HOUSE FILE 2563
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2296)

(As Amended and Passed by the House March 10, 2020)

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

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

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

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

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

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

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

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

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

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

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

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

g. If an autopsy of the deceased child indicates that the cause of death was not related to child abuse and the department determines that the household is safe for the child to return to the family, the home shall be restored to the family, and any minor children in the temporary care of a caretaker shall be returned to the family.

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

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

b. Members from child protection centers.

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

[*d.* A county attorney.

e. A representative from the office of the state medical examiner.]

3. The department shall submit its findings and recommendations in a final report to the general assembly by November 15, 2020.