**FRI DAY, A PRIL 10, 2009**

**Events**

**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)

**Child News**

**National Child Abuse Prevention Month:** April is National Child Abuse Prevention Month. This designation is designed to raise awareness about child abuse and neglect and to encourage individuals and communities to support children and families. The following is a Proclamation issued by President Barack Obama:

> When the child next door is maltreated, we all suffer. Every American has a stake in the well-being of our Nation's children. They are members of our communities, and they are our future. National Child Abuse Prevention Month provides the opportunity to underscore our commitment to preventing and responding appropriately to child abuse. This month, we emphasize the importance of understanding child abuse and the need for all Americans to help families overcome this devastating problem.
The tragedy of child abuse may afflict American children in different ways. Abuse may occur physically, sexually, and emotionally. Child neglect, another form of child maltreatment, may occur physically and emotionally. Understanding the forms of child abuse is critical to preventing and responding to maltreatment.

A well-informed and strong family is the surest defense against child abuse. To help educate and strengthen families, community members can offer their time and counsel to parents and children who may need assistance. For example, parent support groups provide an organized forum for assistance. More informally, community members may simply offer a helping hand to families under stress. More information about what families and communities can do is available at www.childwelfare.gov/preventing.

Civic organizations and government also have an important role to play. Civic groups offer essential support through education, assistance to those at risk, and treatment for victims. Government at the local, State, and Federal level must provide funding for services, conduct public education projects, and enforce child abuse laws.

As we recognize that we all suffer when our children are abused, that we all benefit from mutual concern and care, and that we all have a responsibility to help, more American children will grow up healthy, happy, and with unlimited potential for success.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 2009, as National Child Abuse Prevention Month. I encourage all citizens to help prevent and respond to child abuse by strengthening families and contributing to all children's physical, emotional, and developmental needs.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA
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.

HF 315 – YOUTH COUNCILS: This bill creates an Iowa Collaboration for Youth Development Council and an Iowa Youth Advisory Council in the DHR. It 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 Senate PASSED the bill, 39-11; it now goes to the Governor.

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 House PASSED the bill, 95-1; it now goes to the Governor.

HF 562 – STATE CHILD CARE ADVISORY COUNCIL: This bill makes changes to the membership on the Child Care Advisory Council, including that a slot for an unregistered child care home provider be for a “family, friend, and neighbor child care” provider, and 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 makes the seven members of the Council voting members and adds four ex officio legislative members. It also allows the council to advise DHS on additional matters, including the federal Child Care and Development Block Grant and other funding sources. Adds a member from the Early Childhood council and gives the Council on Human Services duties to advise the Early Childhood Council. Adds additional language on the duties of the council to give advice and to assist the Early
Childhood Council in reporting requirements  Requires the DHS to give the council various financial information. Requires the council to make reports to the DHS and the Governor. The Senate PASSED the bill, as amended, 50-0; it now returns to the House.

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, requiring 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, requires the plan to include housing provisions and regular reviews including 90 days before the child turns 18, and requires case permanency plans to address educational requirements. The bill also includes other provisions on notice to parents for a child declared to be a child in need of assistance (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. The House PASSED the bill, 97-0; it now goes to the Governor.

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. The bill also requires the foster care family to receive notice if a foster child is required to register on the Sex Offender registry. Amendment H-1327 makes a correction to provision requiring notice if a foster child is required to register as a sex offender, and amendments H-1373 to H-1327 require DHS to track the records of foster children supplied to foster parents including when the parent requested additional records. Amendment H-1376 prohibits a registered child care provider from providing foster care for a child who has committed abuse against a child while providing child care. The House PASSED the bill, as amended, 97-0; it now returns to the Senate.

Evidence of Prior Adjudications: In Re B.A.M.L.K.B.-G. (Iowa Court of Appeals, April 8, 2009): In this termination of parental rights (TPR) case, the Iowa Court of Appeals held that even voluntary terminations “count” when used for grounds for a new TPR:
“No dispute exists that Brianna has been adjudicated a child in need of assistance, and that parental rights already have been terminated with respect to another child in the family. Although Jamie’s counsel explains that the other termination was voluntary due to the strong ties between that child and her foster mother, the statute does not distinguish between voluntary and involuntary terminations. See Iowa Code § 232.116(1)(g)(1) and (2).”

**Recusal of Trial Judge: In Re H.F. (Iowa Court of Appeals, April 8, 2009):** In this termination of parental rights (TPR) case, the Iowa Court of Appeals reviewed the standard for review of claims that a judge in juvenile court should grant a recusal motion:

The mother had the burden of showing grounds for recusal. *Citation omitted.* This is a substantial burden, and we will not overturn the judge’s decision absent an abuse of discretion. *Id.* An appearance of impropriety is not sufficient. *Citation omitted.* The mother must show actual prejudice before recusal is required. *Citation omitted.* Beyond the bare conclusory statements in her petition on appeal, the mother offers no evidence that would support recusal. We also reject the mother’s argument her right to due process was violated. The record reveals she received a full and fair hearing before an impartial tribunal. We find no abuse of discretion in the judge’s refusal to recuse herself.

**Poverty Does Not Equate to Grounds for TPR: In Re D.B., J.H., J.H., JR., and A.H., (Iowa Court of Appeals, April 8, 2009):** In this termination of parental rights (TPR) case, the Iowa Court of Appeals reversed the trial court’s order terminating parental rights, and, in doing so, emphasized that poverty alone is an insufficient ground to terminate parental rights:

We just do not find there to be clear and convincing evidence in this record that the mother does not have the ability to supervise her children. There is no evidence that any of the children suffered physical harm while they were in her care. There were no concerns about the children remaining in the home when the Department first became involved with this family. The children were taken away after the second incident and the children were quickly returned to her. We recognize that her ability to provide for her children is limited by her financial resources. Her wages are inadequate to allow her to house, feed, and clothe five children. The State does not specifically claim that not having ample resources to care for your children is clear and convincing evidence you cannot be a parent.
Yet the fact the mother has not had resources for adequate housing for her children has been a factor in not allowing her to take them home, and is a factor that was considered in terminating her parental rights.

**Comparatively Speaking:** The following information is provided by The Measure of America, America’s first-ever human development report:

- Infant mortality is defined as the death rate of infants before the age of one. The U.S. infant mortality rate, at 6.86 per 1,000 babies, is on par with Croatia’s. Racial disparities in the rates of infant mortality are severe -- 13.7 out of 1,000 African American Babies die before the age of one.

- The U.S. ranks first in health expenditures, but 1 in 6 Americans are without health insurance. Every other affluent country in the world has found a way to cover virtually every citizen, while 47 million Americans go without. The great majority of America’s uninsured are employed.

- 53% of American 3 and 4 year olds are enrolled in pre-school – as compared with at least 75% in Canada, Germany, Japan, Russia, and the United Kingdom and close to 100% in France and Italy.

- The U.S. came in 17th on the science literacy scale, below the OECD average. In math, it came in 24th. In general, U.S. students rank poorly compared to those in other affluent countries – even though the U.S. outspends most of them in per pupil estimates.

- In 98 countries, new mothers are legally entitled to at least 14 weeks of paid leave. The U.S. has no federally mandated, paid leave for new mothers or fathers. Furthermore, although the U.S. offers sick leave through the Family and Medical Leave Act, it is unpaid and doesn’t cover all workers (as compared with 145 other countries, which offer paid sick leave for short and long term illness.

- The U.S. has 5% of the world’s people, but 24% of the world’s prisoners. Its incarceration rate is 5 to 9 times greater than that of its peer nations. At current incarceration rates, nearly 1/3 of African Americans will spend some portion of their lives in state or federal prison.
Watch for more comparisons in the next edition of *Child Views*.

“The thing always happens that you really believe in; and the belief in a thing makes it happen.” – Frank Lloyd Wright