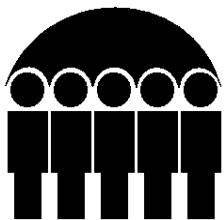


November 21, 2006

Employees' Manual  
Title 17  
Chapter B

CHILD WELFARE  
**ASSESSMENT POLICY**



Iowa  
Department  
of  
Human Services

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## **Life of the Case Phase: Assessment**

Children in Iowa need protection from abuse. Child protection and strong families are the responsibility not only of the family itself, but also of the larger community, including formal and informal service networks.

It is the purpose and policy of this state to provide the greatest possible protection to children who may have been abused or are at risk for abuse and those children in need of assistance. Practice carrying out these policies shall be guided by the principle: **child safety comes first.**

The purpose of a child protective services (CPS) assessment is to:

- ◆ Assess the risk of harm to the child and to other children in the home
- ◆ Determine whether the allegation of abuse is founded
- ◆ Recommend services needed to assure the safety of the child

The primary purpose of the assessment is to take action to protect and safeguard the child when necessary by evaluating the safety of and risk to the child named in the report and any other children in the same home as the parents or other person responsible for their care.

The purpose of each response is to:

- ◆ Evaluate the safety of the child named in the report and any other children in the same home as the parents or other person responsible for their care.
- ◆ Take necessary steps to increase the safety of the child named in the report and any other children in the same.
- ◆ Identify appropriate services or supports for the family.

### **CPS Assessment Outcomes**

- Child safety: child and family well-being
- Appropriate type, level, and intensity of DHS intervention and services

### **CPS Assessment Decisions**

- Child safe/unsafe
- Risk level
- Allegation finding
- Court involvement

### **Criteria for Services Following CPS Assessment**

- Safety factors
- Risk factors
- Age of the child
- Circumstances and impact of alleged abuse or neglect incident
- Environment
- Parent and child capacity

### **CINA Assessment Outcomes**

- Child safety
- Child and family well-being
- Accurate determination of CINA criteria
- Appropriate type, level, and intensity of DHS intervention and services

### **CINA Assessment Decisions**

- Child safety
- Determination if CINA criteria met
- Determination if referral to CPS is required
- Determination if referral to informal or formal community resources
- Court involvement

### **CINA Assessment Criteria**

- Legal CINA criteria met
- Parent has signed application for CINA services
- Adjudication and court order

### **Scope of Chapter**

This chapter includes “high level” statements that summarize the essence of the laws, rules, and Department-required practices associated with assessment. The administrative rule and state law references are linked to the actual state rule or law chapter. The CPS and CINA policy sections each end with a table that identifies the topic of the policy and the applicable legal references.

Links to “Procedure” in this chapter refer either to Chapter 17-B(1), which describes state procedures for carrying out the assessment process for child protective services, or to Chapter 17-B(2), which describes state procedures for the assessment phase of a child in need of assistance case.

Links to “Practice Guidance” refer to Chapter 17-B(3), which provides background information to support the procedures or policy and the clinical or programmatic rationale for the actions that are required during the assessment phase.

### **Legal Basis**

Federal laws related to child welfare services include:

- ◆ Public Law 93-247, the “Child Abuse Prevention and Treatment Act of 1974,” as amended
- ◆ Public Law 98-457, the “Child Abuse Amendments of 1984”
- ◆ Public Law 100-294, the “Child Abuse Prevention, Adoption, and Family Services Act of 1988”
- ◆ Public Law 104-235, the “Child Abuse Prevention and Treatment Act of 1996,” as amended
- ◆ Public Law 105-89, the “Adoption and Safe Families Act of 1997”
- ◆ Public Law 111-320, the “CAPTA Reauthorization Act of 2010”

Federal regulations pursuant to these laws are found in Title 45 Code of Federal Regulations (CFR) 1340, “Child Abuse and Neglect Prevention and Treatment.”

Specific reference to assessment of child abuse can be found in Iowa Code Chapter 232 “Juvenile Justice,” Division III, Part 2, “Child Abuse Reporting, Assessment, and Rehabilitation,” and section 232.81.

Iowa Code 232.81 provides that any person may file a complaint with the agency designated by the court to perform intake duties alleging a child is a child in need of assistance.

Iowa Code Chapter 234, "Child and Family Services," vests the authority in the Department to use funds for protective services. Department responsibilities for child welfare services are defined in Iowa Code Chapter 235, "Child Welfare."

Iowa Code Chapter 235A, "Child Abuse," authorized the child abuse prevention program and the central child abuse registry and provides procedures for accessing child abuse information.

Departmental rules concerning child abuse assessment are found in 441 Iowa Administrative Code Chapter 175.

## **CPS Assessment Policy Statements**

Link to [Procedure](#)

Link to [Practice Guidance](#)

### **Preparing for the CPS Assessment**

#### **Case Assignment**

**Law:** [Iowa Code sections 232.68, subsection 3; 232.70\(5\), paragraph "a"; 232.71B, subsection 6](#)

**Rule:** [441 Iowa Administrative Code 175.25\(232\)](#)

**Policy Statement:** The Department shall promptly commence an assessment within 24 hours of receiving a report that constitutes a child abuse allegation. The assessment is assigned to a child protection worker.

### **Time Frames for Observation of Child**

**Law:** [Iowa Code section 232.71B\(1\), paragraph "b"](#)

**Rule:** [441 Iowa Administrative Code 175.25\(1\)](#)

**Policy Statement:** The identification of the nature extent and cause of injury to the child named in the report shall be documented in the written report. Observe child within:

- ◆ 1 hour: For an immediate threat or high risk.
- ◆ 24 hours: For any allegation of abuse when the person responsible is unknown or known and has potential access to the child or children.
- ◆ 96 hours: When the person responsible is known and has no access to the child, the child is safe, and no physical injuries are alleged.

### **Involving Law Enforcement in a Joint Investigation**

**Law:** [Iowa Code section 232.71B\(3\)](#)

**Rule:** [441 Iowa Administrative Code 175.22\(232\); 175.29\(232\); 175.30\(232\)](#)

**Policy Statement:** The child protection worker shall contact law enforcement when the abuse reported alleges a criminal act harming a child, or there is immediate threat to child or if the situation is potentially volatile or dangerous.

## **Evaluating the Alleged Abuse**

### **Observing the Child Victim**

#### **Using Confidential Access**

**Law:** [Iowa Code sections 232.68, subsection 3; 232.71B, subsection 6](#)

**Policy Statement:** The child protection worker may observe and interview a child without parental consent if the child's safety is in jeopardy.

### **Restrictions on Observation of Child**

**Law:** [Iowa Code section 232.68, subsection 3](#)

**Policy Statement:** When observing a child aged four or older, do not touch the child, remove the child's clothing, or induce the child to remove clothing. Removal or adjustment of clothing to permit observation must be voluntary on the child's part.

If the child is under age four, you may view the child's unclothed body other than the genitalia and pubes. If a child has injuries near the genital area, do not attempt to observe these injuries unless the parent or guardian gives permission.

With a mentally retarded or developmentally disabled child, the observation may proceed as long as the child consents and the child appears to have a developmental age of four or older. (Ask school or facility personnel for assistance in determining the developmental age of the child.)

If a child aged ten or older expresses a desire to end contact with you, you must terminate the contact.

### **Observation of Other Children**

**Law:** [Iowa Code section 232.71B, subsections 4 and 6](#)

**Rule:** [441 Iowa Administrative Code 175.25\(5\)](#)

**Policy Statement:** The assessment shall include a description of the name, age, and condition of other children in the same home as the child named in the report. If protective concerns are identified, the child protection worker will evaluate the safety of other children in the same home.

### **Assessing Child Safety**

**Law:** [Iowa Code sections 232.68, subsection 3; 232.71B](#)

**Rule:** [441 Iowa Administrative Code 175.25\(5\); 175.26\(1\)"b," "e," and "f"; 175.26\(2\)"b"](#)

**Policy Statement:** The child protection worker shall evaluate the safety of the child named in the report and the risk for occurrence or reoccurrence of abuse and shall evaluate the safety of any other children in the same home or facility as the person responsible for that child's care.

The worker shall complete form [470-4132, Safety Assessment](#), to document these evaluations. The safety assessment shall be completed within 24 hours of first contact with the child and before completion of the child protective services assessment summary.

### **Removal of Person Responsible for Abuse**

**Law:** [Iowa Code section 232.82](#)

**Policy Statement:** The child protection worker may petition the court for removal of sexual offender and physical abusers from the residence of a child the abuser presents a danger to the child's life, or physical, emotional, or mental health.

### **Removal of Child**

**Law:** [Iowa Code sections 232.78; 232.79\(4\), paragraph "b"; 232.79A](#)  
(See also [Indian Child Welfare Acts](#))

**Policy Statement:** The child protection worker shall take action to request emergency removal of a child if it is necessary to avoid imminent danger to the child's life or health.

### **Removal Through Court Order**

**Law:** [Iowa Code sections 232.71C; 232.78\(1\),\(2\); 232.79; 232.79A; 232.82](#)

**Policy Statement:** The child protection worker may request the court to enter an ex parte order to remove the child

### **Removal by Peace Officer**

**Law:** [Iowa Code sections 232.79\(1\); 232.79A](#)

**Policy Statement:** A peace officer or juvenile court officer may take a child into custody without a court order to avoid imminent danger to a child's life or health.

### **Removal by Physician**

**Law:** [Iowa Code section 232.79\(1\)](#)

**Policy Statement:** A physician or medical security personnel may take a child into custody without a court order to avoid imminent danger to a child's life or health.

## **Placement Responsibility**

### **Safety Notification**

**Law:** [Iowa Code Supplement section 232.2\(4\)"k"](#)

**Rule:** [441 Iowa Administrative Code 130.7\(2\)"c"\(5\)](#); [202.10\(4\)](#)

**Policy Statement:** If information that a child has been violent, been a victim of sexual abuse, or perpetrated sexual abuse is available at the time of placement, DHS must provide this information to the person caring for the child. DHS must also report whether the placement is voluntary or court ordered.

### **Breastfed Infant**

**Law:** 2005 Iowa Acts, Chapter 175, section 16

**Rule:** [441 Iowa Administrative Code 202.10\(4\)"c"](#); [202.11\(3\)](#); [202.12\(5\)](#)

**Policy Statement:** When a breastfed infant is removed from the infant's home, the infant's mother must be allowed to continue to breastfeed the infant when such contact is in the best interests of the infant.

### **Safety Plan**

**Rule:** None, statewide required policy

**Policy Statement:** If the child is conditionally safe, the child protection worker shall develop a safety plan with the primary caretaker responsible for the safety of the child within 24 hours of the first contact with the child.

### **Safety Plan Services**

**Rule:** [441 Iowa Administrative Code 172 Division II](#)

**Policy Statement:** Family-centered safety plan services are designed to maintain children safely in their own families whenever possible. These services use strategies and interventions to monitor and evaluate the safety of children who, during a child protective assessment or child in need of assistance assessment process, are assessed to be conditionally safe.

### **Consulting With Medical and Other Professionals**

**Law:** [Iowa Code section 232.71B\(8\); 232.71B\(9\)](#)

**Rule:** [441 Iowa Administrative Code 175.25\(4\); 175.28\(232\)](#)

**Policy Statement:** The child protection worker shall contact a medical or mental health professional when advice is required in order to determine if the child requires or should have required medical or mental health care as the result of abuse.

### **Multidisciplinary Teams**

**Law:** [Iowa Code sections 232.71B; 235A.13\(8\)](#)

**Rule:** [441 Iowa Administrative Code 175.36\(235A\)](#)

**Policy Statement:** The Department shall establish a multidisciplinary team in county or multicounty areas in which more than 50 child abuse cases are received annually. These teams may be used as an advisory group to assist the Department in conducting assessments.

### **Child Protection Assistance Teams**

**Law:** [Iowa Code section 915.35, subsection 4](#)

**Policy Statement:** The county attorney shall establish a child protection assistance team for each county, or two or more county attorneys shall establish a single team for a multicounty area, to consult in cases of forcible felony against a child under age 14 and sexual abuse cases.

### **Child Protection Centers**

**Rule:** [441 Iowa Administrative Code 175.33\(232\)](#)

**Policy Statement:** The Department may contract with designated child protection centers for assistance in conducting child abuse assessments for interviewing, physical examination, and treatment planning. Video or audio records are considered to be part of the assessment process and shall be maintained by the child protection center under confidentiality provisions.

### **Physical Examination**

**Law:** [Iowa Code section 232.71B, subsection 9](#)

**Rule:** [441 Iowa Administrative Code 175.28\(232\)](#)

**Policy Statement:** If the Department refers a child to a physician for a physical examination, the Department shall contact the physician regarding the examination within 24 hours of making the referral. If the physician who performs the examination reasonably believes the child has been abused, the physician shall report to the Department within 24 hours of performing the examination.

### **Medically Relevant Tests**

**Law:** [Iowa Code sections 232.73; 232.77, subsection 2; 232.78; 232.106, subsection 2](#)

**Policy Statement:** A person required to report, a health practitioner, or a peace officer, juvenile court officer, or a child protection worker may request a person to submit to a medically relevant test or request the person responsible for the child to have the child receive a medically relevant test. A health practitioner may take a test on a child or cause a test to be taken.

A “medically relevant test” means a test that produces reliable results of exposure to cocaine, heroin, and amphetamine, methamphetamine, marijuana, or other illegal drugs or combinations or derivatives of the illegal drugs, which were not prescribed by a health practitioner.

### **Payment for Photographs, X-Rays, Physical Examinations or Tests**

**Law:** [Iowa Code section 232.77](#)

**Policy Statement:** The health practitioner examining the child may submit a bill for expenses to the Department for exams for a determination of child abuse.

### **Payment for Sexual Abuse Examinations**

**Law:** [Iowa Code section 915.84](#)

**Policy Statement:** The facility performing the sexual abuse exam of the child may submit billings to Crime Victims Assistance according to Crime Victims Assistance policy and procedure.

### **Payment for Ongoing Services for Crime Victims**

**Law:** [Iowa Code section 915.84](#)

**Policy Statement:** The facility performing the sexual abuse exam of the child may submit billings to Crime Victims Assistance according to Crime Victims Assistance policy and procedure.

### **Payment for Mental Health Examinations**

**Law:** [Iowa Code section 232.141, subsection 4](#)

**Policy Statement:** There are funds available for mental health examinations through the court-ordered care and treatment fund, which is administered jointly by the Department of Human Services and the judicial districts. Follow locally established procedures to secure the needed examination.

### **Conducting Interviews**

**Law:** [Iowa Code sections 232.68, subsection 3; 232.71B](#)

**Rule:** [441 Iowa Administrative Code 175.25\(3\)](#)

**Policy Statement:** The child protection worker shall attempt to conduct interviews with subject and persons who have relevant information regarding the allegations.

### **Interview of Alleged Victim**

**Law:** [Iowa Code section 232.71B](#)

**Rule:** [441 Iowa Administrative Code 175.25\(232\)](#)

**Policy Statement:** The primary purpose of an interview with the child is to gather information regarding the abuse allegation, the child's immediate safety, and risk of abuse.

### **Interviews of Person Allegedly Responsible for Abuse**

**Law:** [Iowa Code section 232.71B\(4\), paragraph "e"](#)

**Rule:** [441 Iowa Administrative Code 175.25\(3\)](#)

**Policy Statement:** The child protection worker shall offer to interview the person alleged to have committed the child abuse before determining who is responsible for abuse. The child protection worker is required to inform the persons alleged responsible of the allegations of abuse in a manner that protects the safety of the child and the confidentiality of the reporter of the abuse.

### **Protective Disclosure**

**Law:** [Iowa Code section 232.71B](#)

**Policy Statement:** If the Department determines that disclosure is necessary for the protection of a child, the Department may disclose to a subject of a child abuse report that an individual is listed in the child or Dependent Adult Abuse Registry, or is required to register with the Sex Offender Registry.

### **Making Collateral Contacts**

**Law:** [Iowa Code sections 232.71B, subsection 7; 232.74](#)

**Policy Statement:** The Department may request information from any person believed to have knowledge of a child abuse case. County attorneys, law enforcement officers, social services agencies, and all mandatory reporters (whether or not they made the report of suspected abuse) are obligated to cooperate and assist with the child abuse assessment upon the request of the Department.

### **Documenting Contacts and Observations**

**Law:** [Iowa Code section 232.71B](#)

**Rule:** [441 Iowa Administrative Code 175.25\(4\)](#)

**Policy Statement:** The child protection worker shall gather evidence. Documentation gathered during the assessment process serves two purposes:

- ◆ To assist in determining if the information contained within the report is accurate.
- ◆ To assist in completing the assessment of family strengths and needs and developing a suggested plan of action.

### **Additional Allegations**

**Law:** [Iowa Code section 232.71B](#)

**Rule:** [441 Iowa Administrative Code 175.25\(232\)](#)

**Policy Statement:** Additional allegations of child abuse that are reported or identified by someone other than the child protective worker assigned to the case still require assessment.

### **Making an Allegation Finding**

**Law:** [Iowa Code section 232.71B](#)

**Rule:** [441 Iowa Administrative Code 175.25\(232\)](#)

**Policy Statement:** The child protection worker is to evaluate the alleged abuse through the following procedures:

- ◆ Observing the alleged child victim
- ◆ Interviewing the alleged victim, subjects of the report, and other sources
- ◆ Gathering of physical and documentary evidence
- ◆ Evaluating the safety of and risk to the child
- ◆ Determining credibility of the information

### **Determining if Abuse Occurred**

**Law:** [Iowa Code sections 232.68\(2a\); 232.71B; 232.71D](#)

**Rule:** [441 Iowa Administrative Code 175.25\(6\) and \(7\); 175.26\(1\)](#)

**Policy Statement:** Evaluation of the information shall include an analysis that considers the credibility of the physical evidence observations, and interviews and results in a conclusion of whether or not to confirm the report of child abuse. The Department shall determine the acts of omissions meet the definition of child abuse.

The statement of determination of whether the allegation of child abuse was founded, confirmed or not confirmed shall include a rationale for placing or not placing the report on the Central Abuse Registry and shall document the factors that must be proven for each type of abuse.

### **Factors Common to All Child Abuse Categories**

**Law:** [Iowa Code section 232.68\(1\), \(2\) and \(7\)](#)

**Rule:** [441 Iowa Administrative Code 175.25\(6\) and \(7\); 175.26\(1\)](#)

**Policy Statement:** Criteria common to all child abuse determinations are that the victim is a child, the person responsible for the abuse was responsible for the child, and the abuse or neglect meets the Code and rule definitions of abuse.

### **Physical Abuse**

**Law:** [Iowa Code section 232.68\(2a\)](#)

**Rule:** [441 Iowa Administrative Code 175.21\(232,235A\)](#)

**Policy Statement:** Any nonaccidental physical injury or injury that is at variance with the history given of it which is suffered by a child as the result of the acts or omissions of a person responsible for the care of the child constitutes physical abuse.

### **Mental Injury**

**Law:** [Iowa Code section 232.68\(2b\)](#)

**Policy Statement:** Any mental injury to a child's intellectual or psychological capacity, as the result of the acts or omissions of a person responsible for the care of the child, constitutes mental abuse if:

- ◆ The injury is evidenced by an observable and substantial impairment in the child's ability to function within that child's normal range of performance and behavior, and
- ◆ The impairment is diagnosed and confirmed by a licensed physician or qualified mental health professional.

### **Sexual Abuse**

**Law:** [Iowa Code section 232.68\(2c\); 702.17](#)

**Policy Statement:** The commission of sexual offense with or to a child pursuant to Iowa Code Chapter 709, Iowa Code section 726.2, or Iowa Code section 728.12, subsection 1, as a result of the acts or omissions of the person responsible for the care of the child constitutes sexual abuse. Notwithstanding Iowa Code section 702.5, the commission of a sexual offense includes any sexual offense with or to a person under the age of 18 years.

#### **Sexual Abuse in the First Degree**

**Law:** [Iowa Code section 709.2](#)

**Policy Statement:** A person commits sexual abuse in the first degree when in the course of committing sexual abuse the person causes another serious injury.

#### **Sexual Abuse in the Second Degree**

**Law:** [Iowa Code section 709.3](#)

**Policy Statement:** A person commits sexual abuse in the second degree when the person commits sexual abuse under any of the following circumstances:

- ◆ During the commission of sexual abuse, the person displays in a threatening manner a dangerous weapon or uses or threatens to use force creating a substantial risk of death or serious injury to any person.
- ◆ The other person is under the age of 12 or is suffering from a mental defect or incapacity that precludes giving consent, or lacks the mental capacity to know the right or wrong of conduct in sexual matters.
- ◆ The person is aided or abetted by one or more persons and the sex act is committed by force or against the will of the other person against whom the sex act is committed.

### **Sexual Abuse in the Third Degree**

**Law:** [Iowa Code section 709.4](#)

**Policy Statement:** A person commits sexual abuse in the third degree when the person performs a sex act under any of the following circumstances:

- ◆ The sex act is done with a child who is age 12 or age 13.
- ◆ The sex act was to a child age 14 or 15 years old and either:
  - The act was done by force or against the will of the child, or
  - The caretaker is four or more years older than the child.
- ◆ The sex act was to a child age 16 or 17 years old and either:
  - The caretaker knew that the child was under the influence of a controlled substance, or
  - The child is mentally incapacitated, physically incapacitated, or physically helpless.

### **Lascivious Acts With a Child**

**Law:** [Iowa Code section 709.8](#)

**Policy Statement:** It is unlawful for any person 18 years of age or older to perform any of the following acts with a child with or without the child's consent for the purpose of arousing or satisfying the sexual desires of either of them unless they are married to each other:

- ◆ Fondle or touch the pubes or genitals of a child.
- ◆ Permit or cause a child to fondle or touch the person's genitals or pubes.
- ◆ Solicit a child to engage in a sex act or solicit a person to arrange a sex act with a child.
- ◆ Inflict pain or discomfort upon a child or permit a child to inflict pain or discomfort on the person.

### **Indecent Exposure**

**Law:** [Iowa Code section 709.9](#)

**Policy Statement:** A person who exposes the person's genitals or pubes to another not the person's spouse, or who commits a sex act in the presence of or view of a third person, commits a serious misdemeanor, if:

- ◆ The person does so to arouse or satisfy the sexual desires of either party; and
- ◆ The person knows or reasonably should know that the act is offensive to the viewer.

### **Assault With Intent to Commit Sexual Abuse**

**Law:** [Iowa Code section 709.11](#)

**Policy Statement:** Any person who commits an assault, as defined in Iowa Code section 708.1, with the intent to commit sexual abuse is:

- ◆ Guilty of a class "C" felony if the person thereby causes serious injury to any person;
- ◆ Guilty of a class "D" felony if the person thereby causes any person a bodily injury other than a serious injury; or
- ◆ Guilty of an aggravated misdemeanor if no injury results.

### **Indecent Contact With a Child**

**Law:** [Iowa Code section 709.12](#)

**Policy Statement:** A person 18 years of age or older is guilty of an aggravated misdemeanor upon conviction if the person commits any of the following acts with a child, not the person's spouse, with or without the child's consent, for the purpose of arousing or satisfying the sexual desires of either of them:

- ◆ Fondle or touch the inner thigh, groin, buttock, anus, or breast of the child.
- ◆ Touch the clothing covering the immediate area of the inner thigh, groin, buttock, anus, or breast of the child.
- ◆ Solicit or permit a child to fondle or touch the inner thigh, groin, buttock, anus, or breast of the person.

- ◆ Solicit a child to engage in:
  - Fondling or touching a person's pubes or genitals.
  - Inflicting pain or discomfort on a person

These provisions also apply to a person age 16 or 17 who commits these acts with a child who is at least five years younger.

### **Lascivious Conduct With a Minor**

**Law:** [Iowa Code sections 232.68\(2c\); 709.14](#)

**Policy Statement:** It is unlawful for a person over 18 years of age who is in a position of authority over a minor to force, persuade, or coerce a minor, with or without consent, to disrobe or partially disrobe for the purpose of arousing or satisfying the sexual desires of either of them.

### **Sexual Exploitation of a Minor**

**Law:** [Iowa Code section 728.12, subsection 1](#)

**Policy Statement:** Sexual exploitation of a minor is committed when the intent of the caretaker was to employ, use, persuade, induce, entice, coerce, solicit, knowingly permit, or otherwise cause or attempt to cause a child to engage in a prohibited sexual act or in the simulation of a prohibited sexual act.

### **Sexual Exploitation by a Counselor, Therapist or School Employee**

**Law:** [Iowa Code section 709.15](#)

**Policy Statement:** It is unlawful for a counselor, therapist, or school employee to commit sexual conduct with a child, including, but not limited to: kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act as defined in section 702.17.

### **Sexual Misconduct With Juveniles**

**Law:** [Iowa Code section 709.16](#)

**Policy Statement:** A sex act with a child committed to the custody of the Department of Corrections or a Judicial District Department of Correctional Services or juvenile placement facility constitutes sexual misconduct when committed by an employee or agent of the department or facility.

### **Invasion of Privacy-Nudity**

**Law:** [Iowa Code section 709.21](#)

**Policy Statement:** A person who knowingly views, photographs, or films a child for the purpose of arousing or gratifying the sexual desires of any person commits invasion of privacy sexual abuse.

### **Incest**

**Law:** [Iowa Code section 726.2](#)

**Policy Statement:** A person who performs a sex act with a child known to be related commits incest.

### **Denial of Critical Care**

**Law:** [Iowa Code section 232.68\(2\)\(d\)](#) as amended by 2011 Iowa Acts, House File 562

**Rule:** [441 Iowa Administrative Code 175.21\(232,235A\)](#)

**Policy Statement:** The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing, medical or mental health treatment, supervision, or other care necessary for the child's health and welfare when financially able to do so, or when offered financial or other reasonable means to do so.

### **Failure to Provide Adequate Food**

**Law:** [Iowa Code section 232.68\(2d\)](#)

**Rule:** [441 Iowa Administrative Code 175.21\(232,235A\)](#)

**Policy Statement:** Failure to provide adequate food and nutrition to the extent that there is danger of the child suffering injury or death constitutes denial of critical care.

### **Failure to Provide Adequate Shelter**

**Law:** [Iowa Code section 232.68\(2d\)](#)

**Rule:** [441 Iowa Administrative Code 175.21\(232,235A\)](#)

**Policy Statement:** Failure to provide adequate shelter to the extent that there is danger of the child suffering injury or death constitutes denial of critical care.

### **Failure to Provide Adequate Clothing**

**Law:** [Iowa Code section 232.68\(2d\)](#)

**Rule:** [441 Iowa Administrative Code 175.21\(232,235A\)](#)

**Policy Statement:** Failure to provide adequate clothing to the extent that there is danger of the child suffering injury or death constitutes denial of critical care.

### **Failure to Provide Adequate Health Care**

**Law:** [Iowa Code section 232.68\(2d\)](#)

**Rule:** [441 Iowa Administrative Code 175.21\(232,235A\)](#)

**Policy Statement:** Failure to provide adequate health care to the extent that there is danger of the child suffering injury or death constitutes denial of critical care.

### **Failure to Provide Mental Health Care**

**Law:** [Iowa Code section 232.68\(2d\)](#)

**Rule:** [441 Iowa Administrative Code 175.21\(232,235A\)](#)

**Policy Statement:** Failure to provide the mental health care necessary to adequately treat an observable and substantial impairment in the child's ability to function constitutes denial of critical care.

### **Gross Failure to Meet Emotional Needs**

**Law:** [Iowa Code section 232.68\(2d\)](#)

**Rule:** [441 Iowa Administrative Code 175.21\(232,235A\)](#)

**Policy Statement:** Failure to provide the mental health care necessary to adequately treat an observable and substantial impairment in the child's ability to function constitutes denial of critical care.

### **Failure to Provide Proper Supervision**

**Law:** [Iowa Code section 232.68\(2d\)](#)

**Rule:** [441 Iowa Administrative Code 175.21\(232,235A\)](#)

**Policy Statement:** Failure to provide for the proper supervision of the child to the extent that there is danger of the child suffering injury or death, and which a reasonable and prudent person would exercise under similar circumstances constitutes denial of critical care.

### **Failure to Respond to an Infant's Life-Threatening Condition**

**Law:** [Iowa Code section 232.68\(2d\)](#)

**Rule:** [441 Iowa Administrative Code 175.21\(232,235A\)](#)

**Policy Statement:** Failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration and medication) which in the treating physician's reasonable medical judgment will be most likely to be effective in ameliorating or correcting all conditions constitutes denial of critical care.

Exception: The term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's reasonable medical judgment any of the following circumstances apply:

- ◆ The infant is chronically and irreversibly comatose;
- ◆ The provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant;
- ◆ The provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane.

### **Child Prostitution**

**Law:** [Iowa Code sections 232.68\(2e\); 725.1](#)

**Policy Statement:** Child prostitution is committed when:

- ◆ The caretaker sold or offered for sale or purchased or offered for purchase the services of a child as a participant in a sex act, or
- ◆ The caretaker allowed, permitted, or encouraged the child to engage in the sale or purchase or offer for sale or purchase of the child's services as a participant in a sex act.

### **Presence of Illegal Drugs in a Child's Body**

**Law:** [Iowa Code sections 232.68\(2\), paragraph "f"; 232.78B, subsections 1 and 2](#)

**Policy Statement:** Abuse is committed when an illegal drug is present in a child's body as a direct and foreseeable consequence of the acts or omissions of the person responsible for the care of the child.

### **Manufacturing or Possession of a Dangerous Substance**

**Law:** [Iowa Code section 232.68\(2\), paragraph "g"](#)

**Policy Statement:** Abuse is committed when the person responsible for the care of a child has manufactured a dangerous substance in the presence of the child, or in the presence of the child possesses a product with the intent to use the product as a precursor or an intermediary to a dangerous substance.

### **Bestiality in the Presence of a Minor**

**Law:** [Iowa Code section 232.68\(2\), paragraph "h"](#)

**Policy Statement:** Bestiality is committed when a sex act under Iowa Code section 717C.1 is committed with an animal in the presence of a minor by a person who resides in a home with a child, as a result of the acts or omissions of a person responsible for the care of the child.

### **Withholding Medical Treatment to Medically Fragile Children**

**Law:** [Iowa Code section 232.68](#); Public Law 93-247

**Rule:** [441 Iowa Administrative Code 175.21\(232,235A\)](#)

**Policy Statement:** Abuse is committed when of medically indicated treatment to a child with disabilities or life-threatening conditions is withheld. This situation involves only:

- ◆ Infants (under one year of age) with disabilities or life-threatening conditions.
- ◆ Children age one or over who:
  - Have been continuously hospitalized since birth;
  - Were born extremely prematurely; or
  - Have a long-term disability.

### **Withholding Medical Care Due to Religious Beliefs**

**Law:** [Iowa Code section 232.68](#)

**Policy Statement:** A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone shall not be considered abusing the child and shall not be placed on the child abuse registry. However, a court may order that medical service be provided where the child's health requires it.

### **Allows Access by a Registered Sex Offender**

**Law:** [Iowa Code section 232.68\(2\)"i"](#) as amended by 2009 Iowa Acts, Senate File 340, section 64; [600.17](#); [702.5](#); [726.6](#)

**Rule:** [441 Iowa Administrative Code 175.22\(232\)](#)

**Policy Statement:** Abuse is committed when a caretaker of a child knowingly allows unsupervised access to a child by a person required to register on the sex offender registry or knowingly allows registered sex offender to have custody or control of a child. The finding of this type of abuse does not apply if:

- ◆ The registered sex offender is the caretaker's child or a minor, or
- ◆ The caretaker is married to and living with the registered sex offender.

For this type of abuse only, a "child" is a person under the age of 14 unless child has a physical or mental disability.

### **Allows Access to Obscene Material**

**Law:** [Iowa Code section 232.68\(2\)"j"](#)

**Policy Statement:** Caretaker knowingly allows child access to obscene material or knowingly exhibits or disseminates obscene material to the child.

### **Placement on the Registry**

**Law:** [Iowa Code section 232.71D](#)

**Rule:** [441 Iowa Administrative Code 175.25\(6\), \(7\); 175.26\(1\)](#)

**Policy Statement:** Document the rationale for founding or confirming and incident of abuse. Your rationale is to include documentation of all circumstances that exist that require placement of the report on the Registry (if applicable) and the determination of minor, isolated and unlikely to reoccur criteria.

### **Sexual Abuse Committed by a Person Under Age 14**

**Law:** [Iowa Code section 232.71D\(3\), paragraph "e"](#)

**Policy Statement:** The name of an alleged perpetrator of sexual abuse younger than age 14 shall not be placed in the central registry.

## **Making Service Recommendations**

### **Evaluating the Home Environment**

**Law:** [Iowa Code section 232.71B, subsection 4](#)

**Rule:** [441 Iowa Administrative Code 175.25\(5\)](#)

**Policy Statement:** An evaluation of the home environment shall be conducted during the course of the child abuse assessment. Domestic violence and substance abuse will be addressed.

### **Conducting a Home Visit**

**Law:** [Iowa Code section 232.71B, subsection 5](#)

**Rule:** [441 Iowa Administrative Code 175.25\(5\)](#)

**Policy Statement:** The evaluation may, with the consent of the parent or guardian, include a visit to the home where the child resides. If permission is refused, the juvenile court may authorize the worker to enter the home to observe or interview the child. An evaluation of the home environment shall be conducted during the course of the child abuse assessment.

## **Analysis of Safety/Risk Factors**

### **Evaluating the Safety of and Risk to the Child**

**Law:** [Iowa Code section 232.71B, subsection 12](#)

**Rule:** [441 Iowa Administrative Code 175.26\(1\)“b”](#)

**Policy Statement:** The child protection worker shall evaluate the child's safety and the child's risk for occurrence or reoccurrence of abuse.

### **Family Risk Assessment**

**Rule:** [441 Iowa Administrative Code 175.26\(1\)](#)

**Policy Statement:** [Complete a Family Risk Assessment, form 470-4133](#), on each family during the child abuse assessment. The age of the victim child, the child abuse assessment finding, and the risk of abuse or re-abuse will determine service recommendations and referrals.

## **Service Eligibility, Referrals, and Case Transfer**

**Law:** [Iowa Code section 232.71B, subsection 11](#)

**Rule:** [441 Iowa Administrative Code 175.25\(232\)](#); [175.25\(8\)](#); [175.26\(232\)](#)

**Policy Statement:** The assessment summary shall identify strengths and needs of the child and of the parent, home and family, services available from the Department, and informal services, formal services, and other support available in the community to address the strengths and needs identified in the assessment.

### **Making a Case Decision**

**Law:** [Iowa Code sections 232.71B](#); [232.71D](#)

**Rule:** [441 Iowa Administrative Code 175.25\(232\)](#); [175.26\(232\)](#)

**Policy Statement:** At the conclusion of a child abuse assessment, based on age of child, risk and abuse assessment finding, the Department may recommend information, information and referral, community care referral, or services provided by the Department.

### **Determining Service Recommendations and Referrals**

**Law:** [Iowa Code section 232.71C](#)

**Rule:** [441 Iowa Administrative Code 175.25\(8\)](#)

**Policy Statement:** If the Department determines that the best interest of the child requires juvenile court action, the Department shall follow local protocols to initiate the action. Services available to families after the assessment is completed include Department services, community care services, information and referral or information only, depending upon age, risk, and findings.

### **Recommendation for Juvenile Court Action**

**Law:** [Iowa Code section 232.71C](#)

**Rule:** [441 Iowa Administrative Code 175.25\(8\)](#); [175.26\(1\)](#);  
[175.27\(232\)](#)

**Policy Statement:** The child protection worker shall determine if juvenile court action is necessary to ensure the safety of the child, the type of action recommended, and the rationale for the recommendation.

### **Recommendation for Criminal Court Action**

**Law:** [Iowa Code section 232.71B\(3\)](#)

**Rule:** [441 Iowa Administrative Code 175.26\(1\)"g"](#)

**Policy Statement:** The child protection worker is to include a statement in the *Child Protective Services Assessment Summary* describing whether criminal court action is necessary and the rationale for the recommendation.

## **Documenting the Assessment**

### **Parental Notification of Assessment**

**Law:** [Iowa Code section 232.71B, subsection 2](#)

**Rule:** [441 Iowa Administrative Code 175.31\(1\)](#)

**Policy Statement:** A written notice shall be provided to the parents of the child who is the subject of an assessment within five working days of commencing an assessment. Both custodial and noncustodial parents shall be notified, if their whereabouts are known. If it is believed that notification will result in danger to the child or others, an emergency order to prohibit parental notification shall be sought from juvenile court.

### **Completion of the Assessment Summary**

**Law:** [Iowa Code section 232.71B\(12\)](#)

**Rule:** [441 Iowa Administrative Code 175.26\(232\)](#)

**Policy Statement:** The child protective worker shall prepare form [470-3240, \*Child Protective Services Assessment Summary\*](#), and include:

- ◆ The allegation of abuse,
- ◆ Evaluation of the child safety,
- ◆ Findings and contacts,
- ◆ Determination regarding allegation of child abuse,
- ◆ Recommendation for treatment services,
- ◆ Juvenile court recommendations,
- ◆ Criminal court recommendations,
- ◆ Evaluation of child and family functioning and history of services and
- ◆ Strengths and needs of the child's family and a suggested plan of action.

### **Notification of Outcome of Assessment and Appeal Rights**

**Law:** [Iowa Code section 232.71B\(12\), paragraph "g"](#)

**Rule:** [441 Iowa Administrative Code 175.31\(2\)](#)

**Policy Statement:** When the assessment report is completed, the subjects shall be notified of the findings of the assessment and their rights to request correction or expungement of child abuse information.

### **Addenda**

**Law:** [Iowa Code section 232.71B, subsection 11](#)

**Policy Statement:** An addendum to a *Child Protective Assessment Services Summary* is required when additional information becomes available regarding the allegation or finding.

### **Disposition of Reports and Access to Child Abuse Information**

**Law:** [Iowa Code sections 235A.15; 217.30; 232.71B\(14\)](#)

**Rule:** [441 Iowa Administrative Code 175.27\(232\)](#)

**Policy Statement:** The child protection worker shall provide a copy of the written report to subjects, the county attorney, and the juvenile court upon completion. Entities and individuals with access to child abuse information are specified in the Iowa Code.

### **Electronic Recordings**

**Law:** [Iowa Code section 232.71B; 235A\(13\), subsection 10, paragraph "f"](#)

**Rule:** [441 Iowa Administrative Code 175.32\(232,235A\)](#)

**Policy Statement:** The audio or video recordings made during the course of an assessment shall be available to subjects who request them.

### **Court Action**

**Law:** [Iowa Code section 232.71B, subsections 11 and 12](#)

**Rule:** [441 Iowa Administrative Code 175.25\(8\); 175.26\(1\); 175.27\(232\)](#)

**Policy Statement:** The child protection worker may orally contact juvenile court or the county attorney, or both, as circumstances warrant.

### **Duties of the County Attorney**

**Law:** [Iowa Code section 232.90; 232.114](#)

**Policy Statement:** Upon the filing of a petition, the county attorney shall represent the state in all adversary proceedings and shall present evidence in support of the petition. However, if there is disagreement between the Department and the county attorney regarding the appropriate action to be taken, the Department may request to be represented by the attorney general in place of the county attorney.

### **Testimony in Juvenile Court**

**Law:** [Iowa Code section 232.71B](#); [235A.13](#); [235.A15, subsection 2d](#),  
[235A.20](#); [235A.21](#)

**Policy Statement:** The county attorney and juvenile court have access to the entire written assessment report. The child protection worker may testify regarding all aspects of the assessment except the identity of the reporter.

### **Testimony in Non-Juvenile Court Cases**

**Law:** [Iowa Code section 235A.15, subsection 2d](#); [235A.20](#); [235A.21](#)

**Policy Statement:** The child protection worker may testify in non-juvenile court cases if ordered to do so by the court. Child abuse information may be provided in a non-juvenile proceeding upon a finding by the district court that the information is required for resolution of a matter involving child abuse.

## **Reviews and Appeals**

### **Administrative Appeal**

**Law:** [Iowa Code section 235A.19\(2\)](#)

**Rule:** [441 Iowa Administrative Code 175.31\(2\)](#) as amended by 2011 Iowa Acts, House File 562

**Policy Statement:** Subjects may request correction or expungement of a child abuse report by submitting a written and signed request within 90 days of date on the notification form.

### **District and Higher Courts**

**Law:** [Iowa Code section 17A.19](#)

**Policy Statement:** A requester who is not satisfied with the decision of the administrative law judge may appeal the matter the district or higher courts.

### **Record Check Evaluation**

**Law:** [Iowa Code sections 125.14A\(2\)](#); [135H.7\(2\)](#); [232.71B\(7\)](#); [235A.15](#);  
[237.8\(2\)](#); [237A.5\(2\)](#)

**Policy Statement:** A person who has a founded child abuse assessment or a criminal record may be prohibited from employment, licensure, or registration in a regulated setting. The person may be prohibited from providing child care, foster care, adoption, or caring for a dependent adult. Any prohibition will depend on the Department's [Record Check Evaluation form 470-2310](#), of the child abuse and or criminal record.

## **CINA Assessment Policy Statements**

Link to [Procedure](#)

Link to [Practice Guidance](#)

### **Preparing for the CINA Assessment**

#### **Source of Referrals for CINA Assessment Services**

**Law:** [Iowa Code section 232.81](#)

**Policy Statement:** The source of referrals for CINA assessments may be from a rejected CPS intake or from any concerned person. The parent is contacted and offered this service. If parent refuses, Department involvement ends.

#### **Confidentiality of Source of Referral for CINA Assessment**

**Law:** None, statewide required policy

**Policy Statement:** The law does not provided for the confidentiality of a person making a referral to the Department for a CINA referral. The Department cannot assure the reporter or complainant anonymity.

#### **Rejected CPS Intake Referred for CINA Assessment Services**

**Law:** [Iowa Code section 232.71C](#)

**Policy Statement:** Upon receipt of a complaint, the court may request the Department, the juvenile probation office, or another authorized agency or individual to conduct a preliminary investigation of the complaint to determine if further action should be taken.

#### **Rejected CINA Assessment Intakes**

**Law:** [Iowa Code section 232.81](#)

**Policy statement:** If the intake on a request for CINA assessment results in a determination that the circumstances of the child and family do not meet the criteria for a referral to juvenile court for a CINA petition, DHS involvement ends with the staff assigned providing information on community resources to the family. Records of the petition are not maintained.

### **Authority to Conduct CINA Assessment**

**Law:** [Iowa Code section 232.81](#)

**Policy Statement:** Upon receipt of a complaint, the court may require the Department, a juvenile probation officer, or another authorized agency or individual to conduct a preliminary investigation of the complaint to determine if further action should be taken.

### **Jurisdiction of CINA Assessments**

**Law:** [Iowa Code section 234](#)

**Policy Statement:** The county of residence of the child determines the county responsible for the CINA assessment.

## **Assessing Child Safety**

### **Response Time for CINA Assessment**

**Rule:** None, statewide required policy

**Policy Statement:** The supervisor shall assign cases meeting CINA assessment services referral criteria within one business day. The assigned worker shall make a child and family contact within five business days. The summary shall be completed in 20 business days.

### **Making Family Contacts**

#### **CINA Assessment Is a Voluntary Service**

**Law:** [Iowa Code section 217.30](#)

**Policy Statement:** The child's parent or guardian must apply for the services by signing the application in order for CINA assessment services to be initiated.

#### **Parent Rights**

**Law:** [Iowa Code section 232.71B\(5\)](#)

**Policy Statement:** The CINA assessment worker cannot enter a parent's home without parental permission. The worker must have parental consent or a court order to interview child for the purpose of a CINA assessment. If the parent refuses access to the child, the worker must seek a court order to see the child.

### **Safety Plan Services**

**Rule:** [441 Iowa Administrative Code 172 Division II](#)

**Policy Statement:** Family-centered safety plan services are designed to maintain children safely in their own families whenever possible. These services use strategies and interventions to monitor and evaluate the safety of children who, during the Department's child protection assessment, or child in need of assistance assessment process, are assessed to be conditionally safe.

### **Gathering Information**

#### **Authority to Contact Collaterals**

**Law:** [Iowa Code section 217.30](#)

**Policy Statement:** The CINA assessment worker needs parental permission to contact collateral sources. The parent is to be offered a release of information form to provide a signature of authorization.

#### **Evaluating Intake Information for CINA Assessment Referral**

**Law:** None, statewide required policy

**Policy Statement:** The CINA assessment worker shall evaluate the credibility of the facts and circumstances alleged and the information gathered.

### **CINA Assessment Case Disposition**

#### **CINA Services Assessment Summary**

**Law:** None, statewide required policy

**Policy Statement:** The CINA assessment worker shall complete the [CINA Services Assessment Summary, form 470-4135](#), within 20 business days of referral. Family function domains are required to be completed only if there is eligibility for a CINA petition referral to juvenile court.

#### **Case Does Not Meet CINA Criteria**

**Law:** None, statewide required policy

**Policy Statement:** If the CINA assessment results in a determination that the circumstances of the child and family do not meet the criteria for a referral to juvenile court for a CINA petition, Department involvement ends with the staff assigned providing information on community resources to the family.

### **Case Does Meet CINA Criteria**

**Law:** [Iowa Code section 232.81](#)

**Policy Statement:** If the CINA assessment results in a determination that the circumstances of the child and family do meet the criteria for a referral to juvenile court for a CINA petition, including prior history of termination of parental rights, refer to the county attorney for the filing of a petition according to local protocol.

### **Duties of the County Attorney**

**Law:** [Iowa Code section 232.90](#); [232.114](#)

**Policy Statement:** Upon the filing of a CINA petition, the county attorney shall represent the state in all adversary proceedings arising under this division and shall present evidence in support of the petition.

The county attorney shall represent the Department in CINA proceedings. However, if there is disagreement between the Department and the county attorney regarding the appropriate action to be taken, the Department may request to be represented by the attorney general in place of the county attorney.

## **Notification, Dissemination, and Case Records**

### **Parent's Right to Court Notification**

**Law:** [Iowa Code section 232.88](#)

**Policy Statement:** The parents must receive legal notification of any court action regarding their child.

### **CINA Assessment Services Records**

**Law:** [Iowa Code sections 217.30](#) and [232.81](#)

**Policy Statement:** Disseminate the [CINA Services Assessment Summary, form 470-4135](#), report to the county attorney if the outcome of the assessment is that a CINA criteria exists to refer the child for a CINA petition.

Retain the *CINA Services Assessment Summary* report in the case record for five years from the date of intake or five years from the date of closure of any service case. It is destroyed at that time.

Access to the file is authorized to a parent or legal representative, to Department staff for official duties, and to persons or agencies the parent has authorized for access.