in the family has an open child welfare service case with the department, a child in need of assistance petition was filed or is pending, or if the abuse occurred in an out-of-home setting.~~

~~(3) Responsibilities for community care referral.~~

~~1. At the conclusion of a family assessment, the department shall transfer the case, if appropriate, to a contracted provider to review the service plan for the child and family.~~

~~2. The contracted provider shall make a referral to the department abuse hotline if a family's noncompliance with a service plan places a child at risk.~~

~~• If any of the criteria for child abuse as defined in Iowa Code section 232.68 are met, the department shall commence a child abuse assessment.~~

~~• If criteria for a child in need of assistance as defined in Iowa Code section 232.2(6) are met, the department shall determine whether to request a child in need of assistance petition.~~

~~c. Referral for department services.~~

~~(1) Families with children that have founded abuse and moderate to high risk of abuse and families with victim children under age six that have founded abuse and low risk of abuse shall be offered department services on a voluntary basis. The department shall 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.~~

~~(1)~~ (2) The worker shall recommend new or continuing ~~treatment~~ services to the family to be provided by the department, either directly or through contracted agencies.

~~(2)~~ (3) Families that refuse voluntary services shall be referred for a child in need of assistance ~~action~~ petition through juvenile court.

175.25(9) Court action following assessment. If, upon completion of an assessment performed under Iowa Code section 232.71B as amended by 2013 Iowa Acts, House File 590, the department determines that the best interests of the child require juvenile court action, the department shall 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 shall act appropriately to initiate the action.

b. The department shall 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 as amended by 2013 Iowa Acts, House File 590.

ITEM 10. Amend rule 441—175.26(232) as follows:

~~441—175.26(232) Completion of a child protective written assessment summary report.~~ The child protection worker shall complete a child protective written assessment summary report within 20 business days from the date of the report of child abuse becoming a case. In most instances, the child protective assessment summary shall be developed in conjunction with the child and family being assessed. A child protective assessment summary shall consist of two parts as follows:

~~175.26(1) Report and disposition data~~ Completion of a child abuse assessment report. Form 470-3240, Child Protective Services Assessment Summary, shall include report and dispositional data as follows: A child abuse assessment report shall be completed within 20 business days of the receipt of the child abuse report. In most instances, a child abuse assessment report shall be developed in conjunction with the child and family being assessed. A child abuse assessment report shall consist of two parts as follows:

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

~~a.~~ (1) Allegations: the report of suspected child abuse which 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 shall be identified.

~~b.~~ (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 ~~treatment~~ 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.

~~c.~~ (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 which 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.

~~d.~~ (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 shall include a rationale for placing or not placing the case report on the central abuse registry.

~~e.~~ (5) Recommendation for ~~treatment~~ services as specified in 175.25(8) and a statement describing whether ~~treatment~~ services are necessary to ensure the safety of the child or to prevent or remedy other identified problems.

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

~~(2)~~ 2. If ~~treatment~~ services are already being provided, the statement shall include a recommendation whether these ~~treatment~~ services should continue.

~~f.~~ (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.

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

~~h.~~ (8) Addendum: An addendum to ~~an~~ a child abuse assessment ~~summary report~~ shall be completed within 20 business days when any of the following occur:

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

~~(2)~~ 2. Substantive information that supports the finding becomes available.

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

~~(4)~~ 4. A review or a final appeal decision modifies the ~~summary report~~.

~~175.26(2)~~ b. *Assessment Use of assessment data.* Form 470-4133, Family Risk Assessment, Form 470-4132, Safety Assessment, and Form 470-4461, Safety Plan, if applicable, may be used as part of the child's initial case plan, referenced at 441—subrule 130.7(3), for cases in which the department will provide ~~treatment services~~. A safety assessment, family risk assessment, and safety plan, if applicable, may be used as part of the child's initial case plan, referenced at 441—subrule 130.7(3), for cases in which the department will provide services.

~~175.26(2)~~ *Completion of a family assessment report.* A family assessment report shall be completed within ten business days of the receipt of the report of suspected child abuse. A family assessment report shall consist of assessment data only.

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

(1) Allegations: the report of suspected child abuse which 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 as specified in 175.25(8) 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 shall 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 shall 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.

ITEM 11. Amend rule 441—175.27(232) as follows:

**441—175.27(232) Contact with juvenile court or the county attorney.** The child protection worker may orally contact juvenile court or the county attorney, or both, as circumstances warrant.

**175.27(1) Report of intake.** When a report of suspected child abuse is accepted or rejected for assessment, the county attorney shall be provided ~~Form 470-0607~~, a Child Protective Service Intake form, with information about the allegation of child abuse and with identifying information about the subjects of the report.

**175.27(2) Report of disposition.** The child protection worker shall provide the juvenile court and the county attorney with a copy of ~~Form 470-3240, Child Protective Services Assessment Summary~~ the child abuse assessment report, which pertains to the findings, determinations, and recommendations regarding the ~~report of~~ child abuse assessment.

**175.27(3) Report of assessment.** The child protection worker shall provide the county attorney and the juvenile court with a copy of ~~Form 470-4133~~, the Family Risk Assessment, ~~and Forms 470-4132, Safety Assessment, and 470-4461~~, 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 shall document when the assessment data is provided to the county attorney or juvenile court and the rationale provided for the request.

ITEM 12. Amend rule 441—175.28(232) as follows:

**441—175.28(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 shall 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 if the child requires or should have required medical, health or mental health care as a result of suspected abuse.

ITEM 13. Amend rule 441—175.29(232) as follows:

**441—175.29(232) Consultation with law enforcement.**

**175.29(1)** ~~The~~ During the course of a child abuse assessment, the child protection worker may contact law enforcement as warranted and shall contact law enforcement when the worker believes that:

~~1.~~ a. The abuse reported may require a criminal investigation and subsequent prosecution.

~~2.~~ b. The child must be separated from the person responsible for the abuse.

~~3.~~ c. Contact by the child protection worker with the family will result in a volatile and dangerous response by the child or family members.

**175.29(2)** During the course of a family assessment, the child protection worker shall not involve law enforcement for the purposes of a joint investigation, but shall immediately refer any information regarding a criminal act harming a child to the appropriate law enforcement agency.

ITEM 14. Amend rule 441—175.30(232) as follows:

**441—175.30(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 ~~or the reported abuse has been referred to law enforcement.~~ 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.

ITEM 15. Amend rule 441—175.31(232) as follows:

**441—175.31(232) Completion of required correspondence.**

**175.31(1) Notification to parents that ~~a child abuse~~ an assessment is being conducted.** Written notice shall be provided to the parents of a child who is the subject of an assessment within five working days of commencing an assessment ~~unless the assessment is completed within the five working days.~~ Both custodial and noncustodial parents shall 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 shall be sought from juvenile court.

**175.31(2) Notification of completion of assessment and right to request correction.** Written notice which indicates that the child abuse assessment is completed shall 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 shall be notified if their whereabouts are known.

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

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

(2) A person ~~alleged~~ 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 ~~alleged~~ named responsible for the abuse, has the opportunity to file a motion to intervene in an appeal hearing.

b. If the child ~~protective~~ abuse assessment results in a determination that abuse is confirmed, the notice shall 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 shall provide written 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 shall not be afforded the opportunity for a contested case hearing pursuant to Iowa Code chapter 17A.

ITEM 16. Amend rule 441—175.32(232,235A) as follows:

**441—175.32(232,235A) Case records.** The assessment case record shall contain the ~~child protective assessment summary report~~ as described in rule 441—175.26(232) and any related correspondence or information which pertains to the assessment or to the child and family. The name of the person who made the report of child abuse shall not be disclosed ~~to the subjects of the report.~~ ~~The child protective assessment summary has two parts.~~

~~1.—Report and disposition data as described in 175.26(1). 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 as amended by 2011 Iowa Acts, House File 562. Form 470-3240, Child Protective Services Assessment Summary, shall 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 as amended by 2011 Iowa Acts, House File 562.~~

~~2.—Assessment data as described in 175.26(2). Assessment data shall be available to subjects. Release of assessment data shall be accomplished only when the parent or guardian approves the release~~

as provided through Iowa Code chapter 217, or as specified in Iowa Code section 235A.15. Assessment data shall not be submitted to the central abuse registry.

**175.32(1)** *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, 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, 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 protective assessment summary is retained five years from date of intake or five years from the date of closure of the service record, whichever occurs later.

*c.*— The child protective assessment summary is subject to confidentiality provisions of Iowa Code chapter 217 and 441—Chapter 9. No confidential information shall be released without consent except where there is otherwise authorized access to information as specified in the provisions of Iowa Code section 235A.15.

**175.32(1)** *Child abuse assessment report.* A child abuse assessment report has two parts.

*a.* Report and disposition data as described in 175.26(1) "a." 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 as amended by 2013 Iowa Acts, House File 590. A child abuse assessment report shall 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 as amended by 2013 Iowa Acts, House File 590.

*b.* Assessment data as described in 175.26(1) "b" shall be available to subjects. Release of assessment data shall be accomplished only when the parent or guardian approves the release as provided in Iowa Code section 217.30 or as specified in Iowa Code section 235A.15. Assessment data shall not be submitted to the central abuse registry.

**175.32(2)** *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 report 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, 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 five years from date of intake or five years from the date of closure of the service record, whichever occurs later.

*c.*— The child protective assessment summary is subject to confidentiality provisions of Iowa Code chapter 217 and 441—Chapter 9. No confidential information shall be released without consent except where there is otherwise authorized access to information as specified in the provisions of Iowa Code section 235A.15.

**175.32(2)** *Family assessment report.* A family assessment report includes assessment data only as described in 175.26(2) "b." Assessment data shall be available to subjects. Release of assessment data shall 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 shall not be submitted to the central abuse registry.

**175.32(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 and 441—Chapter 9. No confidential information shall be released without consent except where there is otherwise authorized access to information as specified in the provisions of Iowa Code section 235A.15.

**175.32(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 and 441—Chapter 9. No confidential information shall be released without consent except where there is otherwise authorized access to information as specified in the provisions of Iowa Code section 235A.15.

**175.32(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 and 441—Chapter 9. No confidential information shall be released without consent except where there is otherwise authorized access to information as specified in the provisions of Iowa Code section 235A.15.

ITEM 17. Amend rule 441—175.33(232,235A) as follows:

**441—175.33(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 ~~chapter 217~~ section 217.30 and 441—Chapter 9. Services or assistance from a child protection center will not be available through a family assessment. Law enforcement may refer families as appropriate.

ITEM 18. Amend rule 441—175.35(232,235A) as follows:

**441—175.35(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 child abuse assessment except when the suspected abuse occurs in an out-of-home placement. Circumstances in which the department shall conduct an assessment when another state is involved include the following:

**175.35(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 shall do all of the following:

- a. Obtain available information from the reporter.
- b. Make an oral 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.

**175.35(2)** and **175.35(3)** No change.

ITEM 19. Amend rule 441—175.36(235A) as follows:

**441—175.36(235A) Multidisciplinary teams.** Multidisciplinary teams shall 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 shall not be shared with multidisciplinary teams since ~~they~~ the rejected intakes are not considered to be child abuse information. During the course of ~~an~~ 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, which specifies:

**175.36(1) Consultation.** The team shall be consulted solely for the purpose of assisting the department in the child abuse assessment, and diagnosis ~~and treatment~~ of child abuse cases.

**175.36(2)** and **175.36(3)** No change.

**175.36(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 of 441—Chapter 9, 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.

**175.36(5) Written records.** Any written records maintained by the team which identify an individual child abuse assessment case shall be destroyed when the agreement lapses.

**175.36(6)** to **175.36(8)** No change.

ITEM 20. Amend rule 441—175.38(235) as follows:

**441—175.38(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 ~~Form 470-3301~~, 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.



ITEM 21. Amend rule 441—175.39(232) as follows:

**441—175.39(232) Founded child abuse.** Reports of child abuse where abuse has been confirmed shall 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 as amended by 2013 Iowa Acts, House File 590. When none of the placement criteria listed in Iowa Code section 232.71D(3) “b” as amended by 2013 Iowa Acts, House File 590, 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 shall not be placed on the central abuse registry as a case of founded child abuse. The confirmed abuse shall be placed on the registry unless all three conditions are met.

**175.39(1) and 175.39(2)** No change.

ITEM 22. Amend rule 441—175.41(235A) as follows:

**441—175.41(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.

**175.41(1) Written requests.** Requests for child abuse information shall be submitted on ~~Form 470-0643~~, a Request for Child Abuse Information, form to the county office of the department, except requests made for the purpose of determining employability of a person in a department-operated facility shall 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 ~~Form 470-0643~~, a Request for Child Abuse Information form, ~~or on Form 470-3243~~, a Notice of Child Abuse Assessment: Founded form ; ~~Form 470-3575~~, a Notice of Child Abuse Assessment: Confirmed Not Registered form ; ~~or on Form 470-3242~~, 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.

**175.41(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 shall document the approval to the central abuse registry through use of a ~~Form 470-0643~~, Request for Child Abuse Information, form or ~~Form 470-3243~~, a Notice of Child Abuse Assessment: Founded form.

Upon approval of any request for child abuse information authorized by this rule, the department shall 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.

**175.41(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 ~~Form 470-3301~~, 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 shall not provide requested information when the authorization form is incomplete. Incomplete authorization forms shall be returned to the requester.

ITEM 23. Amend subrule 175.43(2) as follows:

**175.43(2) Membership of panels.** Each panel established shall be composed of a multidisciplinary team of volunteer members who are broadly representative of the community in which the panel is established, including members who possess knowledge and skills related to the diagnosis, assessments, and disposition of child abuse cases, and who have expertise in the prevention and treatment of child

abuse. The membership of each panel shall include professionals practicing in the disciplines of medicine, nursing, public health, substance abuse, domestic violence, mental health, social work, child development, education, law, juvenile probation, law enforcement; or representatives from organizations that advocate for the protection of children. The panel shall function under the leadership of a chairperson and vice-chairperson who are elected annually by the membership. Members shall enter into a contract with the department ~~by signing Form 470-3602, Iowa Child Protection System Citizens' Review Panel Contract.~~

ITEM 24. Adopt the following new definition of "Assessment" in rule ~~441—186.1(234)~~:

*"Assessment"* means the process by which the department responds to all accepted reports of alleged child abuse. An "assessment" addresses child safety, family functioning, culturally competent practice, and identifies the family strengths and needs, and engages the family in services if needed. The department's assessment process occurs either through a child abuse assessment or a family assessment.

ITEM 25. Amend rule ~~441—186.1(234)~~, definition of "Child abuse assessment," as follows:

*"Child abuse assessment"* ~~means the an assessment process by which the department carries out its legal mandate to ascertain if child abuse has occurred, record findings, develop conclusions based upon evidence, address the safety of the child and family functioning, engage the family in services if needed, enhance family strengths, and address needs in a culturally sensitive manner~~ responds to all accepted reports of child abuse which allege child abuse as defined in Iowa Code section 232.68(2) "a"(1) through (3) and (5) through (10); or which 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. A "child abuse assessment" results in a disposition and a determination of whether a case meets the definition of child abuse and a determination of whether criteria for placement on the central abuse registry are met.

ITEM 26. Amend rule ~~441—186.2(234)~~ as follows:

**~~441—186.2(234) Eligibility.~~** A family's eligibility for community care is established by department referral to the community care contractor.

**~~186.2(1) Referral indicated.~~** The department will refer a family for community care when ~~all of the following conditions exist:~~

~~a. A child abuse assessment has identified a need for community care. and the child abuse assessment findings are one of the following:~~

~~b. The child abuse assessment findings are one of the following:~~

~~(1) Abuse is not confirmed, but the child is believed to be at moderate to high risk of future abuse or neglect; or~~

~~(2) Abuse is confirmed but not founded, and the child is believed to be at moderate ~~or high~~ risk of future abuse or neglect; ~~or.~~~~

~~(3) Abuse is founded, the child is six years of age or older, and the child is believed to be at low risk of repeat abuse.~~

~~b. A family assessment has identified a need for community care, and the child is believed to be at moderate to high risk of future abuse or neglect.~~

~~c. The family has voluntarily agreed to be referred to community care.~~

**~~186.2(2) Referral not indicated.~~** The department will not refer a family for community care when:

~~a. A child has been adjudicated a child in need of assistance or a child in need of assistance petition was filed or is pending. Court orders are not used as a mechanism for families to receive community care.~~

~~b. Any child in the household has an open child welfare service case with the department.~~

~~c. The abuse occurred in an out-of-home setting.~~

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