**DHS Director Notes Child Protection Changes:** On August 31st, the Director of the Iowa Department of Human Services sent a letter to Governor Culver detailing his review of the processes of the Department for the protection of children. The following is a complete text of that letter:

Dear Governor Culver:

As a result of our discussions regarding recent allegations of child abuse you have asked that I review the processes followed by the Department of Human Services (DHS) and recommend changes in process, if necessary, to protect the children of Iowa. I have done so and make this report to you of certain steps the Department is taking to enhance our child protection capabilities. I have also consulted the report on Iowa’s child protective system by the National Resource on Child Protective Services. As you know, this report was very complimentary of the Iowa child safety system. Nevertheless, we should always look for opportunities to do better and, with that in mind, I will address three areas of concern.
1. **Presence of Illegal Drugs (PIDs)**

I have reviewed our child abuse intake and assessment process in cases where marijuana is present in the drug tests done on newborn infants. By law, the presence of any illegal drug, including marijuana, will result in a founded child abuse report. However, medical experts have advised us that unlike cases involving methamphetamine, cocaine, and other more potent illegal drugs, cases involving marijuana do not always indicate an imminent threat to the health or safety of the child. Therefore, while we will proceed with a thorough safety and risk assessment following the DHS assessment guide, a founded child abuse report will be filed. Such finding may result in a removal action or other Court filing depending upon other risk factors besides the presence of marijuana alone. Whether or not a removal or Court action is filed, DHS almost certainly will seek to engage the family in appropriate support services. I believe that this policy and practice is appropriate. Thus, I am not recommending any change in current practices in these types of cases.

In discussing current PIDs policies and practices with our eight Service Area Managers (SAMs) and other top DHS staff, it was agreed that additional training will be provided to DHS assessment case workers to insure uniform and complete use of existing assessment tools and the appropriate interaction between case workers and their supervisors. This process is now underway.

2. **Medical Opinions**

My review has revealed a concern in child abuse assessments where the medical opinions are inconsistent. Infrequently, we and our colleagues in law enforcement may encounter a situation where there is a conflict between the medical professionals as to the cause of an injury to a child. Sometimes, we are able to gather additional information or seek further advice through the Multi Disciplinary Team (MDT) process under Iowa Code sections 232.71B(10) and 235A.13. The MDT in Polk County includes a talented group of experienced law enforcement investigators, Assistant County Attorneys, medical child protection specialists and experienced DHS child protection workers. We do not have this same level of experience available in all parts of the state. When it is used, the MDT process works well, but we are not always able to assemble an MDT on short notice in order to review appropriate cases in as fast a manner as we would prefer.

In response to these issues, I am directing our staff to contract with a few child protection medical specialists who can be available to DHS and local law enforcement on an as needed basis in order to offer another medical opinion when that is necessary.
to resolve child abuse cases. To that end, I have directed staff to consult with a couple of the state’s recognized child protection medical specialists and members of the Polk County MDT to explore this option, and to put in place a process to ensure that staff have access to necessary medical expertise in child abuse cases, especially in situations involving conflicting medical opinions.

3. **Service of No Contact Orders**

DHS case workers do not currently have the legal authority to serve No Contact Orders or Removal Orders issued by the Court. I do not believe that we should have that authority for legal, safety, and practice reasons. However, I am concerned that such orders issued for the protection of a child may not always be served expeditiously due to reasons outside of DHS control. Therefore, it may be appropriate to ask the legislature to require such orders be served by a law enforcement officer within a short period of time. However, before making such a proposal, I intend to discuss this matter with the Court, law enforcement, and County Attorneys.

The Department considers the protection of children as our highest priority. This will not change. Unfortunately, sometimes the best policies and practices and the proper implementation of such policies and practices will not prevent harm to a child. We must constantly strive to meet our obligation to provide a safe and nurturing environment for Iowa’s children. As necessary, DHS will adjust its practices and policies to this end. I believe that the steps outlined above are an appropriate effort toward this goal. I look forward to working with you to advance your priority of protecting Iowa’s children.

Sincerely,

Charles J. Krogmeier,
Director

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**TPR on Parent in Prison for Life:** In *Re O.M.F.* (Iowa Court of Appeals, September 2, 2009): In this private action for termination of parental rights under Iowa Code Chapter 600A (where a step-parent adoption was the intent), the Court was faced with the claim by a father serving a lifetime prison sentence that he did not evidence intent to abandon his child but that his divorce decree and imprisonment prohibited his visitation of the child. The trial court and the Iowa Court of Appeals disagreed:
The imprisonment for life and the contents of the dissolution decree each directly emanate from Richard’s horrific conduct and choices. Richard chose to leave the child the evening of the brutal murder of a young woman. That conduct destroyed the family unit, not, as Richard contends, Jeanette’s conduct in isolating the child from him. It was this violent behavior that placed him in the position that now threatens to totally absent him from his child’s life.

It has long been our rule that an imprisoned parent must assume full responsibility for the conduct that has resulted in his estrangement and imprisonment. In re J.S., 470 N.W.2d 48, 51 (Iowa Ct. App. 1991). Unavailability to parent, by one incarcerated, is no excuse for his conduct or failure to parent. In re J.L.W., 523 N.W.2d 622, 624 (Iowa Ct. App. 1994). Each of these tenets are exacerbated by the fact that Richard is imprisoned for his lifetime and a generous portion of his child’s lifetime.

We conclude that Jeanette has shown by clear and convincing evidence that Richard has abandoned his child within the meaning of section 600A.8(3)(b). He has not maintained “substantial and continuous or repeated contact with the child.” See Iowa Code § 600A.8(3)(b). Richard’s conduct shows his intent to forego his parental rights. We affirm the finding of abandonment under section 600A.8(3)(b).

We also find termination of Richard’s parental rights is in the child’s best interests. See R.K.B., 572 N.W.2d at 601 (stating we look to a child’s long-range, as well as immediate, interests). The primary consideration in termination cases is the best interests of the child. In re C.B., 611 N.W.2d 489, 492 (Iowa 2000). A child deserves the stability and security of a home with parental presence. In re C.K., 558 N.W.2d 170, 175 (Iowa 1997). The termination of Richard’s parental rights are in the child’s best interests under all these circumstances.

Each Day in America: According to the Children’s Defense Fund, the following is a typical DAY in America:
• 2 mothers die from complications of pregnancy or childbirth.
• 4 children are killed by abuse or neglect.
• 5 children or teens commit suicide.
• 8 children or teens are killed by firearms.
• 32 children or teens die from accidents.
• 78 babies die before their first birthdays.
• 155 children are arrested for violent crimes.
• 296 children are arrested for drug crimes.
• 928 babies are born at low birthweight.
• 1,154 babies are born to teen mothers.
• 1,511 public school students are corporally punished.
• 2,145 babies are born without health insurance.
• 2,467 high school students drop out.
• 2,421 children are confirmed as abused or neglected.
• 2,483 babies are born into poverty.
• 3,477 children are arrested.
• 18,221 public school students are suspended.

“People need to learn to wag their tails more and growl less.” – Maggie (my dog)