Senate Study Bill 185

Conference Committee Text

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1 1 Section 1. IOWA CHILD DEATH REVIEW TEAM &endash; FINDINGS AND
1 2 PURPOSE.
1 3 1. The general assembly finds the following:
1 4 a. Protection of the health and welfare of the children of
1 5 this state is a goal of its people and the death of children
1 6 is an important public health concern that requires
1 7 legislative action.
1 8 b. Collecting accurate data on the cause and manner of
1 9 deaths will better enable the state to identify preventable
1 10 deaths, and thus help reduce the incidence of such deaths.
1 11 c. Multidisciplinary review of child deaths is a mechanism
1 12 to assist the state in developing a greater understanding of
1 13 the incidence and causes of child deaths and the methods for
1 14 prevention of such deaths.
1 15 2. The purpose of the child death review team is to aid in
1 16 the reduction of the incidence of serious injury and death to
1 17 children by accurately identifying the cause and manner of
1 18 death of children.
1 19 Sec. 2. NEW SECTION. 144D.1 IOWA CHILD DEATH REVIEW TEAM
1 20 &endash; ESTABLISHED DUTIES.
1 21 1. An Iowa child death review team is established as an
1 22 independent agency of state government. The Iowa department
1 23 of public health and the department of human services shall
1 24 provide staffing and administrative support to the team.
1 25 2. The membership of the review team is subject to the
1 26 provisions of sections 69.16 and 69.16A, relating to political
1 27 affiliation and gender balance. Review team members who are
1 28 not designated by another appointing authority shall be
1 29 appointed by the director of public health and the director of
1 30 human services. Membership terms shall be for three years. A
1 31 membership vacancy shall be filled in the same manner as the
1 32 original appointment. The review team shall elect a
1 33 chairperson and other officers as deemed necessary by the
1 34 review team. The review team shall meet upon the call of the
1 35 chairperson, upon the request of a state agency, or as
2 1 determined by the review team. The members of the team are
2 2 eligible for reimbursement of actual and necessary expenses
2 3 incurred in the performance of their official duties.
2 4 The review team shall include the following:
2 5 a. The state medical examiner or the state medical
2 6 examiner's designee.
2 7 b. A designee of the director of public health.
2 8 c. A designee of the director of human services.
2 9 d. A designee of the commissioner of public safety.
2 10 e. A designee of the administrator of the division of
2 11 vital records of the Iowa department of public health.
2 12 f. A designee of the attorney general.
2 13 g. A designee of the director of transportation.
2 14 h. A designee of the director of the department of
2 15 education.
2 16 i. A certified or licensed professional who is
2 17 knowledgeable concerning sudden infant death syndrome.
2 18 j. Two pediatricians who are knowledgeable concerning
2 19 deaths of children.
2 20 k. Two mental health professionals who are knowledgeable
2 21 concerning deaths of children.

2 22 l. Two social workers who are knowledgeable concerning
2 23 deaths of children.
2 24 m. A certified or licensed professional who is
2 25 knowledgeable concerning domestic violence.
2 26 n. A professional who is knowledgeable concerning
2 27 substance abuse.
2 28 o. A local law enforcement official.
2 29 p. A county attorney.
2 30 q. A nurse who is knowledgeable concerning the deaths of
2 31 children.
2 32 r. A perinatal expert.
2 33 s. A representative of the health insurance industry.
2 34 t. Three others appointed at large.
2 35 3. The review team shall perform the following duties:
3 1 a. Collect, review, and analyze child death certificates
3 2 and child death data, including patient records or other
3 3 pertinent confidential information concerning the deaths of
3 4 children age six or younger, and other information as the
3 5 review team deems appropriate for use in preparing an annual
3 6 report to the governor and the general assembly concerning the
3 7 causes and manner of child deaths. The report shall include
3 8 analysis of factual information obtained through review and
3 9 recommendations regarding prevention of child deaths.
3 10 b. Recommend to the governor and the general assembly
3 11 interventions to prevent deaths of children based on an
3 12 analysis of the cause and manner of such deaths.
3 13 c. Recommend to the agencies represented on the review
3 14 team changes which may prevent child deaths.
3 15 d. Maintain the confidentiality of any patient records or
3 16 other confidential information reviewed.
3 17 e. Review the conduct of any child abuse investigation
3 18 upon the request of the department of human services,
3 19 including but not limited to the case files, methodology, and
3 20 conclusions.
3 21 4. The review team may establish subcommittees to which
3 22 the team may delegate some or all of the team's
3 23 responsibilities under subsection 3.
3 24 5. The Iowa department of public health and the department
3 25 of human services shall adopt rules providing for disclosure
3 26 of information which is confidential under chapter 22 or any
3 27 other provision of state law, to the review team for purposes
3 28 of performing its child death and child abuse review
3 29 responsibilities.
3 30 Sec. 3. Section 232.2, subsection 22, unnumbered paragraph
3 31 1, Code 1995, is amended to read as follows:
3 32 "Guardian ad litem" means a person appointed by the court
3 33 to represent the interests of a child in any judicial
3 34 proceeding to which the child is a party, and includes a court
3 35 appointed special advocate, except that a court appointed
4 1 special advocate shall not file motions or petitions pursuant
4 2 to section 232.54, subsections 1 and 4,

~~and~~
section 232.103,
4 3 subsection 2, paragraph "c", and section 232.111.
4 4 Sec. 4. NEW SECTION. 232.71A CHILD ABUSE ASSESSMENT
4 5 PILOT PROJECTS.
4 6 1. The department shall develop an assessment-based
4 7 approach to respond to child abuse reports in accordance with
4 8 the provisions of this section. The assessment-based approach
4 9 shall be utilized on a pilot project basis in not more than
4 10 five areas of the state selected by the department. The pilot
4 11 projects shall be selected in a manner so the pilot projects
4 12 are in both rural and urban areas.
4 13 2. Notwithstanding the provisions of sections 232.70 and
4 14 232.71, in the pilot project areas, the department's
4 15 responsibilities in responding to a child abuse report shall

4 16 be in accordance with this section.
4 17 3. Upon receipt of a child abuse report in a pilot project
4 18 area, the department shall perform an assessment. The primary
4 19 purpose of the assessment shall be to protect the safety of
4 20 the child named in the report. The secondary purpose of the
4 21 assessment shall be to engage the child's family in services
4 22 to enhance family strengths and to address needs.
4 23 4. An assessment is subject to the provisions of section
4 24 232.71 as though the department is performing an investigation
4 25 under that section for all of the following:
4 26 a. Notification of a child's parents in accordance with
4 27 section 232.71, subsection 1.
4 28 b. Interview of a person alleged to have committed the
4 29 child abuse in accordance with section 232.71, subsection 2,
4 30 paragraph "e".
4 31 c. Notification of a facility providing care to a child in
4 32 accordance with section 232.71, subsection 4.
4 33 d. Request for information from any person believed to
4 34 have knowledge of a child abuse case and referral of a child
4 35 to a physician in accordance with section 232.71, subsection
5 1 5.
5 2 e. Confidential access to a child in accordance with
5 3 section 232.71, subsection 6.
5 4 f. Requests for information from the department of public
5 5 safety in accordance with section 232.71, subsection 16.
5 6 g. Establishment and usage of a multidisciplinary team in
5 7 accordance with section 232.71, subsection 17.
5 8 5. A child abuse assessment shall be completed in writing
5 9 and shall include a description of the child's condition,
5 10 identification of the injury or risk to which the child was
5 11 exposed, the circumstances which led to the injury or risk to
5 12 the child, and the identity of any person alleged to be
5 13 responsible for the injury or risk to the child. In addition,
5 14 the assessment shall identify the strengths and needs of the
5 15 child, and of the child's parent, home, family, and community.
5 16 Upon completion of the assessment, the department shall
5 17 consult with the child's family in offering services to the
5 18 child and the child's family to address strengths and needs
5 19 identified in the assessment.
5 20 6. If the department believes that court action may be
5 21 required to appropriately respond to a child abuse report
5 22 received in a pilot project area or believes that the best
5 23 interest of the child may require juvenile or criminal court
5 24 action or the assistance of the county attorney, the
5 25 department shall notify the county attorney of the receipt of
5 26 the child abuse report and provide the court or county
5 27 attorney with the written assessment. The court and the
5 28 county attorney shall notify the department of any action
5 29 taken concerning a report or assessment provided by the
5 30 department.
5 31 7. Notwithstanding contrary provisions of sections 235A.13
5 32 to 235A.23, the following requirements shall apply to child
5 33 abuse information in an assessment performed in accordance
5 34 with this section:
5 35 a. If the department determines the child suffered
6 1 significant injury or was placed in great risk of injury, the
6 2 name of the child and the alleged perpetrator of the child
6 3 abuse shall be placed in the central registry as a case of
6 4 founded child abuse. Any of the following shall be considered
6 5 to be an indicator that the child suffered significant injury
6 6 or was placed in great risk of injury:
6 7 (1) The case was referred for juvenile or criminal court
6 8 action as a result of the acts or omissions of the alleged
6 9 perpetrator.
6 10 (2) The injury to the child as a result of the acts or
6 11 omission of the alleged perpetrator required or should have
6 12 required medical or mental health treatment.

6 13 (3) The department determines in a subsequent assessment
6 14 that the child suffered significant injury or was placed in
6 15 great risk of injury due to the acts or omissions of the same
6 16 alleged perpetrator.
6 17 b. In any other case, the child abuse information in an
6 18 assessment shall not be placed in the central registry and
6 19 notwithstanding chapter 22, the confidentiality of the
6 20 information shall be maintained.
6 21 8. The department shall report to the governor and the
6 22 general assembly concerning the pilot projects established
6 23 pursuant to this section, on or before December 15 of each
6 24 year. A report shall include evaluation findings,
6 25 recommendations for revisions in the requirements for pilot
6 26 projects, and a time line for expanding the pilot projects
6 27 statewide.
6 28 Sec. 5. Section 232.111, subsection 1, Code 1995, is
6 29 amended to read as follows:
6 30 1. A child's guardian, guardian ad litem, or custodian,
6 31 the department of human services, a juvenile court officer, or
6 32 the county attorney may file a petition for termination of the
6 33 parent-child relationship and parental rights with respect to
6 34 a child.
6 35 Sec. 6. MULTIDISCIPLINARY CHILD ABUSE INTERVENTION AND
7 1 PROSECUTION TEAMS. The attorney general is requested to form
7 2 a multidisciplinary committee to develop a proposal for the
7 3 establishment of regional multidisciplinary teams to focus
7 4 upon child abuse prosecution and intervention needs. The
7 5 attorney general is requested to submit a report of the
7 6 committee findings to the governor and the general assembly
7 7 prior to the 1996 legislative session. The committee should
7 8 consider other state statututory schemes for multidisciplinary
7 9 teams, provide options for regional groupings, review options
7 10 for special focus teams such as sexual abuse, and recommend
7 11 possible funding mechanisms.
7 12 Sec. 7. REPEAL. 1994 Iowa Acts, chapter 1130, sections 9
7 13 and 20, are repealed.
7 14 Sec. 8. EFFECTIVE DATE. Section 7 of this Act, providing
7 15 a repeal, being deemed of immediate importance, takes effect
7 16 upon enactment.
7 17 EXPLANATION
7 18 This bill relates to child abuse and termination of
7 19 parental rights provisions.
7 20 New section 144D.1 constitutes a new chapter creating an
7 21 Iowa child death review team as an independent agency of state
7 22 government. Legislative findings and purposed are outlined in
7 23 a session law provision. Administrative and staffing support
7 24 for the team is to be provided by the Iowa department of
7 25 public health and the department of human services. The
7 26 review team is to review information concerning the death of
7 27 children age six and younger and to review child abuse
7 28 investigations at the request of the department of human
7 29 services. The review team is to include representatives of
7 30 various state agencies with most appointments made by the
7 31 directors of public health and human services. The review
7 32 team is authorized to appoint subcommittees to which its
7 33 responsibilities may be delegated.
7 34 New section 232.71A directs the department of human
7 35 services to establish child abuse assessment pilot projects in
8 1 up to five areas of the state. The child abuse assessment
8 2 approach would be used in the pilot project areas instead of
8 3 the various provisions under current law for investigating a
8 4 child abuse report and for maintaining information concerning
8 5 certain investigations in the central child abuse registry.
8 6 The primary purpose of an assessment is to ensure the
8 7 safety of a child named in a report and the secondary purpose
8 8 is to engage the child's family in services to enhance family
8 9 strengths and address weaknesses identified in the assessment.

8 10 Various provisions of section 232.71 which outline
8 11 requirements and responsibilities during a child abuse
8 12 investigation apply to an assessment. However, under the
8 13 assessment-based pilot projects, only information from serious
8 14 cases of child abuse is placed in the central child abuse
8 15 registry, including cases referred to the court or for which
8 16 medical or mental health treatment was provided or should have
8 17 been provided. Otherwise, assessments are not public records
8 18 and are to remain confidential. The department is to make an
8 19 initial report concerning the assessment pilot projects on or
8 20 before December 15, 1995, and thereafter annually on or before
8 21 December 15.
8 22 Section 232.111 is amended to authorize a child's guardian
8 23 ad litem to file a petition for termination of the parent-
8 24 child relationship and parental rights with respect to a child
8 25 under chapter 232. A guardian ad litem is appointed by the
8 26 court to represent a child's interest in court proceedings. A
8 27 corresponding amendment is made to the section 232.2
8 28 definition of guardian ad litem. A court-appointed special
8 29 advocate can fulfill the functions of a guardian ad litem
8 30 except those functions which generally are performed by a
8 31 licensed attorney which would include filing a petition for
8 32 termination of parental rights.
8 33 The attorney general is requested to establish a
8 34 multidisciplinary committee to review and make recommendations
8 35 concerning establishment of regional multidisciplinary teams
9 1 to focus upon child abuse prosecution and intervention needs.
9 2 If a committee is established, a report is to be submitted by
9 3 the attorney general to the governor and the general assembly
9 4 prior to the 1996 legislative session.
9 5 Section 9 of 1994 Iowa Acts, chapter 1130, would amend
9 6 current law so that child abuse information which a department
9 7 of human services' investigation determines to be unfounded is
9 8 to be expunged six months after it is determined to be
9 9 unfounded. During that six-month period, the information is
9 10 to be sealed and accessible only through a court order.
9 11 Section 9 was enacted with a delayed effective date of July 1,
9 12 1995. This bill repeals both the substantive amendment
9 13 relating to expungement and the delayed effective date.
9 14 Repealing the two provisions will maintain current law which
9 15 requires that unfounded child abuse information is to be
9 16 expunged when it is determined to be unfounded.
9 17 LSB 2215SC 76
9 18 jp/jj/8