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


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

Presidents Helping Children: We are pleased to announce the opening of the "Presidents Helping Children" exhibit at the Neal & Bea Smith Law Center of the Drake University Law School in Des Moines beginning on Wednesday, March 25 and continuing for approximately two weeks. The exhibit is sponsored by Every Child Matters in Iowa, a state campaign of the Every Child Matters Education Fund, and The Joan and Lyle Middleton Center for Children’s Rights at Drake University Law School. Underscoring the role of the federal government in the lives of children, "Presidents Helping Children" features past presidents and their work on behalf of children. The Smith Law Center will have banners outside as well as interesting exhibits and will
provide written handouts to people who come to see the exhibit. For eight years, the Joan and Lyle Middleton Center for Children's Rights at Drake University Law School has been a leading advocate for children in Iowa and across the nation. The Middleton Center has co-sponsored and hosted this exhibit in an effort to raise public awareness that a true Presidential legacy involves making decisions that affect future generations of Americans. According to a recent UNICEF study, the United States ranked 20th out of 21 rich democracies in child well-being. We hope that this exhibit will motivate Iowans and Americans to encourage President Obama to support programs that improve child well-being, making this President among those who left a legacy of love for American’s children.

**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:

**HF 691 – OBSCENE CINA CASES** (Successor to HF 443; See SF 236): This bill includes cases where a parent or guardian has knowingly shown a child obscene materials as qualifying for grounds for CINA proceedings. It defines such exposures as child abuse, and makes the person subject to the child abuse registry.

**HF 692 – PMIC PAYMENTS** (Successor to HSB 236): This bill directs DHS to work with PMIC providers on a new reimbursement system to begin July, 2010, and sets the PMIC reimbursement rate for FY 2010 as a percentage of average costs, except for the Independence MHI but allows DHS to make exceptions. The bill requires DHS to apply for authority to reimburse PMICs at 100% of costs, and also requires repayments of costs.

**HF 711 – CHILD PROTECTION SHELL BILL** (Successor to HSB 258; See SF 340): This bill states the intent of the Legislature to pass a bill on the federal Adam Walsh Child Protection Act.

**SSB 1306 – 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 744 – ENTICING A MINOR (Successor to HSB 44): This bill changes the language to provisions related to the felony crimes for enticing a minor so that a person who attempts to entice a minor for sexual abuse commits a Class C felony, if the person believes the minor to be under 13, or a Class D felony if the age involved is under 16. The bill also allows the person's intent to be inferred to commit a crime to be inferred if the person does not know the minor or the minor’s parents.

HF 771 – AUTISM SERVICES (Successor to HF 501): This bill requires DHS to implement a waiver to offer services under Medicaid to persons under 21 with autism and autism spectrum disorders, and also requires DHS to work with the Iowa Autism Council on the plan.

HF 773 PMIC – INSURANCE COVERAGE (Successor to HSB 259): 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.

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

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. This Bill was amended & PASSED 11-9 out of the House Human Resources Committee.

HF 315 – YOUTH COUNCILS: This bill creates an Iowa Collaboration for Youth Development Council and an Iowa Youth Advisory Council in the Department of Human Rights (DHR). The bill defines youth to include persons through age 21, and establishes the duties, membership and reporting requirements of the councils, including that the members of the Youth Advisory Council be aged from 14-20. The House PASSED the bill, 65-30; it now goes to the Senate.

HF 562 – 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. The bill 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). The bill also 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. It also requires the council to make reports to the DHS and the Governor. Amendment H-1154, which makes the seven members of the Council voting members and adds four ex officio legislative members, was adopted. Also, Amendment H-1171, which adds a member from the Early Childhood council and gives the Council on Human Services duties to advise the Early Child\'hood Council, and adds additional language on the duties of the council to give advice and to assist the Early Childhood Council in reporting requirements was also adopted. The House PASSED the bill, 97-0; it now goes to the Senate.

HF 572 – YOUNG BOARD MEMBERS: This bill requires that all the appointive boards should consider adding young adult members (18-35) and that certain qualified boards must add two young adult members by 2011. The bill defines such boards (Economic Development Board, the Vision Iowa Board, the Commission of Latino Affairs, the Commission on the Status of Women, the Commission of Persons with Disabilities, the Commission on Community Action Agencies, the Commission on the Deaf, the Commissions on the Status of African-Americans, of Asian and Pacific Islander Heritage, on Native American Affairs, the Regents, Great Places Board, the Iowa Arts Council, and the NRC). This Bill PASSED, 20-0 1 out of the House State Government Committee.

HF 580 – IOWACARE PAYMENTS II: 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. The House PASSED the bill, 98-0; it now goes to the Senate.

HF 713 – CHILD ABDUCTION ACT (Successor to HSB 220): This bill enacts the Uniform Child Abduction Act. It allows a person to file a petition seeking abduction prevention measures to prevent the abduction of a child, or allows the court to order such measures on its own. The bill requires the petition to include information on child custody determinations, the risk factors for abduction and whether prior action has been needed to prevent an abduction or domestic abuse. It also allows the court to consider a number of factors, including the parties' ties to Iowa and the US that. The bill allows an abduction prevention order to impose travel restrictions, have a visitation schedule, to require a party to post a bond, or require education classes. It also allows the court
to issue ex parte warrants to take custody of a child or to order law enforcement to take custody. The bill makes the order enforceable until a child turns 18 or is emancipated. *The House PASSED the bill, 94-0; it now goes to the Senate.*

**SF 152 – FOSTER TRANSITIONS:** This bill makes changes to provisions for the transition of children over the age of 16 from foster care to conform with recent federal changes. It strikes current local transition committees and replaces them with child-centered transition teams, and requires the team to include persons selected by the child, persons who have knowledge of what the child will need, and persons who may be service providers or partially responsible for the costs. The bill requires regular reviews of transition plans, and requires the plan to include housing provisions and regular reviews including 90 days before the child turns 18. The bill requires case permanency plans to address educational requirements. It also includes other provisions on notice to parents for a child declared to be a CINA, on compulsory school attendance for the foster children and other matters. The bill adds directives for schools to enroll foster children on transfers, and adds additional provisions of school enrollments. *Amendment S-3068 - States that a child in foster care will remain in the same school district unless such a placement is not in the best interest of the child.* *The Senate PASSED the bill, as amended, 32-18; it now goes to the House. It has now passed out of the House Human Resources Committee, 20-0.*

**SF 179 – CHILD CARE:** This bill creates a high-quality child care project for low-income children funded through federal block grants. It requires that a child care facility meet certain standards and have at least 60% of the children in the program receiving assistance. *This bill was amended & PASSED, 9-3 out of the Senate Human Resources Committee.*

**SF 231 – IOWACARE PAYMENTS II:** This bill requires DHS to seek a waiver to pay nonparticipating providers under the IowaCare program for eligible services to expansion population members. The bill also requires the provider to show that it was not possible to postpone the treatment or that a transfer of the member to an eligible provider was not possible. The bill requires the person to be an active-status IowaCare member. The bill creates a fund to be used to pay the non-participating providers if no third-party payment is available, and directs DHS to maximize the receipt of federal funds without reducing rates for participating providers. *The Senate PASSED the bill, 48-0; it now goes to the House.*

**SF 236 – PMIC PAYMENTS:** This bill directs DHS to work with PMIC providers on a new reimbursement system to begin July, 2010. It sets the PMIC reimbursement rate for FY 2010 as a percentage of average costs but allows DHS to make exceptions. The
This bill requires DHS to apply for authority to reimburse PMICs at 100% of costs. This bill was amended & PASSED, 20-0 out of the House Human Resources Committee.

SF 323 – FOSTER CARE RECORDS: This bill requires DHS to give to a foster care provider additional health care records as they become available and to allow the provider to ask for specific records. Amendment S-3084, which requires the foster care family to receive notice if a foster child is required to register on the Sex Offender registry. The Senate PASSED the bill, as amended, 50-0; it now goes to the House.

SF 366 – 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 and debt responsibility for an emancipated child. The Senate PASSED the bill, as amended, 46-2; It passed out of the House Human Resources Committee (19-1); It now goes to the full House.

SF 393 – CINA OBSCENITY CASES: 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. The Senate PASSED the bill, as amended, 48-1; it now goes to the House.
**March Statistical Summary:** During the month of March, the Iowa Supreme Court rendered no opinions in juvenile cases. During the month of March, the Iowa Court of Appeals rendered 27 opinions in juvenile-related cases. Of those 27 cases, 21 were Termination of Parental Rights (TPR) cases, 5 were Child in Need of Assistance (CINA) cases and 1 was a guardianship case. Here are the results in those cases.

**TPR Cases:** In 19 of the 21 TPR cases, the parent(s) appealed the trial court’s order terminating parental rights, and the Court of Appeals affirmed the termination of parental rights. In 2 of the TPR cases, the Iowa Court of Appeals reversed the lower court’s order terminating parental rights. (1 of these was a Chapter 600A private termination case, and the other was reported in the March 13, 2009 edition of *Child Views*).

**CINA Cases:** In one CINA case, the Court of Appeals affirmed the trial court’s adjudicatory order, and in another, the Court of Appeals affirmed the trial court’s order dismissing the CINA petition. In one CINA case, the Court of Appeals affirmed the trial court’s adjudicatory and dispositional orders. In one CINA case, the Court of Appeals affirmed the trial court’s permanency order ordering that a TPR petition be filed for one child and that an APLA (alternative planned living arrangement) be made for the other child. In one CINA case, the Court of Appeals affirmed the trial court’s permanency order.

**Guardianship Case:** In the guardianship case, the Court of Appeals reversed the trial court’s order terminating the guardianship for lack of subject matter jurisdiction (see below).

**Jurisdiction for Guardianship:** *In Re the Guardianship of A.B.G., JR and A.L.G. (Iowa Court of Appeals, March 26, 2009):* In this case, the Iowa Court of Appeals examined the jurisdictional rules for establishing a guardian of minor children. The Court of Appeals reversed the trial court’s order dismissing the guardianship for lack of subject matter jurisdiction. In doing so, the Iowa Court of Appeals set forth the rules for jurisdiction of guardianships:

“Home state” is defined as “the state in which a child lived with a parent or a person acting as a parent for at least six consecutive months.
immediately before the commencement of a child-custody proceeding.” Iowa Code § 598B.102(7). A “child-custody proceeding” is “a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue” and includes a guardianship proceeding. Iowa Code § 598B.102(4) . . . We conclude that neither Iowa nor Missouri qualified as the children’s “home state” under section 598B.102(7), because the children and a parent had not lived in either state for at least six consecutive months immediately before the commencement of the guardianship proceeding on February 15, 2006. Thus, neither a court of this state nor a court of another state had jurisdiction under section 598B.201(1)(a). Because no state was the children’s home state, Iowa had jurisdiction to modify physical care provided two requirements were met. First, the children and at least one of their parents must have had a “significant connection” with Iowa other than mere physical presence, and second, “substantial evidence” concerning the children’s “care, protection, training, and personal relationships must be present in Iowa.” Iowa Code § 598B.201(1)(b).

**Due Process for a Parent in Prison:** *In Re K.C. (Iowa Court of Appeals, March 26, 2009)*: In this termination of parental rights (TPR) case, at the time of the termination hearing, the father—a seven-time convicted felon—was imprisoned in Illinois and was not expected to be released for several years. The father contended he was deprived of due process by the denial of his request to be personally present at the termination hearing. The Iowa Court of Appeals summarily rejected this claim:

This court has held: “Where a parent receives notice of the petition and hearing, is represented by counsel, counsel is present at the termination hearing, and the parent has an opportunity to present testimony by deposition, we cannot say the parent has been deprived of fundamental fairness.” *(citation omitted)* Accordingly, we reject the father’s due process claim.

**Iowa’s Record When It Comes to Children:** Every Child Matters has released a recent report that shows that Iowa’s record concerning how children fare in the state is
good. However, according to this non-profit organization “. . . good isn’t good enough when:

- 95,000 children in Iowa live in poverty. (This is equal to three times the total enrollment of the Des Moines Public School District.)
- Almost 35,000 children lack health insurance.
- Over 38,000 children were reported abused or neglected, (This number is roughly equal to the population of Cedar Falls.)
- Almost 160,000 children are alone each day after school.
- 9,620 4th graders scored Below Basic in Reading.

"When the power of love overcomes the love of power, the world will know peace." ~ Jimi Hendrix