

**House File 7 - Introduced**

HOUSE FILE 7

BY SALMON

**A BILL FOR**

1 An Act creating a work group relating to child fatality  
2 protocol and alleged child abuse.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. DEPARTMENT OF HUMAN SERVICES — CHILD FATALITY  
2 PROTOCOL AND ALLEGED CHILD ABUSE WORK GROUP.

3 1. The department of human services shall convene a work  
4 group of state and local agencies who have experience and  
5 expertise in cases involving child fatalities and alleged child  
6 abuse. The work group shall develop a protocol for responding  
7 to the scene of the death of a child that constitutes a death  
8 affecting the public interest, as defined in section 331.802,  
9 that may involve alleged child abuse. The work group shall  
10 consider all of the following in developing a protocol:

11 a. All involvement with the family of the child shall be  
12 conducted in a nonaccusatory manner, sensitive to the grief and  
13 emotions that family members are experiencing.

14 b. Written information shall be provided to the family  
15 explaining the legal requirements for an investigation  
16 involving law enforcement and the medical examiner consistent  
17 with section 331.802, as well as possible family separation,  
18 removal of the family from the home, and financial  
19 responsibility for any medical services ordered by the  
20 department, the medical examiner, or law enforcement.

21 c. The department shall provide an advocate to assist the  
22 family in understanding the information provided to the family.

23 d. The family shall be allowed to have an advocate of  
24 their choosing present as well as the advocate provided by the  
25 department.

26 e. Any interview by law enforcement or the department or  
27 an agent of the department of a minor child who is a witness  
28 to a child death shall be conducted in a trauma-sensitive,  
29 developmentally appropriate manner which aligns with nationally  
30 recognized, evidence-based child forensic interview protocols.

31 f. If a minor sibling, or any other minor child living  
32 in the same home as the child who died, is removed from the  
33 home and placed in the care of a temporary caretaker, at the  
34 request of law enforcement or the department and with the  
35 consent of the parent, the temporary caretaker shall sign a

1 statement stating that the temporary caretaker agrees to be  
2 responsible for the child or children. The statement shall  
3 include any special instructions necessary for the care of  
4 the child or children, including but not limited to feeding,  
5 clothing, medications, activities, and emergency medical care.  
6 If the child or children are transferred to the care of another  
7 temporary caretaker, the new temporary caretaker shall sign a  
8 similar statement before the new temporary caretaker assumes  
9 responsibility for the child.

10 g. If an autopsy of the deceased child indicates that the  
11 deceased child's cause of death was not related to child abuse  
12 and the department determines that the deceased child's home  
13 is safe for any minor child who was removed from the home and  
14 subsequently placed in the temporary care of a caretaker to  
15 return to the family, the home shall be restored to the family,  
16 and the minor child shall be returned to the family.

17 2. The membership of the work group shall include but is  
18 not limited to all of the following, to be appointed by the  
19 director of the department of human services:

20 a. Members of law enforcement, including local law  
21 enforcement, the sheriff's department, and the department of  
22 public safety.

23 b. Members from child protection centers.

24 c. A family member of an individual involved in child abuse  
25 investigations.

26 d. A county attorney.

27 e. A representative from the office of the state medical  
28 examiner.

29 3. The department shall submit its findings and  
30 recommendations in a final report to the general assembly by  
31 November 15, 2021.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with  
34 the explanation's substance by the members of the general assembly.

35 This bill relates to the creation of a work group relating to

1 child fatality protocol and alleged child abuse.

2 The bill directs the department of human services to  
3 convene a work group of state and local agencies who have  
4 experience and expertise in cases involving child fatalities  
5 and alleged child abuse. The work group shall develop a  
6 protocol for responding to the scene of the death of a child  
7 that constitutes a death affecting the public interest  
8 that may involve alleged child abuse. The work group shall  
9 consider all of the following in developing a protocol: all  
10 involvement with the family of the child shall be conducted  
11 in a nonaccusatory manner; written information shall be  
12 provided to the family explaining the legal requirements for  
13 an investigation; the department shall provide an advocate  
14 to assist the family; the family shall be allowed to have an  
15 advocate of their choosing present; any interview of a minor  
16 child as a witness to a child death shall be conducted in a  
17 trauma-sensitive, developmentally appropriate manner which  
18 aligns with nationally recognized, evidence-based forensic  
19 interview protocols; if a minor child living in the same home  
20 as the child who died is removed from the home and placed in the  
21 care of a temporary caretaker, the temporary caretaker shall  
22 sign a statement stating that the temporary caretaker agrees to  
23 be responsible for the child or children; and if an autopsy of  
24 the deceased child indicates that the deceased child's cause  
25 of death was not related to child abuse and the department  
26 determines that the deceased child's home is safe for any child  
27 who was removed from the home and subsequently placed in the  
28 temporary care of a caretaker to return to the family, the  
29 child shall be returned to the family.

30 The bill provides that the membership of the work group  
31 shall include but is not limited to members of law enforcement,  
32 including local law enforcement, the sheriff's department, and  
33 the department of public safety; members from child protection  
34 centers; a family member of an individual involved in child  
35 abuse investigations; a county attorney; and a representative

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1 from the office of the state medical examiner.

2 The bill provides that the department shall submit its  
3 findings and recommendations in a final report to the general  
4 assembly by November 15, 2021.