



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
CHARLES J. KROGMEIER, DIRECTOR

December 15, 2009

Michael Marshall
Secretary of Senate
State Capitol
LOCAL

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HOUSE OF REPRESENTATIVES LOCAL

Mark Brandsgard
Chief Clerk of the House
State Capitol
LOCAL

Dear Mr. Marshall and Mr. Brandsgard:

Enclosed please find copies of reports to the General Assembly relative to the Department of human Services provision of child abuse information to Juvenile Court Services.

This report was prepared in response to a directive in 2009 Iowa Acts, HF811, Section 17.

The report details how the Department of Human Services, Juvenile Court and Juvenile Court Services worked jointly to study the provision of child abuse information to juvenile court services. The report studied how juvenile court receives this information about children under supervision of juvenile court, barriers to timely provision of the information, and how the provision of information can be improved.

This is the final report of findings and recommendations.

Sincerely,

Julie A. Fleming
Legislative Liaison

Enclosure

cc: Governor Chet Culver
Legislative Service Agency
Kris Bell, Senate Majority Caucus
Peter Matthes, Senate Minority Caucus
Zeke Furlong, House Majority Caucus
Brad Trow, House Minority Caucus
Chief Justice Marsha K. Turnis

**House File 811 Legislative Report
December 14, 2009**

**State of Iowa
Department of Human Services
&
Juvenile Court Services**

Background:

The Department of Human Services (DHS) provides child protective and child welfare services to eligible families in the state of Iowa. Children ages 0 – 17 may receive services that include child protective assessments, child in need of assistance (CINA) assessments, safety plan services, family safety, risk, and permanency services (FSRP), foster care, and case management. A confirmed child abuse assessment may lead to involvement with juvenile court via an adjudication hearing. The court provides oversight and support to the family to increase safety for the child(ren). All child abuse assessments, regardless of disposition, are sent to juvenile court for review and information.

Iowa Juvenile Court Services (JCS) administers detention screening, delinquency intake screening, diversion, predisposition investigation, probation supervision and aftercare services through eight judicial districts. The Department of Human Services administers the juvenile corrections continuum. Any youth in the state of Iowa that commits an offense can receive juvenile court services.

DHS and JCS may share mutual clients. DHS tracks which children are receiving formal JCS services in their Family and Children Services (FACS) system. JCS conducts predisposition investigations that include social history, family condition, school performance, and child abuse and neglect histories. There is no mechanism in place for DHS to identify a child that is receiving informal juvenile court services.

HF811 Legislation:

HF 811 Section 40 Lines 1 - 8

***“The Department of Human Services shall work jointly with the juvenile court and Juvenile Court Services in studying the provision of child abuse information to juvenile court services concerning children under the supervision of juvenile court services, barriers to timely provision of the information, and how the provision of the information can be improved. A final report with the finding and recommendations shall be submitted to the governor, Supreme Court, and general assembly on or before December 15, 2009.*”**

HF811 Workgroup

A statewide workgroup was convened of members from the Department of Human Services, Juvenile Court District Administrators and Juvenile Court Officers Association which met on two occasions to discuss the legislation.

The Iowa Code section that addresses communication and information sharing between the two agencies was reviewed. Processes that are working well as well as barriers were identified. Recommendations were made to address barriers.

Identified strengths:

1. Iowa Code sections 235A.15 (2)(d)(5), 235A.15(2)(e)(18), 235A.15(3)(c) and 235A.15(4)(b) address the ability and requirement that DHS provide JCS with child abuse information. (See attachment).
2. JCS has immediate access to Child Abuse Assessments upon request through local office personnel and the Central Abuse Registry.
3. DHS is able to identify shared clients through the FACS system.
4. Juvenile court receives all assessments completed on children regardless of disposition.
5. Juvenile Court Services uses the Iowa Delinquency Assessment (IDA) to assess a youth's risk to reoffend and determine the most appropriate intervention. Information assessed includes a variety of risk factors, including DHS involvement (past or current).
6. At any point, juvenile court officers can access child abuse reports from the local juvenile court

Areas Needing Improvement:

1. Although Iowa Code supports the sharing of child abuse information between parties, this has not always been the statewide practice.
2. There is no shared data base for mutual clients that are under informal JCS supervision.
3. The validity of the IDA depends on the accuracy of the information provided. JCS is not able to determine if the family's report of DHS involvement (past or current) is complete without information from DHS for comparison.

Recommendations

The Department of Human Services is required by Iowa Code to provide Juvenile Court Services with child abuse information when requested. The supporting Iowa Code sections **235A.15(2)(d)(5), 235A.15(2)(e)18), 235A.15(3)(c) and 235A.15(4)(b)** are attached to this report.

The statewide workgroup recommends the following:

- DHS Child Protection, Child Welfare and supervisory staff will be trained on Iowa Code references that allow for sharing of information with Juvenile Court Officers on cases with mutual clients. 1/1/2010.

The Basic Training curriculum for new DHS Child Protection staff will be updated to include a review of the same code sections that address communication and sharing of information between DHS and JCS. 1/1/2010.

- A mutual DHS/JCS database created across systems would enhance sharing of information of mutual clients, including those being provided JCS informal supervision. Adequate funding would be need to be allocated to create the data base system.
- JCS continue training Juvenile Court Officers on effective interview techniques and the use of the Iowa Delinquency Assessment tool to ensure questions about a family's involvement with DHS are being asked at Intake.

Conclusions:

The Department of Human Services is required by Iowa Code to provide Juvenile Court Services with child abuse information (including information gathered in the course of performing child abuse assessments) when requested. Child abuse assessment information is provided to juvenile court regardless of disposition.

The workgroup concluded that the original concern and reason for requesting legislation regarding the provision of child abuse information to juvenile court services concerning children under the supervision of juvenile court services was a training issue in particular locations and not a statewide concern. The workgroup will develop a plan to address statewide knowledge regarding current Iowa law which allows for juvenile court services to have access to child protection information. In addition, JCS and DHS have committed to work collaboratively in efforts to enhance the sharing of communication regarding mutual clients.

Attachment:

Iowa Code 235A.15(2)(d)(5):

2. Access to report data and disposition data subject to placement in the central registry pursuant to section 232.71D is authorized only to the following persons or entities:

d. Report data and disposition data, and assessment data to the extent necessary for resolution of the proceeding, relating to judicial and administrative proceedings as follows:

(5) To a probation or parole officer, juvenile court officer, court appointed special advocate as defined in section 232.2, or adult correctional officer having custody or supervision of, or conducting an investigation for a court or the board of parole regarding, a person named in a report as a victim of child abuse or as having abused a child.

Iowa Code 235A.15(2)(e)(18):

2. Access to report data and disposition data subject to placement in the central registry pursuant to section 232.71D is authorized only to the following persons or entities:

e. Others as follows, but only with respect to report data and disposition data for cases of founded child abuse subject to placement in the registry pursuant to section 232.71D:

(18) To a person or agency responsible for the care or supervision of a child named in a report as an alleged victim of abuse or a person named in a report as having allegedly abused a child, if the juvenile court or department deems access to report data and disposition data by the person or agency to be necessary.

CONFIRMED AT Iowa Code 235A.15(3)(c) indicates:

3. Access to report data and disposition data for a case of child abuse determined to meet the definition of child abuse, which data is not subject to placement in the central registry pursuant to section 232.71D, is authorized only to the following persons:

- a. Subjects of a report identified in subsection 2, paragraph "a".
- b. Persons involved in an assessment of child abuse identified in subsection 2, paragraph "b", subparagraphs (2), (3), (4), (6), and (7).
- c. Others identified in subsection 2, paragraph "e", subparagraphs (2), (3), (6), and (18).

NOT CONFIRMED AT Iowa Code 235A.15(4)(b) indicates:

4. Access to report data for a case of child abuse determined to not meet the definition of child abuse, which data is not subject to placement in the central registry pursuant to section 232.71D, is authorized only to the following:

- a. Subjects of a report identified in subsection 2, paragraph "a".
- b. Persons involved in an assessment of child abuse identified in subsection 2, paragraph "b", subparagraphs (2), (6), and (7).
- c. Others identified in subsection 2, paragraph "e", subparagraphs (2) and (18).