

F I N A L R E P O R T
JUVENILE LAW STUDY COMMITTEE

January 1990

AUTHORIZATION AND APPOINTMENT

The Legislative Council established the Juvenile Law Interim Study Committee, and directed it to review legislation passed in recent sessions concerning juvenile justice issues, and determine if inconsistencies exist in the law. The Legislative Council approved two meeting dates for the Study Committee, and meetings were held on November 2 and November 21, 1989.

Members of the Study Committee were:

- Senator Eugene Fraise, Co-chairperson
- Representative Daniel Jay, Co-Chairperson
- Senator Donald Doyle
- Senator Julia Gentleman
- Representative Steven Hansen
- Representative Bill Trent

STUDY COMMITTEE CHARGE

The charge of the Study Committee provided as follows:

Review legislation passed in the 1988 and 1989 Sessions relating to the areas of juvenile detention, foster care review, child in need of assistance proceedings, reviews of juvenile referee's orders, protection of children, and juvenile court proceedings. Review should focus on determining if inconsistencies exist in the various pieces of approved legislation. Recommendations should be made to clearly resolve any inconsistencies found.

COMMITTEE PROCEEDINGS

November 2 Meeting

At its first meeting, the Study Committee heard testimony concerning the status of the juvenile justice system in Iowa. A summary of the discussion items for recommendations by the various speakers is included in the Appendix as Exhibit "A".

Mr. Dick Moore, with the Division of Criminal and Juvenile Justice Planning, Department of Human Rights, discussed the duties

of the Division. In addition, he provided statistical data concerning juvenile arrests in Iowa since 1981. Mr. Moore pointed out several areas of concern regarding court proceedings and case planning involving juveniles, as well as major changes in the area of juvenile justice in the last ten years.

Mr. Dan Conway, Chief Juvenile Officer for Woodbury County, raised a number of concerns regarding secure hospital placements of runaways and juveniles with substance abuse and mental illness problems, commitment proceedings under chapters 125 and 229 of the Code, gang activity, shelter care hearings, charging juveniles with possession of alcohol in the adult court, placement at the state juvenile institutions at Eldora and Toledo, and shelter care and detention centers.

Mr. Eric Sage and Mr. Wayne McCracken from the Department of Human Services discussed the State Juvenile Institution Five-Year Plan and the Eldora/Toledo Population Goal Proposal. Further details concerning the five-year plan are included in the Appendix as Exhibit "B", in a distribution from the Department of Human Services entitled "Helping Children and Families."

Mr. Tom Southard, a juvenile court officer based in Story County, commented on the population goal proposals at the state institutions, as well as other concerns arising out of his experiences with juvenile justice proceedings in Story County. Mr. Southard also addressed the need for secure shelter care for children in need of assistance (CINA) cases and problems concerning adolescent sexual offenders.

Ms. Nell Gregory-Gates, Chairperson of the Jefferson County Child Abuse Council and a member of the Legislative Study Committee of the Iowa Chapter of the National Committee for Prevention of Child Abuse, addressed concerns regarding the following: sexual abuse, including the age of consent; evaluation and treatment of sexual abuse perpetrators and victims; alternative means of taking testimony from purported child victims of sexual abuse; an increased statute of limitations for sex crimes involving children; expansion of the Court Appointed Special Advocate Program; the definition of "caretakers of children" for investigative purposes; training in child abuse for protective services staff; and case-load limitations concerning investigation and child protective treatment.

Mr. Bill Reichardt, a Des Moines merchant, stated his concerns about the juvenile justice system, including the lack of communication within the system, the lack of detention facilities, the need for early detection of problematic youth, the need for specialized juvenile facilities and regional evaluation centers, the need for aftercare for substance abusers, the problem of supervision beyond the age of eighteen, and the need for a state juvenile commissioner to coordinate the juvenile justice system.

Mr. Jim Harmon, representing the Juvenile Court Officers Association, addressed statutory recommendations, including expansion of the mandatory reporters of suspected child abuse, jurisdictional problems regarding termination of parental rights under chapters 232 and 600A, jurisdiction concerning possession of alcohol charges, per diems for group foster care and residential treatment providers, the duration of dispositional orders beyond the age of eighteen, placements for juveniles waived to adult court, and family therapy for adjudicated delinquents.

Ms. Merlie Howell, a member of the Kempe Center Study Steering Committee, and Ms. Mary Nelson, from the Department of Human Services, discussed the Kempe recommendations. The Kempe Center Study Steering Committee FY 1991 Recommendations are included in the Appendix as Exhibit "C". Ms. Howell and Ms. Nelson highlighted several recommendations concerning drug affected infants, termination of parental rights, the purchase of adoption services, increased funding for staff, alternatives to the juvenile court system, and confidentiality of records.

State Representative Ralph Rosenberg provided comments in his capacity as Executive Director of the Youth Law Center concerning the Kempe recommendations, including issues dealing with the removal of children, cocaine babies, permanency planning and termination of parental rights, the need for professionals with multidisciplinary training in the juvenile court system, continuing Department of Human Services' supervision of juveniles released from Eldora, confidentiality problems, gaps in the system between needs and available resources, and abuse of existing commitment statutes.

Mr. George Arvidson, juvenile defense counsel in the Polk County Office of Citizen Advocate, provided proposals regarding hearsay evidence rules in CINA cases, jurisdiction of offenses involving minors and alcohol, and out-of-state placements of juveniles with specialized needs.

Mr. Gil Cervený, from the Division of Children, Youth and Families, Department of Human Rights, provided legislative proposals and comments concerning federal requirements. Mr. Cervený discussed issues concerning housing juvenile offenders separately from adult offenders, secure settings and juveniles, criteria for commitment to the state training school, the phase-out of CINA's from Toledo under the five-year plan, population limits at the state institutions, and funding for shelter care, crisis intervention services, and emergency foster care for runaways.

Ms. Susan Crowley, with the Iowa State Association of Counties, provided funding information concerning juvenile detention facilities, and discussed the extent of state funding for such facilities.

November 22 Meeting

At its second and final meeting, the Study Committee heard additional testimony and considered the recommendations from various speakers.

The Honorable James A. Weaver, District Associate Judge for the Seventh Judicial District, addressed issues regarding removal of children, classifications of CINA's who suffer harmful effects as a result of mental injury, the jurisdiction of juveniles charged with possession of alcohol in the adult court, the Kempe recommendations, termination of parental rights, dispositional and outcome data, the standard of review on appeal of juvenile matters, alternative disposition of CINA and delinquency matters, the creation of a family court, placements, population restrictions at the state institutions, supervision by the juvenile court beyond the age of eighteen, juvenile detention centers, and the need for funding for adequate training of individuals involved in the juvenile justice process.

Ms. Mary Nelson, from the Department of Human Services, provided information concerning the costs of the five-year plan.

The Honorable Larry Eisenhauer, a juvenile court referee in the Fifth Judicial District, reviewed the types of cases he hears, and addressed juvenile justice concerns, including the lack of available placements, the status of juvenile court referees, and the adjudication of delinquents to be placed in Toledo.

Ms. Rebecca Colton, with the Supreme Court of Iowa, was unable to testify, but relayed information to the Study Committee concerning the number of juvenile court referees statewide, as well as the accessibility of juvenile court information through the Iowa Court Information System.

Ms. Joan M. Vagts, Executive Director of the Coalition for Family and Children's Services in Iowa, addressed a number of concerns of the Coalition, including procedures for institutional child abuse investigations, employment checks for private providers, procedures for expunging records of employees of private providers, problems with placements for juveniles, higher per diems for private providers, downsizing the state institutions, liability limits for noneconomic damages for private providers, and proposed family court legislation.

Following the testimony of all of the various speakers, the Study Committee discussed several major issues, including the need for several regional facilities providing specialized programs for juveniles, the status of the state juvenile facilities, lack of funding for aftercare, placement alternatives, foster care reimbursement, and substance abuse treatment, problems with young

adult offenders, jurisdiction of alcohol charges against juveniles, and several other proposed statutory changes.

After extensive discussion, the Study Committee approved five recommendations to be forwarded to the General Assembly. In addition, the Study Committee directed that this final report should contain a list of every issue raised by the various speakers before the Study Committee. That list is included in the Appendix as Exhibit "A".

RECOMMENDATIONS

The Juvenile Law Interim Study Committee makes the following recommendations for consideration by the Legislative Council and the 1990 General Assembly:

1. The General Assembly should consider the items discussed and recommendations contained in the Appendix as Exhibit "A" for possible legislative action.
2. The General Assembly should maintain and improve standards at the state juvenile institutions as a first priority before investing new dollars in alternative programs.
3. Within budgetary constraints, the Department of Human Services should continue to seek the establishment of cost-effective programs to allow instate placements of juveniles currently placed out of state.
4. In investing new dollars, the General Assembly should focus upon the following needs: aftercare, placement alternatives, foster care reimbursement, and substance abuse treatment.
5. When considering additional prison space, the General Assembly should also consider the adoption of a youthful offender act.
6. The General Assembly should clarify those sections of chapters 232 and 600A of the Code concerning jurisdiction in termination of parental rights cases, so that the district court has jurisdiction to terminate under either chapter.

A P P E N D I X

Exhibit "A" -

Discussion Items and Recommendations Presented to the Juvenile Law Interim Study Committee.

Exhibit "B" -

"Helping Children and Families," containing details

concerning the Department of Human Services' Five-Year Plan.

Exhibit "C" -
"Kempe Center Study Steering Committee FY 1991
Recommendations."

EXHIBIT "A"

DISCUSSION ITEMS AND RECOMMENDATIONS PRESENTED
TO THE JUVENILE LAW INTERIM STUDY COMMITTEE

At the direction of the Juvenile Law Interim Study Committee, this exhibit contains the discussion items and recommendations raised by various speakers before the Study Committee for consideration by the 1990 General Assembly.

NOVEMBER 2, 1989 MEETING

MR. DICK MOORE, DIVISION OF CRIMINAL AND JUVENILE JUSTICE
PLANNING, DEPARTMENT OF HUMAN RIGHTS

Mr. Moore identified the following as issues of concern, and stated that the Juvenile Justice Advisory Council will be making recommendations for the 1990 Legislative Session in these areas:

1. Secure beds and adequately programmed nonsecure beds for delinquents and combative children in need of assistance (CINA's).
2. Prison overcrowding.
3. Placement services.
4. Aftercare and assessment.
5. Consistency in court proceedings and case planning involving juveniles.
6. Extent of juvenile court jurisdiction, including problems with runaways, truants, and minors in possession of alcohol.
7. Available programming and authority of the juvenile court to deal with 16-year-olds and 17-year-olds.
8. Gang activity.

MR. DAN CONWAY, CHIEF JUVENILE OFFICER, WOODBURY COUNTY

1. Remove authority for the commitment of juveniles from Iowa Code chapters 125 and 229, and establish criteria for commitment for those who need treatment within chapter 232.

2. Secure settings for some CINA's.
3. Alternatively, if chapter 125 continues to be used for commitment of juvenile voluntary substance abusers, implement funding to pay for treatment.
4. Enact legislation to prohibit gang activity.
5. Enact legislation addressing when shelter care hearings are appropriate for juveniles who have not committed delinquent acts, but are placed in shelter care.
6. Enact legislation giving the juvenile court exclusive jurisdiction of juveniles charged with possession of alcohol, to insure notification of parents and treatment, if needed.
7. Enact DHS five-year plan with adequate funding.
8. Provide for adequate staff-secure shelter facilities along with state supported detention centers.

MR. ERIC SAGE AND MR. WAYNE McCRACKEN, DEPARTMENT OF
UMAN SERVICES, DISCUSSION OF STATE JUVENILE INSTITUTION
FIVE-YEAR PLAN AND ELDORA-TOLEDO POPULATION GOAL PROPOSAL

1. Downsize Eldora from 200 to approximately 120-140, remodel, and provide more focused treatment.
2. Eliminate CINA's from Toledo and use Toledo for delinquents.
3. Address section 5 of Senate File 541, which mandates that Toledo and Eldora become long-term treatment facilities.
4. Place criteria in statute for commitment to Eldora and Toledo, as outlined in the summary of the October 6, 1989, meeting concerning the Eldora/Toledo population goals, to be implemented January 1, 1991, and regularly reviewed.
5. Address additional service and placement needs of juveniles, as outlined.
6. No legislation needed concerning the changing of dispositional orders once institutions determine that a juvenile would be better served by a facility offering treatment for those with special needs, but rather, DHS can handle these matters administratively.
7. Explore the use of Department of Economic Development moneys to assist in the development of community-based alternatives to institution placement.

8. Give DHS some type of gatekeeping authority over institutions to avoid overcrowding.

9. Secure programs for children at Independence and Cherokee MHIs.

10. Address recommendations regarding out-of-state placements as outlined in five-year plan handout, "Helping Children and Families."

11. Enhance per diems for group foster care as an alternative to placement in Toledo and Eldora.

12. Provide for enhanced support services for family foster care as an alternative to group foster care.

13. Consider intensive services to prevent or shorten out-of-home placement.

14. Consider structured supervision for youth leaving juvenile institutions to reduce recidivism and foster care entry.

15. Provide outcome monitoring to enable plan modification.

16. Issue of funding for five-year plan, including funding for enhanced per diems to lessen out-of-state placements.

For further information regarding specifics of the five-year plan, please refer to "Helping Children and Families," which is contained in Exhibit "B" of this Appendix.

MR. TOM SOUTHARD, JUVENILE COURT OFFICER, STORY COUNTY

1. Although DHS proposed criteria for population reduction at the training school is within reason, if the state and agencies developed additional residential treatment for adolescents with specialized needs in a secure setting, there would be no need to change the criteria. This would maintain flexibility in placement.

2. Enact permissive language within CINA sections of Code to permit secure placements of CINA's in settings other than hospital psychiatric units.

3. Provide additional statutory authority for charging juveniles with sexual abuse offenses.

4. Provide mechanism for DHS to relay information about juvenile sexual offenders, who are not caretakers.

5. Ensure all juvenile court offices have adequate staff to intervene early with children showing predelinquent behavior and their families.

6. Ensure DHS has adequate field staff to make sure abused and neglected children receive needed supervision and therapy.

7. Encourage local networking of youth-related services and encourage development of early intervention philosophy.

8. Continue to increase funding for home-based counseling services and for residential treatment services, especially in the area of chemical dependency, serious behavioral problems, and sexual abuse treatment for victims and perpetrators.

9. Do not restrict juvenile court officers from dealing with CINA cases as a means to intervene when rehabilitation is most likely (reject this Kempe recommendation).

10. Do not limit use of DHS as pay agent or "the payment only mechanism" for payment of placement in treatment and foster care of CINA cases.

MS. NELL GREGORY-GATES, IOWA CHAPTER, NATIONAL COMMITTEE FOR THE
PREVENTION OF CHILD ABUSE

1. Increase age of consent from 14 to at least 16.

2. Enact House File 53, to increase the age under which a child may be considered a sexual abuse victim to under 18.

3. Mandate evaluations and treatment recommendations for victims and perpetrators at the time criminal charges are filed and/or the dispositional phase of CINA proceedings when sexual abuse is alleged.

4. Implement alternative means of taking testimony from alleged child victims of sexual abuse (see 1989 legislation).

5. Increase statute of limitations for sex crimes involving children to ten years.

6. Expand the Court Appointed Special Advocate Program from CINA's to include all criminal and juvenile proceedings.

7. Redefine certified school employees as caretakers of children for purposes of child abuse investigations.

8. Provide comprehensive core training in child abuse to all child protective services staff within 90 days of employment.

9. Cap child protective treatment caseloads at 130 caseload and investigation caseloads to fifteen per month.

MR. BILL REICHARDT, ADDRESSING JUVENILE JUSTICE CONCERNS

1. Simplify juvenile justice system.
2. Identify problem children between first and fourth grades.
3. Provide adequate detention facilities.
4. Consider five-year plan adoption so that juveniles with diverse needs are not placed together.
5. Provide special facility for nonviolent offenders.
6. Provide regional evaluation centers.
7. Provide aftercare for substance abusers.
8. Provide supervised parole beyond age 18.
9. Create state juvenile commissioner to coordinate efforts.

MR. JIM HARMON, JUVENILE COURT OFFICERS ASSOCIATION

1. Expand the mandatory reporters of suspected child abuse to include members of the staff of licensed foster group homes and residential treatment facilities.
2. Combine provisions of Code in chapters 232 and 600A concerning termination of parental rights.
3. Place charge of minor in possession of alcohol in the jurisdiction of the juvenile court.
4. Increase DHS appropriation so that group foster care and residential treatment providers can receive a higher per diem.
5. Change Code section 232.53, regarding duration of dispositional orders beyond the age of 18 to permit placement in detention or the state training school (or, suggestion by Senator Doyle regarding contempt charges).
6. Change statute regarding placement of juveniles waived to adult court to permit those charged with serious and aggravated misdemeanors to be waived to adult court and held in adult jails.
7. Change Iowa Code section 232.52 to permit the juvenile court to order family therapy for adjudicated delinquents.

MS. MERLIE HOWELL, STEERING COMMITTEE MEMBER,
AND MS. MARY NELSON, DEPARTMENT OF HUMAN SERVICES,
DISCUSSION OF KEMPE CENTER STUDY COMMITTEE RECOMMENDATIONS

The Kempe Center submitted a total of 92 recommendations, 39 of which were submitted last session. This list does not purport to state each and every Kempe Center recommendation, but rather, highlights those discussed at the November 2, 1989, meeting. For further details, please consult the "Kempe Center Study Steering Committee FY 1991 Recommendations," contained in this Appendix as Exhibit "C".

1. Continue all changes implemented in 1989 Session
2. Amend CINA to address the issue of drug affected infants.
3. Adopt changes regarding termination of parental rights as outlined on pages 14 and 15 of Exhibit "C".
4. Increase funding to purchase adoption services (see Exhibit "C", p. 15).
5. Increase funding for juvenile court and DHS staff (see Exhibit "C" throughout report for recommendations in different areas).
6. Study alternatives to the juvenile court system.
7. Consider recommendations regarding release of confidential information (see Exhibit "C", p. 22).

STATE REPRESENTATIVE RALPH ROSENBERG, EXECUTIVE DIRECTOR, YOUTH LAW
CENTER, COMMENTING ON KEMPE CENTER RECOMMENDATIONS

In his capacity as Executive Director of the Youth Law Center, Representative Rosenberg specifically addressed the Kempe Center Study Steering Committee FY 1991 Recommendations contained in Exhibit "C", by page number. The following lists his areas of disagreement with Kempe Steering Committee proposals by page number of Exhibit "C". Also, other areas of concern are listed.

Disagreement with Kempe

1. CINA is routinely utilized for drug affected infants, and recommendation (page 11) not necessary.
2. Changing section 232.2(6)(d) to include "imminently likely to be sexually abused" may be good idea, but has proof difficulties (page 11).

3. See if section 14 of House File 690 works before accepting recommendation to eliminate requirement of requesting parental permission before requesting ex parte order for removal (page 11).

4. On termination for "chronic mental illness" and "chronic substance abuse," experience with section 11 of HF 688 indicates that there was little problem with pre-HF 688 law. Give HF 688 a chance to work if needed, as it has only been in effect a few months. Also, there is a potential conflict between termination and the amount of time it takes for completion of successful treatment programs. In addition, "chronic" can apply to all substance abusers and many mentally ill, and it may not be necessary to widen the termination net to this extent (pages 14-15).

5. Recommendation to change DHS requirement from "make every effort" to "make reasonable efforts" to reunify a family is of secondary importance to need to make significant efforts to increase services and resources in human services arena (page 15).

6. Changing appeal on all juvenile matters to "on error" from "de novo" fails to consider expedited proceedings under Supreme Court Rule 17, and would prohibit children from effectively appealing. One alternative to recommendation would be to give all juvenile matters expedited status on appeal (page 15).

7. With respect to a unified family court, a family court must assure that there will be experienced professionals with multi-disciplinary training in children and family issues (page 20).

8. DHS supervision of Eldora "graduates" is problematic (page 20).

9. With respect to the recommendations as a whole, is the system currently equipped to deal with children already in the system.

10. With respect to recommendations as a whole, is our goal still to reunify families.

Other Topics of Concern

1. Confidentiality recommendations (page 22) do not address need to separate CINA and delinquency files.

2. The Foster Care Review Board needs to receive close examination on its mission (such as whether it should be discussing whether a child goes to college or loses weight).

3. Gaps between needs and available resources in these areas: shelter care or emergency beds; residential treatment beds in Iowa;

residential treatment programs in Iowa for sexual abuse perpetrators and other violent offenders; aftercare; staff secure facilities; specialized foster care for hard to place.

4. There is abuse of existing commitment laws.

MR. GEORGE ARVIDSON, POLK COUNTY JUVENILE DEFENSE COUNSEL

1. Clarify hearsay evidence rules in CINA cases.
2. Provide exclusive jurisdiction in juvenile court for offenses involving minors and alcohol (House File 18).
3. In some instances, out-of-state placement is the best option for serving youths who need specialized treatment, and this may not be the best use of state resources.

MR. GIL CERVENY, DHS, DIVISION OF CHILDREN, YOUTH AND FAMILIES

1. Maintain compliance with the federal Juvenile Justice and Delinquency Prevention Act, which requires the following:
 - (a) Juveniles must not be housed with accused or convicted adult offenders.
 - (b) Juveniles not accused or adjudicated of an adult type offense must not be held in secure settings.
 - (c) Juveniles must not be held in adult jails and lockups. Exceptions are provided for youth waived to adult court on a felony, and for initial processing, identification and notification of parents or juvenile authorities (with a six-hour limit in metropolitan areas and a twenty-four hour limit in nonmetropolitan areas).
2. Modify section 232.22 on juvenile detention to exclude placing juveniles waived to adult court on a felony in juvenile detention.
3. Provide criteria for commitment to the State Training School through changes to Code section 232.52(e).
4. Provide gradual phaseout of CINA's from Toledo per DHS five-year plan.
5. Establish population limits at the state institutions.
6. Provide appropriation for funding for shelter care, crisis intervention services, and emergency foster care for runaways.

MS. SUSAN CROWLEY, IOWA STATE ASSOCIATION OF COUNTIES

Increase state funding up to the authorized 50 percent of the total cost of establishment, improvement, operations, and maintenance of approved county or multicounty detention facilities.

NOVEMBER 21, 1989 MEETING

THE HONORABLE JAMES A. WEAVER, DISTRICT ASSOCIATE JUDGE, SEVENTH JUDICIAL DISTRICT

1. Change Iowa Code section 232.102(4), to permit transfer of custody for sixty days, even though reasonable efforts have not been made to prevent or eliminate the need for removal at the time of the dispositional hearing. Further, amend Iowa Code sections 232.102(6), 232.102(7), and 232.104(2), to provide that reasonable efforts determinations are made during review and permanency hearings.
2. Change Iowa Code section 232.2(6)(c)(1), dealing with classifications of CINA's who suffer harmful effects as a result of mental injury, by eliminating the requirement of consideration of the child's cultural origin.
3. Keep possession of alcohol charges against juveniles in the adult court.
4. With respect to Kempe recommendations, do not rush termination of parental rights proceedings before providing better alternatives for the child.
5. Provide for improved data concerning dispositions and outcomes.
6. Review of juvenile court findings "on error," rather than "de novo," would expedite the appeal process.
7. Reject alternative disposition of CINA and delinquency matters, as the judiciary is capable of handling these matters in an efficient manner.
8. Do not tamper with unified trial court to create a family court.
9. Make juvenile referees district associate judges, to improve their pay and status.
10. Do not alter rotation of judges as suggested by Kempe study.

11. Do not adopt portions of Kempe study concerning dysfunctional children, as judiciary is capable of handling such children.

12. Permit out-of-state placements, as judges only place children out-of-state when it is necessary.

13. Reject population restrictions that place DHS in the position of a parole board concerning the State Training School.

14. Do not send individuals over the age of 18 to juvenile detention centers or the State Training School for violation of probation from a juvenile delinquency case.

15. With respect to the placement of juveniles waived to adult court, adopt recommendations by Mr. Gil Cervený, from the Department of Human Rights, Division of Children, Youth and Families.

16. Provide funding for adequate training for those involved in the juvenile justice process.

17. Consider a youthful offender's act as one way of dealing with offenders after they reach the age of 18.

THE HONORABLE LARRY EISENHAUER, JUVENILE COURT REFEREE, FIFTH
JUDICIAL DISTRICT

1. Provide for additional placements, as often children must wait for an opening at an appropriate facility.

2. Provide for alternative placements before enacting population restrictions at the state institutions.

3. Improve status and pay of juvenile referees.

MS. JOAN M. VAGTS, EXECUTIVE DIRECTOR, COALITION FOR FAMILY AND
CHILDREN'S SERVICES IN IOWA

1. Establish a special facility investigations unit to handle child abuse investigations of child care facilities, which are more complicated investigations due to the regulation of such facilities. Such a unit may be established as set forth in Ms. Vagts' handout to the Study Committee, "Child Abuse Investigations in Facilities Providing Care to Children," which is filed in the office of the Legislative Service Bureau. The unit may be established by enacting a new Iowa Code section 232.71(17).

2. Amend Iowa Code sections 237.8(2) and 237A.5(2), to allow the involvement of the employer in conducting criminal history and

child abuse registry checks of individuals who work with children, to allow some input as to whether a record prohibits employment.

3. Amend the Iowa Administrative Code to define those prior crimes or types of founded abuse that prohibit employment involving work with children.

4. Require that criminal history and child abuse registry checks be conducted on all direct child care staff and on all staff who have access to children in public and private facilities.

5. Amend Iowa Code section 235A.15(2)(e) by creating a new subparagraph 7, to allow other states access to the Iowa Central Abuse Registry.

6. Develop reciprocal agreements with neighboring states to facilitate criminal history and child abuse registry checks for employment purposes.

7. Upon a finding of abuse involving an employee of a facility, require DHS to notify the facility of the founded report and provide automatic evaluation by DHS and the facility to determine if the founded abuse merits prohibition from employment.

8. Change Iowa Code section 234A.15(2)(c)(1), to allow access to child abuse information by the administrator of a facility, so the facility may become aware of founded child abuse information committed by one of its employees against a child in the care of the facility.

9. Expedite the process for correction of child abuse information regarding facility employees, by requiring that the first step DHS internal review be completed within thirty days.

10. Due to its responsibilities concerning licensure of facilities, keep the Department of Inspections and Appeals updated concerning requests for correcting and expunging records, appeals, and evaluations.

11. Provide adequate reimbursement for providers of child care services.

12. Do not downsize the state institutions without first providing adequate reimbursement for services rendered by private providers.

13. Establish a planning committee to develop a system to pay a fair price for services.

14. Increase per diems for private providers by ten percent for each of the next three years, to make up for the lack of cost-of-living adjustments over the past several years.

15. Establish a liability limit on noneconomic damages available against agencies that provide services to children and families.

16. In order to develop additional residential treatment and shelter services, establish financing through the Iowa Finance Authority, or develop a \$1.5 million grant fund to provide funding.

17. Expand family preservation services statewide and expand the projects so that more families may receive services.

18. In order to deal with the problems of runaways, appropriate \$1.5 million to develop services, such as emergency family foster care, funds to serve nonsystem youths, and resources for crisis counseling and early intervention.

19. Adopt some type of family court system to provide expertise and consistency regarding family law issues.

HELPING CHILDREN AND FAMILIES

ISSUES AND CONCERNS

- Increased demand for service
- Inadequate treatment resources for specialized needs
 - substance abuse
 - sexual abuse
 - emotional/behavioral problems
- Increased out-of-home placements, especially in more restrictive levels of care
- Crowding at state juvenile institutions
- Almost 100 special needs children waiting for adoptive families
- Inadequate service distribution across state
- Complex funding streams

EXHIBIT "S"

CHILD WELFARE STATISTICS

Fiscal Year	Family Child Abuse Reports	Children Founded Abuse	Protective Day Care	Family Centered	Family Preservation	Foster Care	Foster Family Licenses	DHS Adoption	Subsidized Adoption	State Juvenile Institutions	Mental Health Institutions	State Hospital Schools
1977	1,825	567	---	---	---	3,985	2,582	---	147	366	162	541
1978	2,749	878	---	---	---	3,841	2,411	---	185	365	163	573
1979	10,364	2,630	---	---	---	3,629	2,278	156	220	359	180	460
1980	12,384	3,738	---	400	---	3,292	2,303	153	240	346	137	435
1981	14,283	4,557	---	450	---	3,207	2,328	181	302	348	118	385
1982	14,317	4,218	---	500	---	3,044	2,352	152	342	310	95	350
1983	14,511	4,510	---	660	---	3,000	2,276	154	350	320	80	273
1984	15,838	6,226	---	680	---	3,062	2,201	132	372	294	87	229
1985	16,008	6,361	---	775	---	3,203	2,182	136	402	306	91	242
1986	16,460	6,245	678	848	---	3,374	2,118	142	452	305	158	112
1987	16,836	6,293	691	882	---	3,652	2,040	191	507	326	142	97
1988	17,200	6,400	862	1,089	57	3,833	2,000	191	591	323	155	110
1989	17,829	6,700	869	1,081	57	3,997	1,895	206	609	319	134	103

Family Child Abuse Reports and Children Founded Abuse figures represent total numbers for each year

Family Centered figures are the number of families served per month through POG. Does not include DHS direct family service workers

DHS Adoption: Adoption numbers for 1977 to 1988 are for calendar year; adoption numbers of 1989 and following years are for fiscal year

All DHS Mental Health Institutions and Hospital/Schools figures represent average daily number

All other columns' figures represent average monthly number.

SOURCE: Department of Human Services, Division of Management and Budget

FIVE YEAR PLAN TO STRENGTHEN IOWA'S YOUTH AND FAMILIES

INSTITUTIONS

ELDORA

- Population reduction, remodeling and more focused treatment

TOLEDO

- Gradual phase-out of Children in Need of Assistance and focus on female delinquents and younger male delinquents

MHI

- Secure adolescent programs at Independence and Cherokee

COMMUNITY

PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN (PMIC)

- Alternative to out-of-state placements and Toledo

GROUP FOSTER CARE

- Enhanced per diems as alternative to Toledo and Eldora

COMMUNITY (con't)

FAMILY FOSTER CARE

- Enhanced support services as alternative to group foster care

HOME

FAMILY PRESERVATION AND REUNIFICATION

- Intensive services to prevent or shorten out-of-home placement

AFTERCARE

- Structured supervision for youth leaving juvenile institution to reduce recidivism and foster care entry

EVALUATION

- Outcome monitoring to enable plan modification

BENEFITS OF FIVE YEAR PLAN AND PROPOSED INITIATIVES

- **Serving children in their own homes and movement of children to less restrictive placements is less expensive.**
- **Families and children receive treatment most appropriate for their unique needs.**
- **Children are served closer to home.**
- **Iowa's practice comes closer to meeting the intent of federal and state laws.**

FIVE YEAR PLAN TO STRENGTHEN IOWA'S YOUTH AND FAMILIES

The continued referral of children to the state's foster care system, its juvenile institutions, and to facilities outside the state has placed significant pressure on the state's resources and its ability to respond appropriately to the needs of its youth. Of particular concern is a greater inclination to remove children from the home, a trend toward utilization of more restrictive placements for children, and an inability to respond appropriately to children with specialized treatment needs. DHS' philosophy, as well as federal and state law, requires treating a child in the home or using the least restrictive placement possible.

In response to this trend, and in keeping with DHS philosophy, the Department has developed a five year plan to:

1. Reduce populations at the state juvenile institutions and refocus their services on the most difficult youth.
2. Develop specialized treatment programs at 2 mental health institutions.
3. Divert inappropriate institutional and out-of-state placements to community-based residential treatment programs.
4. Divert youth in residential treatment to family foster care.
5. Return youth in family foster care to home with enhanced services.
6. Expand family preservation services to prevent youth from being placed out-of-home.

ELDORA

- 1989: Budgeted to serve 200 youth. Daily population went as high as 237, with an average of 215.
- 1990: Budgeted to serve 200 youth. DHS and Judicial Department to establish population goal by October 1, 1989. During FY 1990, the population will be maintained at 200 by developing approximately 43 secure community-based residential beds.
- Remodel one living unit of 36 beds.
- 1991: Reduce the population to 186, by transferring 14 youth to Toledo.
- Staff to provide a 1:5 ratio.
- New living unit for 20 youth.
- 1992: Reduce the population to 168, by transferring 18 youth to Toledo.
- Remodel second living unit of 36 beds.
- 1993: Reduce the population to 152, by transferring 16 youth to Toledo.
- Remodel third living unit of 36 beds.
- Comment: By 1995, the Eldora population will be reduced and more homogenous, serving those youth with extensive criminal histories, multiple community placements and posing a threat and danger to the community. Length of placement would be increased.

TOLEDO

- 1989: Budgeted to serve 90 youth. Daily population went as high as 126 youth, with an average of 104.
- 1990: Budgeted to serve 90 youth. DHS and Judicial Department to establish population goal by October 1, 1989. During FY 1990, the population will be maintained at 90 by developing additional enhanced community-based residential treatment beds, and by adding psychiatric medical institutions for children (PMIC) beds.

- 1991: Reduce the CINA population by 14, with state institutional care of CINA girls ending in January 1991. As these 14 youth are placed in enhanced community-based residential treatment, 14 younger delinquent males will be transferred from Eldora to Toledo.
- Staff to provide a 1:5 ratio.
- 1992: Reduce the male CINA population by 18. As these 18 youth are placed in enhanced community-based residential treatment, 18 younger delinquent males will be transferred from Eldora to Toledo.
- 1993: End state institutional care of CINA youth by January 1993 with placement of remaining 16 CINA males in enhanced community-based residential treatment. Transfer 16 younger delinquent males from Eldora to Toledo.
- Comment: By FY 1993, the Toledo population will be a mix of those female delinquents being served currently, and younger, more academic-oriented delinquent males from the Eldora population.

CHILDREN'S MHI PROGRAMS

- 1990: Develop 20 bed secure unit at Independence, with 15 beds for adolescents with emotional problems who need a secure setting.
- 1991: Develop 20 bed secure unit at Cherokee for adolescents with substance abuse problems.
- Continue Independence program.
- 1992: Continue both secure programs.
- Comment: These secure programs will provide more appropriate treatment for children with special needs who might otherwise be placed in one of the juvenile institutions.

OUT-OF-STATE PLACEMENTS

- 1989: Over 175 emotionally disturbed or delinquent youth served in out-of-state group foster care facilities providing specialized treatment. Forty four enhanced in-state residential treatment beds provide alternatives to out-of-state placement.

- 1990: Continue enhancement of 44 in-state residential treatment beds. Add approximately 42 new PMIC beds (i.e., beds not licensed under chapter 237 before 1-1-89), which should provide additional alternatives to out-of-state placement. Establish state and local Committees on Children with Special Service Needs to identify placement alternatives for children.
- 1991: Continue reduction of placements in most heavily utilized out-of-state facilities. Add approximately 18 new PMIC beds, thereby reaching the cap in Section 135H.6(5) of 60 new beds.
- 1992: Continue reducing placements of Iowa children in most heavily utilized out-of-state facilities.
- Comment: The goal is to reduce the number of children in out-of-state placement to those whose placement is within 100 miles of the child's home or children with very specialized treatment needs.

GROUP FOSTER CARE

- 1989: Average monthly population of 1,547 youth. Forty four in-state residential treatment beds enhanced to provide alternative to out-of-state placement. Sixty-seven residential treatment beds converted to PMIC beds, with approximately 75% (50) serving court-ordered Iowa foster care population.
- 1990: With 5 Year Plan initiatives, anticipate an average monthly population of 1,584 youth.
- Continue 44 in-state enhanced residential treatment beds; and expand to serve approximately 77 additional youth from juvenile institutions.
- Revise payment methodology to base payment on children's treatment needs and to focus on performance-based outcomes. Revise licensing standards to enable Iowa providers to develop more innovative programs.
- Convert 139 additional residential treatment beds to PMIC program, with approximately 75% (104) serving court-ordered Iowa foster care population.

- 1991: Based on predictive model projection and impact of Five Year Plan initiatives, average monthly population will be 1606 youth.
- Enhance 14 additional in-state beds to serve CINA youth who would otherwise be placed in Toledo.
- Convert 94 additional residential treatment beds to PMIC program, thereby reaching the cap in Section 135H.6(5) of 300 converted beds (i.e., beds licensed under chapter 237 before 1-1-89). Approximately 90% (85) of these PMIC beds will serve court-ordered Iowa foster care population. Programs begun in FY 1989 and 1990 will increase percentage of court-ordered foster care placements to 90% as well.
- 1992: Based on predictive model projection and impact of Five Year Plan initiatives, average monthly population will be 1567 youth.
- Enhance 18 additional in-state beds to serve CINA youth who would otherwise be served in Toledo.
- 1993: Enhance an additional 16 beds for CINA youth who would otherwise be served in Toledo.
- Comment: By FY 1995, over 100 youth are served in enhanced community programs as an alternative to the juvenile institutions.

FAMILY FOSTER CARE

- 1989: Average monthly population of 1,855 youth.
- 1990: With Five Year Plan initiatives, anticipate an average monthly population of 1,960 youth. Provide enhanced family foster care to approximately 38 children.
- 1991: Based on predictive model projection and impact of Five Year Plan initiatives, average monthly population will be 2055 children.
- Expand enhanced family foster care program, thereby preventing or shortening group care placement for an additional 42 children.
- 1992: Based on predictive model projection and impact of Five Year Plan initiatives, average monthly population will be 2013 children.
- Continue enhanced family foster care program for approximately 80 children.

Comment: By FY 1995, there are at least 80 youth in enhanced family foster care who would otherwise be placed in group foster care.

FAMILY PRESERVATION AND REUNIFICATION

1989: Family preservation services were available in 3 of the 8 DHS districts and prevented placements for an average of 38 children per month.

1990: Foster care placement for an average of 37 additional children per month will be either prevented or shortened through the provision of family preservation or family reunification services. Services will be available in 6 of the 8 DHS districts.

1991: Foster care placement for an average of 16 additional children per month will be either prevented or shortened through the provision of family preservation or family reunification services. Services will be available in all 8 DHS districts.

1992: Family preservation and reunification services will prevent or shorten foster care placement for an additional monthly average of 129 children.

Comment: Family preservation and reunification services will be available in all 8 districts, preventing or shortening foster care placement for 451 children each year.

AFTERCARE

1990: Currently, aftercare services are provided sporadically through grant programs, such as Juvenile Justice grants.

1992: Provide a structured program for 40 youth leaving Eldora and Toledo in two DHS districts. Program will focus on individual contacts and intense supervision. Based on the success rate of a similar program, recidivism will be reduced by 20% and entry into residential treatment will be prevented in 50% of the cases.

Comment: As program becomes well established, the re-entry rate for juvenile institution and the entry rate for group foster care should decline. As success documented, program would be expanded.

EVALUATION

- 1989: Began evaluation of family preservation project through 3 year contract with Iowa State University.
- 1990: Continue evaluation of family preservation project.
- 1991: Initiate evaluation of Five Year Plan initiatives and continue evaluation of family preservation.
- 1992: Continue evaluation of Five Year Plan initiatives and family preservation.
- Comment: As outcomes are determined, initiatives will be discontinued, modified or expanded.

EXHIBIT "C"

*Kempe Center Study
Steering Committee*

FY 1991 Recommendations

PRESENTED TO
GOVERNOR TERRY BRANSTAD

OCTOBER 20, 1989

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EXECUTIVE SUMMARY OF RECOMMENDATIONS

Steering Committee

1. The Kempe Center Study Steering Committee should be continued through June 1991 to monitor implementation of the Kempe Center Study recommendations.
2. The Kempe Center Study Steering Committee should obtain the data collected by the Kempe Center, and should appoint a small group of persons to review and analyze that data. This process should be coordinated with other research being done in the child welfare and juvenile justice area. This effort would provide Iowa an opportunity to make further use of the wealth of data collected.

Child Protection Teams

The Kempe Center Study Steering Committee should work with the Kempe Center and other groups studying similar issues (eg., DHS' Child Welfare Interdisciplinary Training Committee, the Children's Justice Task Force, and the Institutional Abuse Task Force) to develop a coordinated system of multidisciplinary child protection teams. This process should begin with the Kempe Center clarifying their original recommendations in this area, and reviewing and commenting on the work of the DHS' Child Protection Team Task Force by November 1, 1989.

Removal of Children

1. Amend the definition of child in need of assistance (CINA) to address the issue of drug affected infants. Options should be explored with the Iowa Medical Society, the Iowa Hospital Association, the Iowa Department of Public Health, the American Academy of Pediatrics and the juvenile courts.
2. Amend Section 232.2(6)"d" as follows:
 - d. Who has been sexually abused by the child's parent, guardian, custodian or other member of the household in which the child resides; or who is imminently likely to be sexually abused.
3. Amend Section 232.78(1) by striking paragraph "a" and renumbering the remaining paragraphs. This would eliminate the requirement for requesting parental permission prior to requesting an ex parte court order for removal.
4. Continue the two initiatives begun in FY 1990 to fund outcome oriented evaluation and a position to promote innovative and treatment programs, and to develop additional child abuse prevention grants. Expand prevention grants with another \$100,000.

Foster Care

1. DHS should develop recruitment materials (including brochures, a TV public service announcement, and an orientation videotape) and activities during foster care month in May. In developing recruitment materials, DHS should explore state-funded resources such as public universities and Iowa Public Television.
2. Iowa should increase payments to foster care providers to more realistically cover the cost of providing care.
3. Iowa should treat foster parents as part of the team working towards a permanency plan for the child. This should include providing foster parents a written description of their role and all relevant information about a child placed or to be placed with them. DHS and the Iowa Foster and Adoptive Parent Association should develop a placement protocol to assist workers in making the determination regarding what information to share, in order to serve both the child and foster family's best interest.
4. Iowa should pilot the Model Approach to Partnership in Parenting (MAPP) preservice training program for both foster and adoptive parents. Other states have found this program increased retention and decreased placement disruptions. Inservice training and support services should be strengthened as well, including counseling for foster parents making the transition to adoption.

Permanency Planning and Termination of Parental Rights

1. Grounds for termination of parental rights should be amended as follows:
 - a. Amend Section 232.116(1)"h" as follows, in order to provide that there is no statutory requirement to offer services to the parents in severe abuse or neglect cases where this would present an unacceptable risk to the child.
 - h. The court finds that both of the following have occurred:
 - (1) The child meets the definition of child in need of assistance based on a finding of physical or sexual abuse or neglect denial of critical care as a result of the acts or omissions of one or both parents.
 - (2) There is clear and convincing evidence that the abuse or neglect was so severe that offering or providing services to the parents would present an unacceptable risk. ~~circumstances-surrounding-the-abuse-or-neglect-of-the-child,-despite-the-receipt-of-services,-constitutes-imminent-danger-to-the-child-~~

b. Amend Section 232.116(1)"j" as follows, in order to delete language requiring that the parent has been institutionalized and presents a danger to self or others. The critical issue should be the impact of the parent's mental illness on their ability to provide care to the child.

j. The court finds that all of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 and custody has been transferred from the child's parents for placement pursuant to section 232.102.

(2) The parent has a chronic mental illness, and has been repeatedly institutionalized for mental illness, and presents a danger to self or others as evidenced by prior acts.

(3) There is clear and convincing evidence that the parent's prognosis indicates that the child will not be able to be returned to the custody of the parent within a reasonable period of time considering the child's age and need for a permanent home.

c. Amend Section 232.116(1)"k" as follows, in order to strike language regarding the severity of the substance abuse problem and the degree of danger presented by the parent. The Critical issue should be the impact of the parent's substance abuse problem on their ability to provide care to the child.

k. The court finds that all of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 and custody has been transferred from the child's parents for placement pursuant to section 232.102.

(2) The parent has a severe, chronic substance abuse problem, and presents a danger to self or others as evidenced by prior acts.

(3) There is clear and convincing evidence that the parent's prognosis indicates that the child will not be able to be returned to the custody of the parent within a reasonable period of time considering the child's age and need for a permanent home.

2. Section 232.102(6) which now requires DHS to "make every effort" to reunify a family should be modified to read that DHS "make reasonable efforts" to reunify a family. This is consistent with PL 96-272, the federal Child Welfare Act.

3. DHS' subsidized adoption budget should be increased by \$90,000 for purchase of adoption services to recruit, place and support adoptive families for additional special needs children. This should serve between 22 to 36 children, at a cost range of \$2500 to \$4050 per child. In addition, DHS should revise administrative rules to provide for payment to the private agency whenever a special needs child is placed with a family recruited and prepared for adoption by a private agency.

4. In the automation of its information system, the Judicial Department should ensure the following information regarding juvenile hearings is included:
 - a. Outcomes for specific petitions (eg. CINA, delinquency, FINA, TPR) filed, and
 - b. Timeliness of specific hearings (eg. CINA, permanency, FINA, delinquent, TPR).
5. Chapter 232 should be amended to specify that the appellate process for juvenile court decisions is "on error".
6. The FY 90 initiatives (ie, the Permanency Planning Program Manager, the permanency planning caseworker and the assistant attorney general representing DHS) should be continued (\$155,000). In addition, two more permanency planning caseworkers should be added (\$80,000). The impact of all three permanency planning initiatives (i.e., the specialized caseworkers, assistant Attorney General and the program manager) should be evaluated in a year.

DHS Staff - Minimum Education and Experience Requirements,
Training, Caseloads and Turnover

1. The Governor and Legislature should provide \$40,000 for the study and revision of the minimum qualifications for the Social Worker (SW) 2 and 3 positions. Such a study should focus on an analysis of job tasks, minimum education and experience requirements and appropriate testing. Participants should include DHS, the Iowa Department of Personnel (IDOP), NASW, Iowa United Professionals (IUP) and the state universities. Under the revised standards, substitution of experience for coursework requirements or vice versa should not be permitted; and the use of the GATBY test for the SW2 position should be eliminated.
2. DHS and the state schools of social work should work together to assist schools in preparing students for public child welfare, to encourage students to consider careers in public child welfare, and to make it easier for the current public child welfare staff to complete a social work degree. For example DHS should provide field placements or traineeships (\$10,000 per student) for students and DHS staff should serve as guest faculty. Schools should allow DHS staff to complete their internship in their current position.
3. The Governor and Legislature should continue to provide funds (\$420,000) for staff inservice and interdisciplinary training. An additional \$60,000 should be provided for tuition reimbursement for current child welfare staff who wish to pursue a BSW or MSW degree.
4. DHS should ensure that all public social work departments are involved in the development of course content and provision of actual training under the recently established Title IV-E training contract with the consortium of state universities.

5. The system for filling vacancies for casework staff should be streamlined, giving each district the authority to fill legislatively funded positions without going back to the office of management for approvals each time, unless the district has experienced a decline in caseloads. The social work series should be open for application year-round.
6. The Steering Committee is concerned about the service caseweights (e.g., FY 1989 average of 158) and supports efforts to reduce service caseweights to 130, as recommended by the Kempe Center Study.

Juvenile Court System

1. The state judiciary should establish a work group to develop alternatives to the present system of handling CINA and TPR cases. The possibility of creating a unified Iowa Family Court should be studied through a pilot in a single county or judicial district interested in this approach.
2. The Kempe Study Steering Committee supports the DHS and Judicial Department committee's work towards eliminating joint case management. Following is that committee's initial proposal:
 - a. When the court orders a juvenile on probation or places a child in payment only foster care, the juvenile court officer should have total case responsibility (including writing court reports and case permanency plans, making child and parental visits, making service referrals and coordinating services).
 - b. When the court orders DHS to have legal responsibility (supervision, custody, or guardianship), the DHS worker should have total case responsibility (including writing court reports and case permanency plans, making child and parental visits, making service referrals and coordinating services). When DHS has casework responsibility, the JCO should monitor the case through contacts with the DHS caseworker.
3. During the planned review of its district organization, DHS should consider conforming its boundaries to match the judicial districts.
4. The Court Appointed Special Advocate (CASA) program should be expanded to an additional district (\$75,000).

Confidentiality

1. Continue the \$10,000 appropriation to the SFCRB for public education regarding foster care.
2. Amend the Code to provide that DHS can release otherwise confidential information, if the parent and the child's guardian ad litem sign a release of information.
3. Amend the Code to clarify that DHS and other persons and agencies serving children can and should share information with each other based on a need to know the facts of a child's situation.

INTRODUCTION

In August 1988, Governor Branstad commissioned the National Child Abuse and Neglect Clinical Resource Center - Kempe National Center to lead a consortium of 5 National Child Welfare Resource Centers in a study of Iowa's child welfare service system, focusing on 4 issues:

- o Removal of children from the home
- o Termination of parental rights
- o Staffing, training, and procedures of the juvenile court and DHS
- o Confidentiality of information

The Governor also established an interdisciplinary steering committee to oversee the consortium of researchers.

Based on an extensive study (including questionnaires of and interviews with key child welfare system participants, a public hearing, and reviews of archival data, case records, statutes, case laws, rules, and manual) under the direction of the steering committee, the Kempe Center's final report included 92 recommendations for changes in policies and procedures and for program enhancements. Of the recommendations, the Task Force commended 39 to the Governor for immediate action; the rest were given secondary priority status for review and action as soon as possible.

During the 1989 legislative session, the Governor and Legislature implemented a number of the suggested statutory changes and provided \$1 million in new funds for child welfare system improvements in FY90. The Governor also appointed Catherine Williams to chair the steering committee and requested they continue to meet during 1989 under the Department of Human Services (DHS). This report represents the Committee's recommendations for legislative and budget proposals for FY 1991. Committee minutes are available upon request.

ISSUE: CHILD PROTECTION TEAMS

BACKGROUND

The Kempe Center Study of Iowa's child protective service system included several findings and recommendations related to the use of child protection teams. These included:

1. Better judgement regarding placement decisions is likely to the extent that more forms of knowledge are applied. (Vol. 2, p. 35)
2. Iowa should enact legislation requiring the creation of multidisciplinary child protection teams in every county or group of counties with 50 or more founded child abuse or neglect cases in a calendar year, with the requirement that the team be made aware of and permitted to review all founded cases in the jurisdiction. (Vol. 2, p. 37)
3. Multidisciplinary teams or expert consultants should be available to DHS workers consistently to advise on critical case work decisions. (Vol. 2, p. 99)
4. Iowa should support and expand the model multidisciplinary teams for physical abuse and sexual abuse to have a greater statewide focus, and provide the additional professional components that are missing. (Vol. 2, p. 154)
5. Iowa should develop community or hospital based multidisciplinary child protection teams at the local level, which would function in a diagnostic as well as monitoring mode. These teams should relate clinically to the consultative specialized multidisciplinary teams. (Vol. 2, p. 155)

Since the Kempe Study was completed, a number of changes have been initiated in this area:

1. SF 540 and HF 699 amended section 232. 71(17) to require multidisciplinary teams in every county or multi-county area with 50 or more child abuse reports in a year.
2. SF 541 provided \$75,000 for the establishment of a state multidisciplinary team to assist with difficult cases within the foster care system and with respect to child protective investigation and initial case planning and to develop and coordinate local multidisciplinary teams.
3. DHS Director Charles Palmer created a Child Protection Team Task Force to develop recommendations regarding the FY 1990 initiatives in the area of child protection teams. Two subcommittees, the Multidisciplinary Teams subcommittee and the Child Protection Centers subcommittee, delivered their recommendations on September 5, 1989.

STEERING COMMITTEE RECOMMENDATIONS

The Kempe Center Study Steering Committee should work with the Kempe Center and other groups studying similar issues (eg., DHS' Child Welfare Interdisciplinary Training Committee, the Children's Justice Task Force, and the Institutional Abuse Task Force) to develop a coordinated system of multidisciplinary child protection teams. This process should begin with the Kempe Center clarifying their original recommendations in this area, and reviewing and commenting on the work of the DHS' Child Protection Team Task Force by November 1, 1989.

ISSUE: REMOVAL OF CHILDREN

BACKGROUND

One of the 4 issues examined in the Kempe Center Study of Iowa's child protective service system was the removal of children. Findings and recommendations included:

1. The most frequent complaint and concern expressed by attorneys, DHS personnel, juvenile court officers and other professionals concerning child abuse investigations and the safety of children was the requirement in Section 232.78 that DHS or JCS workers request parental permission to remove a child prior to requesting an ex parte court order for removal. (Vol. 2, p. 19)

NOTE: Section 232.78 was amended in 1989 to provide exceptions to this requirement when there is reasonable cause to believe that a request for consent would further endanger the child, or there is reasonable cause to believe that a request for consent will cause the parent, guardian, or legal custodian to take flight with the child.

2. Iowa code is not clear regarding the ability of DHS or the juvenile courts to intervene in situations in which a baby is born suffering the effects of parental substance abuse. (Vol. 2, p. 19-20)
3. Iowa code does not adequately address situations in which children reside in the home of a sexual abuse perpetrator, or in which children show physical evidence of sexual abuse but because of their age or handicap are not able to name the perpetrator. (Vol. 2, p. 21)
4. Iowa's standard for removal of a child is higher than necessary to remain within constitutional requirements and may not protect children adequately. (Vol. 2, p. 26 & 28)
5. Many people indicated the in-home services available currently are not sufficiently intensive or well-funded to manage identified risks in Iowa. (Vol. 2, p. 37)
6. The data necessary to measure specific outcomes for children brought into the child protective services system must be collected and analyzed. (Vol. 2, p. 155)
7. DHS should establish a full-time staff consultant and liaison to help create new services and innovative programs within the private sector to treat child victims of abuse and their families. Foundations and charitable trusts should earmark specific monies to support prevention and treatment programs in private practice. (Vol. 2, p. 156)

Since the Kempe Study was completed, two initiatives in this area were funded:

1. DHS received a \$75,000 appropriation to develop outcome-oriented evaluation systems, and to fund a full-time equivalent position to promote innovative treatment programs, write grants to obtain federal and private funding, and promote public and private efforts to treat and prevent child abuse.
2. DHS received a \$100,000 appropriation for additional child abuse prevention grants.

In addition, \$100,000 was provided for child protective service improvements in the decategorization counties. The Kempe Center Study Steering Committee did not address the decategorization initiative, though, because a separate advisory committee has been appointed to oversee that project.

STEERING COMMITTEE RECOMMENDATIONS

1. Amend the definition of child in need of assistance (CINA) to address the issue of drug affected infants. Options should be explored with the Iowa Medical Society, the Iowa Hospital Association, the Iowa Department of Public Health, the American Academy of Pediatrics and the juvenile courts.
2. Amend Section 232.2(6)"d" as follows:
 - d. Who has been sexually abused by the child's parent, guardian, custodian or other member of the household in which the child resides; or who is imminently likely to be sexually abused.
3. Amend Section 232.78(1) by striking paragraph "a" and renumbering the remaining paragraphs. This would eliminate the requirement for requesting parental permission prior to requesting an ex parte court order for removal.
4. Continue the two initiatives begun in FY 1990 to fund outcome oriented evaluation and a position to promote innovative and treatment programs, and to develop additional child abuse prevention grants. Expand prevention grants with another \$100,000.

ISSUE: FOSTER CARE

BACKGROUND

Although not focused specifically on the foster care program, the Kempe Center Study of Iowa's child protective service system presented several findings regarding this program.

1. The status and treatment of foster parents as agency service providers is unclear and inconsistent in areas of responsibility to the goals of the case plan, access to information and expectations for case management. (Vol. 2, p. 100)
2. While a large percentage of foster children have been successfully adopted by their foster parents, Iowa does not have a uniform practice which encourages foster parent adoption. (Vol. 2, p. 98)
3. Foster homes are overburdened. The pool of foster parents has shrunk over the past several years. While the average monthly foster care population has risen consistently from 3,044 in 1982 to 3,833 in 1988, the number of foster family licenses has dropped during the same period from 2,276 to 2,000. (Vol. 2, p. 98)

STEERING COMMITTEE RECOMMENDATIONS

1. DHS should develop recruitment materials (including brochures, a TV public service announcement, and an orientation videotape) and activities during foster care month in May. In developing recruitment materials, DHS should explore state-funded resources such as public universities and Iowa Public Television.
2. Iowa should increase payments to foster care providers to more realistically cover the cost of providing care.
3. Iowa should treat foster parents as part of the team working towards a permanency plan for the child. This should include providing foster parents a written description of their role and all relevant information about a child placed or to be placed with them. DHS and the Iowa Foster and Adoptive Parent Association should develop a placement protocol to assist workers in making the determination regarding what information to share, in order to serve both the child and foster family's best interest.
4. Iowa should pilot the Model Approach to Partnership in Parenting (MAPP) preservice training program for both foster and adoptive parents. Other states have found this program increased retention and decreased placement disruptions. Inservice training and support services should be strengthened as well, including counseling for foster parents making the transition to adoption.

ISSUE: PERMANENCY PLANNING AND TERMINATION OF PARENTAL RIGHTS

BACKGROUND

One of the 4 major questions on which the Kempe Center Study of Iowa's child protective service system concentrated was the statutes and policies governing termination of parental rights. In addressing this issue, the Kempe Center focused on permanency planning and adoption as well.

Significant findings and recommendations noted in the study included:

1. Iowa's termination laws are a complex mix of statute and case law. (Vol 2, p 56) Many county attorneys and judges are not aware of some of the most recent statutory changes and appeal court decisions. (Vol 2, p 61) Grounds for termination of parental rights should be amended to provide more specificity and to address such issues as severe neglect, shorter timeframes for younger children, and parents with substance abuse or mental health problems or a lengthy criminal convictions. (Vol. 2, p. 55-59)
2. The statutory requirement in Section 232.102(6) that DHS "make every effort" to reunify children with their parents is more stringent than the "reasonable efforts" requirement in Public Law 96-272. (Vol 2, p 64 & 65)
3. There is limited data regarding court's compliance with statutory requirements for hearings or court guidelines for timely handling of cases. (Vol. 2, p. 62)
4. Delays in completing termination of parental rights (TPR) cases are too common. For TPR cases, statewide judicial guidelines set a limit of 60 days for hearing a petition, and five entire months for entering a final dispositional order. The rotation of judges through the court system in Iowa creates tangible harm to the achievement of permanency for foster children. (Vol. 2, p. 65)
5. One of the most serious delays in completing the process under which children in foster care are either adopted or achieve other permanent placement is the delay caused by the lengthy "de novo" appellate process post-TPR. (Vol. 2, p. 68)
6. More diligent DHS action, including use of the Adoption Exchange in all cases, is needed to quickly secure adoptive placements for all children where parental rights have been terminated. (Vol. 2, p. 72)

Many, but not all, of the recommendations for statutory changes regarding the grounds for termination of parental rights were implemented in 1989. In addition, a Permanency Planning Program Manager was funded, as were the piloting of a permanency planning caseworker and an assistant attorney general to represent DHS.

STEERING COMMITTEE RECOMMENDATIONS

1. Grounds for termination of parental rights should be amended as follows:

a. Amend Section 232.116(1)"h" as follows, in order to provide that there is no statutory requirement to offer services to the parents in severe abuse or neglect cases where this would present an unacceptable risk to the child.

h. The court finds that both of the following have occurred:

(1) The child meets the definition of child in need of assistance based on a finding of physical or sexual abuse or neglect denial of critical care as a result of the acts or omissions of one or both parents.

(2) There is clear and convincing evidence that the abuse or neglect was so severe that offering or providing services to the parents would present an unacceptable risk. circumstances-surrounding-the-abuse or-neglect-of-the-child;-despite-the-receipt-of services;-constitutes-imminent-danger-to-the-child-

b. Amend Section 232.116(1)"j" as follows, in order to delete language requiring that the parent has been institutionalized and presents a danger to self or others. The critical issue should be the impact of the parent's mental illness on their ability to provide care to the child.

j. The court finds that all of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 and custody has been transferred from the child's parents for placement pursuant to section 232.102.

(2) The parent has a chronic mental illness, and-has been-repeatedly-institutionalized-for-mental-illness; and-presents-a-danger-to-self-or-others-as-evidenced-by prior-acts-

(3) There is clear and convincing evidence that the parent's prognosis indicates that the child will not be able to be returned to the custody of the parent within a reasonable period of time considering the child's age and need for a permanent home.

c. Amend Section 232.116(1)"k" as follows, in order to strike language regarding the severity of the substance abuse problem and the degree of danger presented by the parent. The Critical issue should be the impact of the parent's substance abuse problem on their ability to provide care to the child.

k. The court finds that all of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 and custody has been transferred from the child's parents for placement pursuant to section 232.102.

(2) The parent has a severe, chronic substance abuse problem, ~~and presents a danger to self or others as evidenced by prior acts.~~

(3) There is clear and convincing evidence that the parent's prognosis indicates that the child will not be able to be returned to the custody of the parent within a reasonable period of time considering the child's age and need for a permanent home.

2. Section 232.102(6) which now requires DHS to "make every effort" to reunify a family should be modified to read that DHS "make reasonable efforts" to reunify a family. This is consistent with PL 96-272, the federal Child Welfare Act.
3. DHS' subsidized adoption budget should be increased by \$90,000 for purchase of adoption services to recruit, place and support adoptive families for additional special needs children. This should serve between 22 to 36 children, at a cost range of \$2500 to \$4050 per child. In addition, DHS should revise administrative rules to provide for payment to the private agency whenever a special needs child is placed with a family recruited and prepared for adoption by a private agency.
4. In the automation of its information system, the Judicial Department should ensure the following information regarding juvenile hearings is included:
 - a. Outcomes for specific petitions (eg. CINA, delinquency, FINA, TPR) filed, and
 - b. Timeliness of specific hearings (eg. CINA, permanency, FINA, delinquent, TPR).
5. Chapter 232 should be amended to specify that the appellate process for juvenile court decisions is "on error".
6. The FY 90 initiatives (ie, the Permanency Planning Program Manager, the permanency planning caseworker and the assistant attorney general representing DHS) should be continued (\$155,000). In addition, two more permanency planning caseworkers should be added (\$80,000). The impact of all three permanency planning initiatives (i.e., the specialized caseworkers, assistant Attorney General and the program manager) should be evaluated in a year.

ISSUE: DHS STAFF - MINIMUM EDUCATION AND EXPERIENCE
REQUIREMENTS, TRAINING, CASELOADS AND TURNOVER

BACKGROUND

The Kempe Center Study of Iowa's child protective service system concentrated on 4 major questions, one of which focused on the staffing and training of the Department of Human Services (DHS). Findings included:

1. Job requirements in Iowa are low, in that experience can be substituted for education for Social Worker (SW) 2 and 3 positions. There is no finite requirement for a bachelor's degree. These requirements do not assure that entering employees have the capability (skills and knowledge) to perform assigned tasks and meet case requirements. Survey data indicated that only 25.7% of child protective service staff had BSW degrees and only 3.8% had MSW degrees, and that workers felt uncertain as to whether their academic and professional training prepared them adequately to serve children and families. (Vol. 2, p. 77, 96 & 100)
2. The content, duration and timing of in-service training does not provide a sufficient basis for DHS staff to perform assigned tasks and meet case requirements. (Vol. 2, p. 100)
3. The absence of entry skills and adequate in-service training means that DHS is placing families and children (as well as the state) at risk when inexperienced and inadequately trained workers are assigned to intervene with families where child abuse or neglect have been reported. (Vol 2, p. 84)
4. The role of line staff in DHS (ie., service provider or case manager) is not defined clearly or consistently; policy implies that workers are case managers, but in much of Iowa there are few service resources to manage and workers themselves must provide services. (Vol. 2, p. 78)
5. The case weight methodology in Iowa is directed at total allocation decisions and is not yet able to be utilized effectively to make more discrete judgements about individual worker's caseloads. For example, the determination of case weight and actual assignments do not reflect the additional direct service responsibilities and distance factors involved in rural service delivery generated by fewer referral resources and geographic distance. (Vol. 2, p. 79 & 100)
6. There is broad and consistent agreement that DHS' caseloads are too high, and that they exceed the new Standards for Service for Abused or Neglected Children and Their Families (Child Welfare League of America) of 17 active families per worker. (Vol. 2, p. 90)

7. Staff-supervision ratios in DHS exceed the nationally recommended standard of 5 workers to 1 supervisor (statewide average of 7.5 to 1). In addition, there is no systematic training for supervisors and managers, nor is prior specific training a requirement for these positions. (Vol. 2, p. 91)
8. Problems of high caseloads are exacerbated by delays in filling approved positions, and have left critical child protection positions unfilled that are essential to the agency's ability to protect children and provide continuity of services. (Vol. 2, p. 91 & 100)

Decisions made by public child welfare staff are critical; they can alter the future course of a child's life and that of the child's family. Decisions such as whether or not a child was abused, whether a child should be removed from the home or should be placed in a particular type of treatment setting, or whether to petition a court for termination of parental rights are typical of those made daily by child welfare workers. To make such decisions, staff need:

- o realistic caseloads and access to supervision;
- o knowledge regarding child development, family systems and family-centered practice, dysfunctional behavior, ethnic minorities, disadvantaged families, and child maltreatment;
- o skills in interviewing, clinical assessment, case planning, brokering and coordinating services, and advocacy.

Research has shown a positive relationship between a degree in social work and provision of child welfare services (Olsen & Holmes, 1982; Booz-Allen & Hamilton, Inc., 1987; Lieberman, Hornby & Russel, 1988). Only individuals who have had professional training should be given the responsibility for such important decision making.

For FY 1990, DHS received \$420,000 to improve staff training efforts. Based on the advice of an Interdisciplinary Training Advisory Committee, DHS allocated the funds to child protective team training (\$50,000), legal training by an Assistant Attorney General (\$25,000), regional interdisciplinary meetings (\$35,000), coordination of existing DHS inservice training (\$150,000) and DHS and juvenile court participation in conferences (\$150,000).

STEERING COMMITTEE RECOMMENDATIONS

1. The Governor and Legislature should provide \$40,000 for the study and revision of the minimum qualifications for the Social Worker (SW) 2 and 3 positions. Such a study should focus on an analysis of job tasks, minimum education and experience requirements and appropriate testing. Participants should include DHS, the Iowa Department of Personnel (IDOP), NASW, Iowa United Professionals (IUP) and the state universities. Under the revised standards, substitution of experience for coursework requirements or vice versa should not be permitted; and the use of the GATBY test for the SW2 position should be eliminated.

2. DHS and the state schools of social work should work together to assist schools in preparing students for public child welfare, to encourage students to consider careers in public child welfare, and to make it easier for the current public child welfare staff to complete a social work degree. For example DHS should provide field placements or traineeships (\$10,000 per student) for students and DHS staff should serve as guest faculty. Schools should allow DHS staff to complete their internship in their current position.
3. The Governor and Legislature should continue to provide funds (\$420,000) for staff inservice and interdisciplinary training. An additional \$60,000 should be provided for tuition reimbursement for current child welfare staff who wish to pursue a BSW or MSW degree.
4. DHS should ensure that all public social work departments are involved in the development of course content and provision of actual training under the recently established Title IV-E training contract with the consortium of state universities.
5. The system for filling vacancies for casework staff should be streamlined, giving each district the authority to fill legislatively funded positions without going back to the office of management for approvals each time, unless the district has experienced a decline in caseloads. The social work series should be open for application year-round.
6. The Steering Committee is concerned about the service caseweights (e.g., FY 1989 average of 158) and supports efforts to reduce service caseweights to 130, as recommended by the Kempe Center Study.

ISSUE: JUVENILE COURT SYSTEM

BACKGROUND

The Kempe Center Study of Iowa's child protective service system concentrated on 4 major questions, one of which focused on the staffing, training, and procedures of the juvenile court and its relationship with the Department of Human Services (DHS). Specific findings noted in the study included:

1. Too often the judges or referees who hear the child in need of assistance (CINA) case then rotate out of hearing juvenile cases at all, and thus the post-disposition, permanency, and TPR hearings may all be heard by separate judges, none of whom were involved in the case when the CINA petition was first filed. Like the re-assignment of DHS caseworkers, the assignment of a new judge to a case in all likelihood will mean that a severely dysfunctional family will be given "still another chance". (Vol. 2, p. 65)
2. Unlike DHS workers, juvenile court officers (JCO) did not complain about caseload sizes. (Vol. 2, p. 82 & 83)
3. In most jurisdictions, DHS workers handle CINA cases and the JCO role centers around delinquency cases. (Vol. 2, p. 83 & 94)
 - a. In some counties, the JCO acts as a screening step for CINA petitions. In jurisdictions where the JCO screens CINA petitions, there is a potential conflict of interest in that the judge, through the JCO, is controlling indirectly the filing of cases as well as the adjudication. (Vol. 2, p. 83)
 - b. In some counties, the court orders joint supervision between DHS and the JCO. This leaves two parties accountable for developing and fulfilling the case plan. Often dual accountability means no accountability. In the judicial districts in which the state foster care review board is active, local review boards found that the roles and responsibilities of the DHS case worker and JCO were not defined clearly when there was joint supervision and courts found it difficult to ascertain who was accountable for insuring that permanency goals were achieved. (Vol. 2, p. 83)
4. Case coordination between DHS and Juvenile Court Services (JCS) is a highly individualized matter based on the local area. In some counties, coordination works well, in others it doesn't. Coordination is impeded at the local level by having different district boundaries between DHS and the courts. In the worst cases, one DHS district encompasses 4 judicial districts, while one judicial district encompasses 5 DHS districts. (Vol. 2, p. 93 & 142)
5. The absence of written juvenile court procedures contributes to poor clarity and inconsistent practices throughout the state. (Vol. 2, p. 100)

6. The Office of the State Court Administrator lacks a single point of contact for the juvenile justice system. (Vol. 2, p. 87)
7. Juvenile court officers and administrators appear to receive an adequate program of training at least in relation to what DHS workers receive. (Vol. 2, p. 87 & 95)

STEERING COMMITTEE RECOMMENDATIONS

1. The state judiciary should establish a work group to develop alternatives to the present system of handling CINA and TPR cases. The possibility of creating a unified Iowa Family Court should be studied through a pilot in a single county or judicial district interested in this approach.
2. The Kempe Study Steering Committee supports the DHS and Judicial Department committee's work towards eliminating joint case management. Following is that committee's initial proposal:
 - a. When the court orders a juvenile on probation or places a child in payment only foster care, the juvenile court officer should have total case responsibility (including writing court reports and case permanency plans, making child and parental visits, making service referrals and coordinating services).
 - b. When the court orders DHS to have legal responsibility (supervision, custody, or guardianship), the DHS worker should have total case responsibility (including writing court reports and case permanency plans, making child and parental visits, making service referrals and coordinating services). When DHS has casework responsibility, the JCO should monitor the case through contacts with the DHS caseworker.
3. During the planned review of its district organization, DHS should consider conforming its boundaries to match the judicial districts.
4. The Court Appointed Special Advocate (CASA) program should be expanded to an additional district (\$75,000).

ISSUE: CONFIDENTIALITY

BACKGROUND

The final issue examined by the Kempe Center Study of Iowa's child protective service system was whether Iowa statutes governing confidentiality of information hindered or aided the proper handling of cases. Findings and recommendations included:

1. The current statutes governing confidentiality of information can hinder the protection of a child in a given case by not clearly indicating that all data necessary to an investigation will be made available to social services. (Vol. 2, p. 112)
2. The principle on which statutes governing confidentiality in child protection matters should be based is "need to know". (Vol. 2, p. 112)
3. If possible, a variety of approaches should be used to increase accountability, to allow accountability at different levels of DHS activity, and to provide greater experience with appropriately sharing information about the work of DHS. (Vol., 2, p. 113)
4. Over the long term, in a democracy, our basic commitment is to openness and the widest possible sharing of information. Child protection can occur only when an informed public supports the effort. The maximum possible access should be given to the media, and permitted by law. At the same time, there is often no "need to know" certain identifying or otherwise stigmatizing details of a situation. (Vol. 2, p. 113)

During FY 1990, DHS received a \$10,000 appropriation to transfer to the State Foster Care Review Board (SFCRB) to provide a connecting link with the news media and the public regarding the foster care system and existing foster care cases. These funds will be used to:

1. Develop statewide contacts, county by county, of organizations and individuals. These contacts would be involved in both on-going education activities of SFCRB. They may be able to diffuse public reaction when controversial cases arise in their county.
2. Provide on-going education for the citizens of Iowa via individual contacts, newsletter, media releases, and SFCRB sponsored education opportunities.
3. Increase SFCRB visibility as a citizen agency with expertise in dealing with foster care issues. Be able as an ombudsman to explain and direct citizens regarding foster care concerns.

STEERING COMMITTEE RECOMMENDATIONS

1. Continue the \$10,000 appropriation to the SFCRB for public education regarding foster care.
2. Amend the Code to provide that DHS can release otherwise confidential information, if the parent and the child's guardian ad litem sign a release of information.
3. Amend the Code to clarify that DHS and other persons and agencies serving children can and should share information with each other based on a need to know the facts of a child's situation.

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