**Events**

**March 19:** “Family and Juvenile Drug Courts in Polk County,” Polk County Model Court Training Academy; 12 noon, Room 209A, Polk County Courthouse, Des Moines. Free CLEs and CEUs.

**April 6-7:** “Drug Endangered Children Conference,” Prairie Meadows Events Center, Altoona. For registration or more information, go to [www.iowadec.net](http://www.iowadec.net).

**April 20-21:** “Prevent Child Abuse Iowa Annual Conference – Building Healthy Families,” Sheraton West Des Moines Hotel, West Des Moines. For more information, go to: [http://www.pcaiowa.org/documents/PCAIAConf09.pdf](http://www.pcaiowa.org/documents/PCAIAConf09.pdf)

**May 2:** “Walk for Foster Care,” 2nd annual community 2-mile walk fundraiser for foster and adoptive parents sponsored by IFAPA (the Iowa Foster and Adoptive Parents Association; 9 a.m., Gray’s Lake Park, Des Moines. For registration or more information, go to [www.walkmehome.org](http://www.walkmehome.org).

**State Legislative Update:** As the Iowa General Assembly continues in session, we continue to report on the progress of bills of interest to child advocates.
**New Bills:** The following is a description of new bills that have been introduced in the Iowa legislature since the last edition of *Child Views* that may be of interest to child advocates:

**HSB 259 – PMIC INSURANCE COVERAGE:** This bill deems a child who needs treatment for mental illness or for substance abuse and who meets the Medicaid criteria for admission to a PMIC as meeting the acuity criteria for specified third-party payment of inpatient benefits..

**HF 546 – CHILD SEX ABUSE PENALTIES:** This bill increases the penalties for child sex abuse crimes: lascivious acts to a Class “C” felony (with solicitation); otherwise to a “D”; assault with the intent to commit abuse to a “B” (serious injury); a “C” (bodily injury) and to a “D” (no injury); and indecent contact to a “D” felony.

**HF 562 (Successor to HF 383) – STATE CHILD CARE ADVISORY COUNCIL:** This bill requires one of the seven members of the Council on Human Services to be a member of the Child Care Advisory Council. It makes changes to the membership on the council, including that a slot for an unregistered child care home provider be for a "family, friend, and neighbor child care" provider. The bill identifies four additional slots for the advisory council (business, from nominees by the Chamber of Commerce executives, community empowerment office, and Iowa after-school alliance, the statewide preschool program for four-year-old children). It allows the council to advise DHS on additional matters, including the federal Child Care and Development Block Grant and other funding sources and requires DHS to give the council various financial information. The bill also requires the council to make reports to the DHS and the Governor.

**HF 563 – CHILD DEVELOPMENT HOMES:** this bill requires DHS to establish a voluntary licensing system for child development homes, in lieu of registration, and authorizes DHS to modify requirements for licensing as it deems necessary.

**HF 580 – IOWACARE PAYMENTS II (Successor to HF 354):** This bill requires that the waiver that DHS submits to continue the IowaCare program after July, 2010 include provisions to pay nonparticipating providers who serve expansion populations and meet certain requirements. The bill also requires the provider to show that it was not possible to postpone the treatment of transfer the member to an eligible provider.

**HF 586 – MINOR EMANCIPATION:** This bill establishes provisions to allow an Iowa minor who is at least 16 and not in the care of the state to petition for emancipation.
(See SSB 1216 approved by the Senate Judiciary, but not assigned a successor number yet, which is the Senate version of this bill.)

HF 601 – MINOR SEX OFFENDERS: This bill requires a court to hold a “waiver” hearing for any offense committed by a child aged 14 or older that is subject to the sex offender registry. The bill excludes the offense from the jurisdiction of the juvenile court if the court does not order the offender to be tried as a juvenile.

HF 607 – CHILD ABUSE INFORMATION: This bill requires DHS to work with juvenile courts and juvenile court services to study how to give child abuse information to the juvenile courts, and requires a report by December 2009.

HF 660 & SF 381 – VISITATION SCHEDULES: This bill requires large employers (defined as employers with more than 50 employees) to accommodate a worker who has a court-order visitation schedule, and prohibits taking adverse actions against such an employee.

SF 323 – FOSTER CARE RECORDS: This bill requires DHS to give additional health care records to a foster care provider as they become available and to allow the provider to ask for specific records.

Updates of Bills: The following is a report of updates as to the progress of bills previously noted in earlier editions of Child Views:

HF 329 & SF 173– FOSTER CARE & SCHOLARSHIPS: These bills increase the amount of the FY 2009 appropriation for FY 2009 for the All Iowa Opportunity Assistance Program that can be used by the College Student Aid Commission to for foster care grants and scholarships to $750,000. The Senate passed the bill (48-0). It now goes to the House.

SF 393 (Successor to SF 271) – CINA CASES VIA OBSCENE MATERIALS: This bill includes cases where a parent or guardian has knowingly shown a child obscene materials as qualifying for Child In Need of Assistance (CINA) proceedings. The bill defines such exposures as child abuse, and makes the person subject to the child abuse registry. Senate File 271 was amended and passed out of the Senate Human Resources Committee. It’s Counterpart, House File 443 was amended and passed out of the House Human Resources Committee.
SF 366 (Successor to SSB 1216) – MINOR EMANCIPATION: This bill allows a minor who is at least 16, is a resident and not in the care of the state to petition for emancipation. The bill requires the petition to include facts to support that the minor is self-supporting and does not need assistance from the state, that the minor is capable of managing financial and personal affairs, and that the minor is committed to getting educational support and employment. The bill requires documentation of three months independent living, and a statement as to the reasons why the minor’s home is not safe, or consent from parents or guardians. The bill allows the court to stay the proceedings and refer the parties to mediation or to request that the DHS investigate, and allows the court to end the emancipation hearing and to start a CINA adjudication. The bill allows the court to order emancipation, if it finds by clear and convincing evidence that no remedy that would resolve the family issues is available and that the emancipation is in the best interests of the child. The bill gives the emancipated child various rights, including to sue or be sued, to buy and sell real estate, to establish a legal residence and to incur debts, and to consent to medical care, but does not end restrictions on tobacco or alcohol, or consider the child an adult for prosecutorial purposes. The bill also eliminates the support obligations, debt responsibility or the tort liability of the parents for an emancipated child. This bill passed (13-1) out of the Senate Judiciary Committee.

SSB 1287 (See also HSB 258) – CHILD PROTECTION SHELL BILL: This bill states the intent of the Legislature to pass a bill related to the federal Adam Walsh Child Protection Act. SSB 1287 passed (13-1) out of the Senate Judiciary Committee, and the House version (HSB 258) passed (19-0) out of the House Public Safety Committee. This bill has now been offered as SF 340.

SF 101 – SHAKEN BABY SYNDROME: This bill requires the Department of Public Health (DPH) to establish a statewide Shaken Baby Prevention program. It requires the DPH to work with experts to develop the plan and to use a collaborative approach in working with others to reduce the shaken baby syndrome. The bill also requires the DPH to develop a methodology for tracking shaken baby syndrome. This bill passed out of the House (98-0) and out of the Senate (49-0). It has been signed by the Governor, and now becomes law.

SF 236 (Successor to SSB 1200; See also HSB 213) – PMIC PAYMENTS: This bill directs DHS to work with PMIC providers on a new reimbursement system to begin July, 2010. The bill sets the PMIC reimbursement rate for FY 2010 as a percentage of average costs but allows the DHS to make exceptions. The bill also requires DHS to apply for authority to reimburse PMICs at 100% of costs. This bill was Amended &
Passed out of the Senate (47-0). The House version passed out of the House Human Resources Committee (20-0).

Parental Drug Use Need Not Be Shown to Injure the Child: In the Interest of J.B. (Iowa Court of Appeals, March 11, 2009): In this case, the Iowa Court of Appeals held that parents with chronic substance abuse issues are inherently a danger to their children and that actual injury is not required to support a finding of Child in Need of Assistance (CINA) in such cases:

Both parents have admittedly used alcohol and drugs in the past. The father admitted to a drug problem several weeks before the hearing. The parents have failed to submit to requested drug testing. They forged checks to obtain money to buy drugs. Courts have long recognized the dangers and hazards of leaving children in the custody of chronic drug users. See, e.g., In re J.K., 495 N.W.2d 108, 113 (Iowa 1993) (finding “parents [who] have severe chronic substance abuse problems” “clearly” presented a danger to their children). Jonathon’s adjudication as a child in need of assistance need not await the occurrence of injury or harm.

Jurisdiction of Appeal of an Order to File a TPR Petition: In the Interest of A.P. and A.P. (Iowa Court of Appeals, March 11, 2009): In this case, the Iowa Court of Appeals held that a ruling in a Permanency hearing ordering that a Termination of Parental Rights (TPR) petition be filed is not a final order allowing an appeal of right in Iowa:

We note that Angela’s appeal with regard to A.P. is denied on a jurisdictional basis, among other reasons. A court’s order directing the filing of a petition for termination of parental rights is an interlocutory ruling. (citation omitted) A juvenile court order is not appealable unless it is final. (citation omitted) We conclude the order with regard to A.P. is interlocutory, and we therefore deny Angela permission to appeal from it.

Uncertainty Does Not Equate to Evidence of Poor Parenting Skills: In the Interest of L.L.D.-W. (Iowa Court of Appeals, March 11, 2009): In this case, the Iowa Court of Appeals reversed the trial court’s order terminating the parental rights of the father, In the opinion, the Court of Appeals held that evasiveness by the father that may lead to
uncertainty on the part of DHS is not sufficient to establish the elements necessary to justify a TPR ruling:

DHS contends that George was not forthcoming with information, and they were unable to substantiate the type of lifestyle George leads. While these are legitimate and worrisome concerns, we cannot say that based on the record, L.D.-W. and George did not have significant and meaningful contact, as required by Iowa Code section 232.116(1)(e) . . . The problem lay with the fact that DHS could not substantiate George’s parenting abilities because he was more often than not unavailable when DHS attempted to visit. Nonetheless, George’s elusive conduct does not satisfy the elements in Iowa Code section 232.116(1)(e) . . . At the termination hearing, when questioned about George’s ability to parent L.D.-W, a DHS worker testified, “I just don’t feel that he could handle the responsibility of having him [L.D.-W.] full time as a care giver due to his life-style and not being able to demonstrate that he can do so.” Even though DHS offered services to George, which he failed to complete adequately, we cannot say that based on the record that L.D.-W. would suffer adjudicatory harm if placed in George’s care . . . While we agree that George has not been sufficiently responsive to services, we can find nothing in the record to suggest that L.D.-W. has or will suffer harm at the hands of George. Therefore, we cannot find that the State has met its burden of proof under Iowa Code section 232.116(1)(h).

Youth at Risk in Iowa: The following statistics concerning “at risk youth” in Iowa come from a recent (November 2008) report from the Children’s Defense Fund:

- Percent of 16- to 19-year-olds not enrolled in school and not high school graduates: 4.2%
- Averaged freshman high school graduation rate: 86.9%
- Percent of 16- to 19-year-olds unemployed: 11.7%
- Number of juvenile arrests: 19,605
- Number of children and teens in juvenile residential facilities: 1,062
- Ratio of cost per prisoner to cost per public school pupil: 3.6:1
- Number of children and teens killed by firearms: 15 (4 homicides; 10 suicides; 1 accident)
“You cannot live a perfect day without doing something for someone who will never be able to repay you.” – John Wooden (Basketball Coach)