

FILED JAN 28 '03

SENATE FILE 59
BY TINSMAN

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring establishment of county child protection
2 assistance teams.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 59

HUMAN RESOURCES

1 Section 1. Section 232.71B, subsection 3, Code 2003, is
2 amended to read as follows:

3 3. INVOLVEMENT OF LAW ENFORCEMENT. The department shall
4 apply ~~a-protocol~~ protocols, developed with ~~representatives-of~~
5 ~~law-enforcement-agencies-at-the-local-level~~ the local child
6 protection assistance team established pursuant to section
7 915.35, to prioritize the actions taken in response to child
8 abuse reports and to work jointly with child protection
9 assistance teams and law enforcement agencies in performing
10 assessment and investigative processes for child abuse reports
11 in which a criminal act harming a child is alleged. The
12 county attorney and appropriate law enforcement agencies shall
13 also take any other lawful action which may be necessary or
14 advisable for the protection of the child. If a report is
15 determined not to constitute a child abuse allegation, but a
16 criminal act harming a child is alleged, the department shall
17 immediately refer the matter to the appropriate law
18 enforcement agency.

19 Sec. 2. Section 235A.15, subsection 2, paragraph b, Code
20 2003, is amended by adding the following new subparagraph:
21 NEW SUBPARAGRAPH. (10) To the child protection assistance
22 team established in accordance with section 915.35 for the
23 county in which the report was made.

24 Sec. 3. Section 331.756, Code 2003, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 83B. Establish a child protection
27 assistance team in accordance with section 915.35.

28 Sec. 4. Section 915.35, subsection 4, Code 2002, is
29 amended to read as follows:

30 4. a. ~~To-the-greatest-extent-possible,-a~~
31 multidisciplinary A child protection assistance team involving
32 the county attorney, law enforcement personnel, community-
33 based child advocacy organizations, and personnel of the
34 department of human services shall be utilized in
35 investigating and prosecuting cases involving a violation of

1 chapter 709 or 726 or other crime committed upon a victim as
2 defined in subsection 1. A child protection assistance team
3 shall be established for each county by the county attorney.
4 However, by mutual agreement, two or more county attorneys may
5 establish a single child protection assistance team to cover a
6 multicounty area.

7 b. The purpose of a child protection assistance team is to
8 address the following goals in regard to cases of child sexual
9 abuse and physical abuse:

10 (1) Developing and maintaining interagency and
11 interprofessional cooperation and coordination in case
12 management and response.

13 (2) Implementing an interagency team and case management
14 approach that focuses upon the following, in priority order
15 beginning with the highest priority: needs of the child
16 victim, prosecution and civil proceedings relating to the
17 case, and involvement of members of the child's family who are
18 supportive of the child and whose interests are consistent
19 with the best interests of the child.

20 (3) Obtaining evidence that is useful for a criminal
21 prosecution and for protective action in civil proceedings.

22 (4) Providing for extensive, initial case screening and
23 validation procedures to ensure timely prosecution of
24 perpetrators of such abuse and to safeguard against false
25 allegations of abuse so that an innocent person may be timely
26 exonerated.

27 (5) Reducing to as few as possible the interviews of the
28 child victims of such abuse.

29 c. A multidisciplinary child protection assistance team
30 may also consult with or include juvenile court officers,
31 medical and mental health professionals, physicians or other
32 hospital-based health professionals, court-appointed special
33 advocates, guardians ad litem, and members of a
34 multidisciplinary team created by the department of human
35 services for child abuse investigations. A child protection

1 assistance team may work cooperatively with the local
2 community empowerment area board established under section
3 28.6. The child protection assistance team shall work with
4 the department of human services in accordance with section
5 232.71B, subsection 3, in developing the protocols for
6 prioritizing the actions taken in response to child abuse
7 reports and for law enforcement agencies working jointly with
8 the department at the local level in processes for child abuse
9 reports. The department of justice may provide training and
10 other assistance to support the activities of a
11 multidisciplinary child protection assistance team referred-to
12 in-this-subsection.

13 Sec. 5. IMPLEMENTATION OF ACT. Section 25B.2, subsection
14 3, shall not apply to this Act.

15 EXPLANATION

16 This bill requires establishment of county child protection
17 assistance teams.

18 Code section 232.71B, relating to child abuse assessments,
19 is amended to require the department of human services to
20 develop protocols with county child protection assistance
21 teams for prioritizing the actions taken in response to child
22 abuse reports and for working jointly with such teams and law
23 enforcement agencies.

24 Code section 235A.15 is amended to provide a child
25 protection assistance team with access to confidential child
26 abuse report and disposition information for the reports made
27 in the county served by the team.

28 The bill requires establishment of county child protection
29 assistance teams by modifying existing law in Code section
30 915.35. The existing law provides for optional use of a
31 multidisciplinary team for investigations and prosecutions of
32 criminal cases involving child victims of a sexual crime under
33 Code chapter 709, relating to sexual abuse, or Code chapter
34 726, relating to protection of the family and dependent
35 persons, or of a forcible felony. The bill changes the name

1 of the team to "child protection assistance team" and requires
2 a team to be established for each county by the county
3 attorney. However, by mutual agreement, two or more county
4 attorneys may establish a single county protection assistance
5 team for a multicounty area. The bill includes a physician or
6 other hospital-based health professional in the list of the
7 persons who may be consulted by a child protection assistance
8 team. In addition, a team may work cooperatively with the
9 local community empowerment area board.

10 Code section 331.756 is amended to include the
11 establishment of a child protection assistance team in the
12 duties of the county attorney.

13 The bill may include a state mandate as defined in Code
14 section 25B.3. The bill makes inapplicable Code section
15 25B.2, subsection 3, which would relieve a political
16 subdivision from complying with a state mandate if funding for
17 the cost of the state mandate is not provided or specified.
18 Therefore, political subdivisions are required to comply with
19 any state mandate included in the bill.

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Legislative Fiscal Bureau Fiscal Note

SF 59 - Child Protection Assistance Teams (LSB 1531 SS)
Analyst: Lisa Burk (Phone: 281-7942)
Fiscal Note Version - New
Requested by Senator Amanda Ragan

Description

Senate File 59 requires the establishment of county child protection assistance teams in all 99 counties for the review of child abuse reports, child abuse investigations, and to ensure the timely prosecution of child abuse. The county attorney in each county is required to appoint a child protection assistance team and is permitted to have a single team cover a multi-county area if determined by multiple county attorneys. The teams are required to include the county attorney, law enforcement personnel, community-based advocacy organizations, and personnel of the Department of Human Services (DHS).

Assumptions

1. County attorneys in counties not already utilizing entities similar to the required child protection assistance teams (referred to in current Code as a multidisciplinary team involving the county attorney, law enforcement personnel, community-based child advocacy organizations, and personnel of the DHS) would be required to establish the team.
2. The DHS is required to establish protocols developed with each local child protection assistance team to prioritize the actions taken in response to child abuse reports. Sufficient information is not available to determine whether similar protocols would be used in multiple counties or the number of times protocols would be amended.

Fiscal Impact

Senate File 59 is not expected to have any fiscal impact to the Department of Human Services.

Senate File 59 is expected to have an impact to county government, especially for the 53 county attorneys that serve on a part-time basis. However, due to insufficient information, the fiscal impact on county governments cannot be determined.

Sources

Department of Human Services
Iowa County Attorneys Association

Dennis C. Prouty

February 11, 2003

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.