

UNFILED

FILED MAR 19 01

SENATE FILE 505
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 322)

Passed Senate, Date ^(p.902) 3-28-01 Passed House, Date _____
Vote: Ayes 48 Nays 1 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring establishment of community review committees and
2 county child protection assistance teams.

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

SENATE FILE 505

S-3273

- 1 Amend Senate File 505 as follows:
 - 2 1. Page 1, line 32, by inserting after the word
 - 3 "term." the following: "The county board of health
 - 4 may delegate its appointment authority to the local
 - 5 community empowerment area board or designate the area
 - 6 board to act as the community review committee in a
 - 7 manner and with members determined by the area board."
 - 8 2. Page 1, line 33, by striking the word "shall"
 - 9 and inserting the following: "may".
 - 10 3. Page 2, by striking lines 9 and 10 and
 - 11 inserting the following: "that county. A committee
 - 12 shall have full access to".
 - 13 4. Page 4, line 5, by striking the words
 - 14 "physicians or other" and inserting the following:
 - 15 "physicians, other".
 - 16 5. Page 4, by striking lines 23 and 24.
 - 17 6. By renumbering as necessary.
- By MAGGIE TINSMAN JOHN REDWINE
DAVID MILLER JOHNIE HAMMOND
NANCY BOETTGER

SF 505

S-3273 FILED MARCH 28, 2001
ADOPTED

p.902

1 Section 1. Section 137.5, Code 2001, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. A county board shall establish
4 the county's community review committee in accordance with
5 section 232.71B, subsection 15.

6 Sec. 2. Section 232.71B, subsection 3, Code 2001, is
7 amended to read as follows:

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

23 Sec. 3. Section 232.71B, Code 2001, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 15. COMMUNITY REVIEW COMMITTEE.

26 a. The county board of health in each county shall
27 establish a volunteer community review committee in accordance
28 with this subsection. Unless provided otherwise in this
29 subsection, the membership of the committee shall be appointed
30 by the county board of health. Membership terms shall be for
31 two-year staggered terms and a member shall not serve for more
32 than one consecutive term. The membership of a community
33 review committee shall include but is not limited to the
34 following persons serving in a volunteer capacity:

35 (1) A public health nurse or other representative of the

1 county board of health.

2 (2) A member of the clergy.

3 (3) A parent with children residing in the parent's home.

4 (4) An individual appointed by the community empowerment
5 area board established pursuant to section 28.6 for the area
6 in which the county is located.

7 b. A committee may review the classification, assessment,
8 investigation, or disposition of a child abuse report made in
9 that county upon receiving a complaint or request or upon the
10 committee's own motion. A committee shall have full access to
11 any record, report, or other confidential child abuse
12 information obtained by the department in performing an
13 assessment or other response to a report of child abuse. A
14 committee member is subject to the confidentiality
15 restrictions in law or administrative rule applicable to the
16 child abuse information provided to the committee member
17 including but not limited to restrictions on redissemination
18 of the information. Notwithstanding chapter 21, the portion
19 of a committee meeting in which a specific child abuse case is
20 reviewed or discussed shall be closed.

21 c. The committee shall review and comment upon the
22 protocol developed by the department and the county's child
23 protection assistance team pursuant to subsection 3 for
24 prioritizing the response for the reports of child abuse made
25 for the county. The committee shall publicly issue an annual
26 report to the department and the district and juvenile court.
27 The annual report shall include findings and recommendations
28 regarding the effectiveness of local efforts and of state
29 policies in preventing, identifying, and addressing child
30 abuse.

31 Sec. 4. Section 235A.15, subsection 2, paragraph b, Code
32 2001, is amended by adding the following new subparagraph:

33 NEW SUBPARAGRAPH. (10) To a community review committee
34 established in accordance with section 232.71B, subsection 15,
35 reviewing the reports and to the child protection assistance

1 team established in accordance with section 915.35 for the
2 county in which the report was made.

3 Sec. 5. Section 915.35, subsection 4, Code 2001, is
4 amended to read as follows:

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

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

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

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

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

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

27 b. To-the-greatest-extent-possible, a multidisciplinary A
28 child protection assistance team involving the county
29 attorney, law enforcement personnel, community-based child
30 advocacy organizations, and personnel of the department of
31 human services shall be utilized in investigating and
32 prosecuting cases involving a violation of chapter 709 or 726
33 or other crime committed upon a victim as defined in
34 subsection 1. A child protection assistance team shall be
35 established for each county by the county attorney. However,

1 by mutual agreement, two or more county attorneys may
2 establish a single child protection assistance team to cover a
3 multicounty area. A multidisciplinary team may also consult
4 with or include juvenile court officers, medical and mental
5 health professionals, physicians or other hospital-based
6 health professionals, court-appointed special advocates,
7 guardians ad litem, and members of a multidisciplinary team
8 created by the department of human services for child abuse
9 investigations. A child protection assistance team may work
10 cooperatively with the local community empowerment area board
11 established under section 28.6. The child protection
12 assistance team shall work with the department of human
13 services in developing the protocols for prioritizing child
14 abuse reports and for law enforcement agencies working jointly
15 with the department at the local level in processes for child
16 abuse reports. The department of justice may provide training
17 and other assistance to support the activities of a
18 multidisciplinary team referred to in this subsection.

19 Sec. 6. Section 331.756, Code 2001, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 84A. Establish a child protection
22 assistance team in accordance with section 915.35.

23 Sec. 7. IMPLEMENTATION OF ACT. Section 25B.2, subsection
24 3, shall not apply to this Act.

25 EXPLANATION

26 This bill requires establishment of community review
27 committees and county child protection assistance teams.

28 Code section 137.5, relating to local boards of health, is
29 amended to require a county board of health to establish a
30 community review committee as provided in the bill.

31 Code section 232.71B, relating to child abuse assessments,
32 is amended to require the department of human services to
33 develop protocols with county child protection assistance
34 teams for prioritizing child abuse reports and for working
35 jointly with such teams and law enforcement agencies.

1 Code section 232.71B is also amended in new subsection 15
2 to require establishment of a community review committee in
3 each county by the county board of health. The review
4 committee membership is to include a public health nurse, a
5 member of the clergy, a parent with children in the home, and
6 an individual appointed by the community empowerment area
7 board. The committee is authorized to review the department
8 of human services' classification, assessment, and disposition
9 of child abuse reports made in that county. The committee is
10 required to issue an annual report concerning the
11 effectiveness of child protection policies and activities at
12 the state and local levels.

13 Code section 235A.15 is amended to provide a community
14 review committee and a child protection assistance team with
15 access to confidential child abuse information for the reports
16 made in the county served by the committee or team.

17 The bill requires establishment of county child protection
18 assistance teams by modifying existing law in Code section
19 915.35. The existing law provides for optional use of a
20 multidisciplinary team for investigations and prosecutions of
21 criminal cases involving child victims of a sexual crime under
22 Code chapter 709, relating to sexual abuse, or Code chapter
23 726, relating to protection of the family and dependent
24 persons, or of a forcible felony. The bill changes the name
25 of the team to "child protection assistance team" and requires
26 a team to be established for each county by the county
27 attorney. However, by mutual agreement, two or more county
28 attorneys may establish a single county protection assistance
29 team for a multicounty area. The bill includes a physician or
30 other hospital-based health professional in the list of the
31 persons that may be consulted by a child protection assistance
32 team. In addition, a team may work cooperatively with the
33 local community empowerment area board.

34 Code section 331.756 is amended to include the
35 establishment of a child protection assistance team in the

1 duties of the county attorney.

2 The bill may include a state mandate as defined in Code
3 section 25B.3. The bill makes inapplicable Code section
4 25B.2, subsection 3, which would relieve a political
5 subdivision from complying with a state mandate if funding for
6 the cost of the state mandate is not provided or specified.
7 Therefore, political subdivisions are required to comply with
8 any state mandate included in the bill.

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H. 3/29/01 Hummel

SENATE FILE 505
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 322)

(AS AMENDED AND PASSED BY THE SENATE MARCH 28, 2001)

- _____ - New Language by the Senate
- * - Language Stricken by the Senate

Passed Senate, Date _____ Passed House, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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S.F. 505

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12 A child protection assistance team may work cooperatively with
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20 assistance to support the activities of a multidisciplinary
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24 NEW SUBSECTION. 84A. Establish a child protection
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**SENATE FILE 505
FISCAL NOTE**

A fiscal note for **Senate File 505** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 505 creates county community review committees and county child protection assistance teams. The committees and the teams relate to the review of child abuse reports, child abuse investigations, and child endangerment issues. Each county board of health is required to establish a community review committee but may appoint the local community empowerment board as the committee. The committees are required to be volunteers and the membership is suggested. The county attorney of each county is required to appoint a child protection assistance team and is permitted to have a single team cover a multicounty area if determined by multiple county attorneys.

ASSUMPTIONS

Both the county community review committees and the county child protection assistance teams are voluntary.

Community Review Committees:

1. Additional staff for the community review committees by the county boards of health may be necessary. However, sufficient information is not available to estimate the number of county FTE positions required or the associated one-time and annual ongoing operational costs.
2. The number of counties that may utilize existing local community empowerment boards in lieu of the community review committees is unknown.
3. Although the community review committees have the option of reviewing information related to child abuse reports made in the county, it is not possible to estimate the number of committees which would review particular reports or the number of reports which would actually be reviewed by each community review committee.
4. Although the community review committees are voluntary, associated costs exist for the coordination of the committee, staffing, communication with the Department of Human Services, office support costs, and the required annual report.

Child Protection Assistance Teams:

1. The Department of Human Services is required to work with the child protection assistance teams in the 99 counties to develop protocol for prioritizing when alleged child abuse reports will be reviewed in a county. However, 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.
2. Those counties not already utilizing entities similar to the required child protection assistance teams (referred to in current statute as a

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multidisciplinary team involving the county attorney, law enforcement personnel, community-based child advocacy organizations, and personnel of the Department of Human Services) would establish the required team.

FISCAL IMPACT

Senate File 505 would result in increased General Fund expenditures to the Department of Human Services for developing protocols with the county protection assistance teams for child abuse reports, staffing requirements, travel, one-time operational costs, and annual ongoing operations costs. Due to insufficient information, a reliable cost estimate cannot be determined.

Due to insufficient information, the fiscal impact to county boards of health regarding the creation of county community review committees cannot be determined. Increased expenditures would include one-time and ongoing operational costs.

There may be a fiscal impact upon the county attorneys when creating the child protection assistance teams if existing multidisciplinary teams are not already in place. Increased costs would include one-time and ongoing operational expenditures. Greater costs may be incurred upon those 56 county attorneys which are part-time. However, due to insufficient information, a reliable estimate cannot be provided.

SOURCES

Department of Human Services
County Attorney Association
Iowa Citizen Foster Care Review Board

(LSB 1880SV, SLL)

FILED APRIL 4, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR