



# Iowa General Assembly

## 2017 Committee Briefings

Legislative Services Agency – Legal Services Division <https://www.legis.iowa.gov/committees/committee?ga=87&groupID=588>  
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### GOVERNMENT OVERSIGHT COMMITTEE

Meeting Dates: | June 5, 2017 |

**Purpose.** This compilation of briefings on legislative interim committee meetings and other meetings and topics of interest to the Iowa General Assembly, written by the Legal Services Division staff of the nonpartisan Legislative Services Agency, describes committee activities or topics. The briefings were originally distributed in the Iowa Legislative Interim Calendar and Briefing. Official minutes, reports, and other detailed information concerning the committee or topic addressed by a briefing can be obtained from the committee's Internet page listed above, from the Iowa General Assembly's Internet page at <https://www.legis.iowa.gov/>, or from the agency connected with the meeting or topic described.

### GOVERNMENT OVERSIGHT COMMITTEE

June 5, 2017

**Chairpersons:** Senator Michael Breitbach and Representative Bobby Kaufmann

**Overview.** The primary focus of this joint meeting of the Senate and House Government Oversight Committees concerned consideration of child welfare systems overseen by the Department of Human Services, county attorneys, and Iowa courts.

**Opening Remarks.** The chairpersons and ranking members of the House and Senate committees each made separate opening remarks, discussing issues ranging from the investigatory role of the committee, the meeting agenda, the focus of the committee on the protection of children in the state, and seeking ways to improve Iowa's child welfare system.

**Department of Human Services (DHS) Overview.** Ms. Wendy Rickman, Division Administrator of Adult, Children, and Family Services, DHS, and Mr. Vern Armstrong, Division Administrator of Field Operations, DHS, presented information related to the foster process, adoption process, field investigation process, DHS staffing levels and caseloads, the department's differential response procedures, and a forthcoming third party review of the department's organizational structures and child welfare policies.

Ms. Rickman provided policy perspectives on the department's differential responses under the separate child abuse and family assessment tracks, noting that the department's goals are to ensure safety of children and the permanency of families. She went on to detail the department's current and future contractual relationships with private service providers and service provider incentives, operations, and subcontractor relationships, and emphasized the importance of checks and balances built into DHS policy. Ms. Rickman also described the licensing process for foster parents in Iowa and the use of home study packets in the foster care and adoption placement approval processes. Ms. Rickman also discussed the department's process for entering into a contract with the Child Welfare Policy and Practice Group, an Alabama-based nonprofit organization, to conduct a comprehensive third party review of the state's child welfare system. She noted the overall successes in the state's child welfare system and suggested that crisis cases, while tragic, may not imply that the child welfare system is itself in crisis.

Mr. Vern Armstrong discussed staffing policies and practices, including the respective work duties, caseloads, and training of different classes of DHS social workers and the centralization of DHS intake processes. He discussed field investigation processes in the context of the differing responsibilities of employees classified as Social Worker IIIs and Social Worker IIs, with Social Worker IIIs completing initial abuse assessments and Social Worker IIs providing ongoing case services. Mr. Armstrong also discussed DHS staffing levels, attrition, turnover, and efficiencies and savings.

Ms. Rickman and Mr. Vernon jointly responded to questions from Senate and House committee members related to the following: the criteria for accepting and rejecting referrals and cases; the credentials of social work staff; the procedures

for completing adoptions; the roles of private contractors and details of DHS contracts; contractor home studies; DHS study methodologies; case intake procedures and centralization; case worker residency and the reasonable deployment of DHS staff and resources; the connections between foster care and adoptions as permanent placements in individual cases; payments to foster and adoptive parents; DHS approval of placements; the roles of guardians ad litem; permanency and the rates of adoption failures; child removal processes and varied conditions placed on biological parents for family reunifications; rates of, and issues associated with, relative care placements; DHS policies related to special needs adoptions, associated subsidies, and oversight issues; mandatory reporter requirements and the roles of educators in the state's child welfare safety net; removals of children related to parental drug use and associated drug testing; procedures for ending subsidy payments to foster and adoptive parents; ongoing education requirements for DHS staff; DHS employee assistance programs and debriefings; policies prohibiting monitoring of adoptive families following completion of adoptions; tracking, recording, and storage of intake calls; the roles of courts and judges in the child welfare system; decision-making processes related to homeschooling of foster youth; requests for information and for a randomized case study of DHS staff; and the processes, stakeholder outreach, scope, and timeline for the completion of the third party review of DHS policies, procedures, and staffing.

**Judicial Process Overview.** Mr. Lance Heeren, Assistant Linn County Attorney, and Ms. Andrea Vitzthum, Assistant Polk County Attorney, presented information on the operation of judicial processes under Iowa Code chapter 232, including the differing roles and responsibilities of DHS and county attorneys in the judicial process. District Associate Judge Colin J. Witt, District 5C, provided an overview of the placement review process and the role of judges in the judicial process under Iowa Code chapter 232.

Mr. Heeren discussed disparities between urban and rural counties in terms of county attorney and judicial system resources, but asserted that the structure and implementation of Iowa Code chapter 232 provides a robust safety net for children in this state, while noting that the breadth and filtering of the safety net are impacted by policy decisions and funding. He discussed the work of his office in reviewing DHS accepted and rejected cases, and noted the impacts of centralization of intake processes on the relationships between social workers and county attorneys. He also noted requirements that DHS accept cases if they do not have sufficient information to reject a case. Discussing the department's separate child abuse and family assessment tracks, Mr. Heeren stated that denial of critical care was the largest category of cases referred down the less stringent family assessment track. He also discussed the operations of his office, and remarked that current policy prohibiting DHS transmission of certain family assessment reports to county attorneys impacts the oversight that county attorneys can provide.

Ms. Vitzthum discussed the relationship between her office and DHS, standardized dispute resolution processes, and staffing issues that prevent the Polk County Attorney's Office from reviewing rejected cases received from DHS. She noted morale and retention issues among DHS staff in Polk County, including issues related to vicarious trauma. She also stated that relative placements for cases are strong within the county. Ms. Vitzthum then noted struggles in finding foster homes in Polk County and the issues that distance can create when one policy goal in removal cases is the reunification of children with their families. She also noted that additional resources could be granted to family placements in cases where family members have not yet completed the 16-week foster care licensing process. Ms. Vitzthum also asserted the potential for systemic abuses of homeschooling laws to avoid truancy court review following withdrawal of students from school oversight, and encouraged members of the committee and the public to attend juvenile court proceedings that are open to the public.

Both Mr. Heeren and Ms. Vitzthum noted that the dedication of DHS workers is strong.

Judge Witt discussed the child placement process and the elements of judicial review being based upon specific factual circumstances in individual cases based on the welfare and best interest of a child. He noted shifts in policy that have led to more placements with family members and discussed factors considered in permanency decisions.

Judge Witt responded to questions from the committee related to the following: the nature of hearings and the involvement of children, parents, attorneys, and guardians ad litem in court proceedings; how children are engaged differently according to the age of the child; the prevalence of uncontested child removals; the decision-making for, and impacts of, out-of-state placements; and the roles and workloads of guardians ad litem and court appointed special counsels.

**Child Welfare Discussion.** Ms. Abby Patterson, Child Abuse Prevention Program Coordinator, Prevent Child Abuse Iowa, discussed the role of the Iowa Child Abuse Prevention Program and the differences between primary, secondary, and tertiary child abuse prevention programming. Ms. Patterson noted that child abuse prevention programming is founded upon evidence-based models for reducing risk factors associated with child abuse and for increasing preventative factors, such as parental resilience. She discussed demographic issues and different elements of child abuse prevention efforts in 93 Iowa counties. Ms. Patterson elaborated on current program contracts, the 3,000 families served under those contracts, and the 5,600 hours of respite care provided by the program each year. Ms. Patterson responded to questions from committee members relating to funding and overlapping missions between the Iowa Child Abuse Prevention Program, Early Childhood Iowa, and federal Community-Based Child Abuse Prevention initiatives.

**Law Enforcement Process Overview.** Sheriff Steve Hoffman, Marshall County, and Police Chief Jeff Hanson, Spirit Lake Police Department, presented information on the work of law enforcement authorities in collaboration with, but separate from, DHS investigations under the state's child welfare system. Sheriff Hoffman noted the role of law enforcement as mandatory reporters in child endangerment cases, but noted the unique role of law enforcement in removing children on an emergency basis without the need for DHS approval. He noted the differences in law enforcement procedures during and outside of regular DHS intake hours. Chief Hanson noted certain incidents of law enforcement reports of child abuse being rejected through the DHS centralized intake and DHS policy related to parental marijuana use. Sheriff Hoffman and Chief Hanson both expressed a view that law enforcement maintains broadly positive relationships with DHS, and upon questioning went on to delineate the distinct, but often symbiotic, roles of law enforcement and DHS in child abuse cases.

**Homeschooling Discussion.** Mr. Scott Woodruff, Home School Legal Defense Association, discussed the work of the federal Commission to Eliminate Child Abuse and Neglect Fatalities and a report of the commission issued on March 17, 2016.

Mr. Woodruff noted that state policy efforts to reduce and eliminate child abuse and neglect fatalities should be data-driven, and based upon observed, statistically valid risk factors for abuse, noting a commission finding that previous reports of child abuse are the most prevalent risk factor for future child abuse and neglect fatalities. Mr. Woodruff noted policy requirements related to the monitoring of homeschool students in other states, and asserted that such policies are not proven to negate or address any known risk factors for future child abuse and neglect fatalities. He recommended that the Legislature adopt more robust policy responses to any second or subsequent report of child abuse made against a parent or other guardian to reduce the number of future child abuse and neglect fatalities, specifically citing positive examples from Wichita, Kansas, and Hillsborough County, Florida.

Mr. Woodruff responded to questions from committee members relating to the following: the roles of school employees as mandatory reporters in Iowa's child welfare safety net, the history and work of the Home School Legal Defense Association and specific advocacy by the organization after child abuse deaths in other states, associations between school truancy cases and homeschooling, and 2013 homeschooling policy changes that were enacted in Iowa.

**Closing Comments.** The respective chairpersons and ranking members from both chambers each made closing remarks, including comments regarding the purview of the committee, the work of stakeholder groups and individuals who were unable to present information at the meeting, continued need for policy discussions, DHS caseloads and the desire to hear from DHS employees, and the possibility of future government oversight meetings devoted to this subject area.

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