

February 2, 2024

GENERAL LETTER NO. 18-AI-6

ISSUED BY: Bureau of Child Protective Services Child Welfare Policy
Division of Family Well-Being and Protection

SUBJECT: Employees' Manual, Title 18, Chapter A(1), **Child Protective Services Intake**, 44 and 45,
76-81, revised.

Summary

This chapter is revised to implement changes to the one-hour response time. The changes more closely align practice with the basic requirements defined in Iowa law and Iowa Administrative Code.

Effective Date

February 1, 2024.

Material Superseded

Remove the following pages from Employees' Manual, Title 18, Chapter A(1), and destroy them:

<u>Page</u>	<u>Date</u>
44 and 45	March 10, 2023
76-81	March 10, 2023

Additional Information

Refer questions about this general letter to your service area administrator.

While the children may not have been present during this most recent incident, one cannot assume that they were not present during the four previous incidents based on the information provided. In addition, even if the children were absent, the level and frequency of violence suggests caretakers who are “out-of-control,” and actions that would place the children in danger of suffering injury, or death or harmed or at risk of harm, if they were present.

In the absence of confirmation that the children have never been witness or impacted in any way by the domestic violence incidents, this report of child abuse should be accepted.

Accept a report of child abuse for assessment even if the alleged victim or the person alleged responsible for the abuse is deceased.

Time Limit for Supervisory Decision

Legal reference: 441 IAC Sections 175.21, 175.24, and 175.25, Iowa Code Sections 232.70(4) and (5) and 232.71B(1) and (19)

Policy statement: Depending on the information provided at the time of intake and the immediate threat to the child’s safety, the decision on whether to accept or reject a report of suspected child abuse must be made within one hour or 12 hours from receipt of the report.

Determine the supervisory [time frame](#) for making a CPS intake decision:

- One hour: There is an immediate threat to the child’s safety (See [Assessment Response Time](#)).

The decision to accept the report of suspected child abuse must be made within **one hour** from receipt of the report when a report indicates that there is an **immediate threat** to the child. The Department must act immediately to address the child’s safety.

Critical thinking will need to be utilized to determine if the information provided by the reporter indicates there is an immediate threat to the child’s safety. Examples of immediate threat may include, but are not limited to situations in which, without a one-hour response, a child is about to be sexually abused, injured, or die.

NOTE: All sexual abuse allegations require a one-hour intake decision but may not require a one-hour response to assure safety.

When the report **does not meet the criteria** to be accepted, such as the person alleged responsible is not a caretaker, but a child's safety appears to be in jeopardy, there is injury, or immediate threat, the Department must act immediately to address the child's safety (for example, call law enforcement). A supervisor shall review and approve the decision to reject the report of suspected child abuse within **one hour** from receipt of the report.

- 12 hours: There is no immediate threat to the child's safety.

When a report indicates that the child has been abused, but there is **no immediate threat** to the child's safety, the Department must still act promptly. The decision to accept the report of suspected child abuse and supervisory approval on that decision must be made within **12 hours** from receipt of the report.

When the report **does not meet the criteria** to be accepted, and the child's safety is not considered to be in jeopardy, and there is no injury or immediate threat, a supervisor shall review and approve the decision to reject the report of suspected child abuse within **12 hours** from receipt of the report and the Department shall make a referral to law enforcement within 72 hours if the information alleged a criminal act harming a child. An example could include a report where the alleged victim is not a child, or the person alleged responsible is not a caretaker, or the allegation is not child abuse.

Considering Caretaker Status

The caretaker or the "person responsible for the care of a child" may be:

- A parent, guardian, or foster parent.
- A relative or any other person with whom the child resides and who assumes care or supervision of the child, without reference to the length of time or continuity of that residence.
- An employee or agent of any public or private facility providing care for a child, including an institution, hospital, health care facility, group home, mental health center, residential treatment center, shelter care facility, detention center, or child care facility.
- Any person providing care for a child, but with whom the child does not reside, without reference to the duration of the care.
- A person who assumes responsibility for the care or supervision of the child may assume such responsibility through verbal or written agreement, or implicitly, through the willing assumption of the caretaking role.
- A perpetrator of child abuse can also be:
 - A person 14 years of age or older who resides in a home with the child, if the allegation is sexual abuse; or
 - A person who engages in or allows child sex trafficking

To reject an intake for assessment:

1. Provide the reporter with a preliminary reject decision. Inform the reporter that the supervisor will make the final determination about acceptance or rejection of the report and they will receive a call back within 24 hours if the final decision is different from the preliminary decision they were provided.
2. Obtain supervisory review and approval of the report to obtain a final determination about rejecting the report for CPS assessment within the required time frame (one hour or 12 hours).
3. Refer a case to law enforcement within one hour if the report does not meet the criteria for CPS assessment but a child's safety appears to be in jeopardy, there is a high-risk injury, or immediate threat. All other referrals to law enforcement shall be made orally as soon as practicable and in writing within 72 hours of receiving the report.
4. Document the date, time, and reason for the rejection, the name of the supervisor approving the rejection, and any further action taken on form, [470-0607, Child Protective Services Intake](#).
5. Review the rejected intake to determine if the report constitutes criteria to be accepted as a CINA assessment.
6. When a report does not rise to the level of abuse or meet the CINA definition, provide information or information and referral if necessary. Document information or information and referral on the intake form.
7. Retain rejected intake information for three years from the date the report was rejected.

False Reports

Legal reference: Iowa Code Section 232.71B(18)

Policy statement: If a fourth report of suspected child abuse is received from the same person, regarding the same child victim and same person responsible, and the Department determines the report to be entirely false or without merit due to the report's spurious or frivolous nature, the Department may at its discretion terminate the assessment of the report. In such instance, the Department shall provide information concerning the reports to the county attorney for consideration of criminal charges.

Accept a report of child abuse that meets the criteria to be accepted unless the report is determined to be false or without merit due to its spurious or frivolous nature, in accordance with Iowa Code Section 232.71B.

The supervisor, in consultation with the service area manager or designee, may determine that a report is false or without merit when:

- The same person has made three earlier reports that resulted in child abuse assessments, and
- The reporter named the same person responsible for the care of the child as the alleged abuser of the same child in those three earlier reports, and
- The three earlier child abuse assessments found that the allegations were entirely false or without merit (no evidence to support the allegations).

If an assessment is terminated due to a false report, the information concerning the reports shall be provided to the county attorney for the consideration of criminal charges.

Accepting a Report of Suspected Child Abuse for Assessment

Legal reference: Iowa Code Sections 232.70, 232.71(b)

Policy statement: When it is determined that a report of suspected child abuse shall be accepted, it shall be assigned to a child protection worker for assessment.

1. Provide the reporter with a preliminary accept decision. Inform the reporter that the supervisor will make the final determination about acceptance or rejection of the report and they will receive a call back within 24 hours if the final decision is different from the preliminary decision they were provided.
2. Obtain supervisory review and approval of the report to obtain a final determination about accepting the report for CPS assessment within the required time frame (one hour or 12 hours).
3. Determine the appropriate assessment type and [CPS observation timeframe](#) for the child.
4. Document the date, time, the name of the supervisor accepting the report for assessment, the type of assessment and observation timeframe assigned, and any further action taken on form [470-0607, Child Protective Services Intake](#).
 - When the report of child abuse involves multiple unrelated people allegedly responsible for the abuse of the same child victim, create a separate case for each unrelated person responsible for the abuse.
 - When allegations involve multiple nonsibling victims, create a separate case for each child subject.
 - When allegations involve blended families, parents have access to assessments when the parent is an alleged perpetrator and parents have access to assessments when their child is a victim.
5. The intake supervisor will assign the case to the appropriate service area for assignment to a CPW.

Determining the Assessment Type

When the Department identifies that a report of suspected child abuse constitutes a child abuse allegation, the Department shall use [RC-0142, Intake Screening Tool](#), to determine whether the assessment will be assigned as a child abuse assessment or a family assessment.

- **Child Abuse Assessment:** If one or more of the statements on the [RC-0142, Intake Screening Tool](#) are known to be true then the accepted allegation is not eligible for a family assessment and must be assigned as a Child Abuse Assessment.
- **Family Assessment:** If none of the statements on the [RC-0142, Intake Screening Tool](#) are known to be true then the accepted allegation must be assigned as a Family Assessment.

Assigning Timeframes for Observation

Legal reference: 441 IAC Sections 175.21, 175.24(2), and 175.25(1), Iowa Code Sections 232.70(4) and (5), 232.71B(1) and (19)

Policy statement: When a report of suspected child abuse is accepted for assessment, a time limit for the response shall be assigned that begins with completion of the receipt of the report.

Time frames for observation of the child by the child protection worker are assigned at intake. The criteria for these time frames are based upon the child's immediate safety and if there is no immediate threat to the child's safety, then access to the child by the person named as responsible for the abuse is considered.

The intake supervisor determines the appropriate response time frame based on the information provided. If the supervisor determines there is an immediate threat to the child's safety, the supervisor will call the appropriate service area notifying of the one-hour contact timeframe.

Child Abuse Assessment Timeframes for Observation

For a child abuse assessment, assign one of the following CPS observation timeframes for the child:

- One hour: There is immediate threat to the child's safety.
- 24 hours: There is no immediate threat to the child's safety but the person alleged responsible is unknown or has access to the child.
- 96 hours: There is no immediate threat to the child's safety and the alleged person responsible is known and clearly does not have access to the child and no current injuries are alleged.

When There Is an Immediate Threat

When there is an immediate threat to the child's safety, assign an observation timeframe of **one hour** from receipt of the report. All one-hour timeframes are called out to the field.

Examples of immediate threat situations may include, but are not limited to situations in which, without a one-hour response, a child is about to be sexually abused, injured, or die.

NOTE: All sexual abuse allegations require a one-hour intake decision but may not require a one hour response to assure safety.

When There Is No Immediate Threat

When it appears that there is no immediate threat to the child's safety, assign an observation timeframe of **24 hours** from receipt of the report.

An observation timeframe of **96 hours** from receipt of the report may be assigned if:

- There is no immediate threat to the child's safety, **and**
- The child does not have any current physical injuries which require documentation or require medical attention within 24 hours, **and**
- Credible evidence exists that the person allegedly responsible clearly will not have access to the child, **and**
- The person allegedly responsible for the abuse is not considered to be a risk to other children.

Certain 24-hour and 96-hour timeframes will be called out to the field for a supervisor to review and determine whether an earlier response is needed. Examples include, but are not limited to:

- Fatality or Near Fatality of a child
- Law enforcement request assistance with placement of a child and/or a child is taken into custody which requires a response, in accordance with Iowa Code section 232.79
- Safe Haven (Newborn Infant Release Procedures), in accordance with Iowa Code chapter 233

Family Assessment Timeframes for Observation

For a family assessment, assign a CPS observation timeframe of **72 hours** from receipt of the report.

Additional Allegations

Subjects rather than multiple reporters determines when a new assessment is required. When additional allegations of child abuse are reported or identified and accepted while a child protective assessment is being conducted:

- Determine if the additional allegations identify exactly the same child victim and alleged person responsible.
 - If exactly the same child victim and alleged person responsible are identified, incorporate the additional allegations into the current assessment by linking the new incident number to the incident number of the current assessment, unless there is not enough time to evaluate the additional allegations before completing form [470-3240, Child Protective Assessment Summary](#). In such instance, treat the additional allegations as a new case.

- If a sibling of the original victim is identified, you may document and incorporate the allegation regarding the sibling by linking the incidents when:
 - The original victim and the sibling have the same parents, and
 - The alleged person responsible is the same as named in the original allegation or is the other parent.
- In all other circumstances, treat the additional allegations as a new case. Example: The allegation involves a sibling, but a different nonparent person is named responsible.

NOTE: Additional allegations of child abuse assigned to the case still require:

- Observation and response within time frames, and
- Oral notification to the reporter within 24 hours regarding the Department’s decision to accept or reject the report, and
- Written notification to the reporter within five working days about the Department’s decision to accept or reject the report.

Determining Jurisdiction

Legal reference: 441 IAC 175.35, Iowa Code Sections 232.72 and 235A.15(6)

Policy statement: The assessment unit serving the county where the child subject’s home is located has primary responsibility for completing the assessment.

The child’s home household address and composition is listed despite where the abuse occurred, whether at home or in an out-of-home setting. The case is assigned to a child protection worker in the county where the child’s home is located.

EXCEPTION: If the child is abused in a relative placement or other facility placement, and the child continues to reside with that relative or in that facility, the county of the facility or relative has jurisdiction. The table below provides information regarding jurisdiction of an assessment.

Child resides:	and abuse took place:	jurisdiction is with:
At home	In the custodial parent’s home	Home county (court)
At home	In the noncustodial parent’s home	Home county (court)
At home	In a former placement	Home county (court)
At home	In an out-of-home setting	Home county (court)
With relatives	At home	Home county (court)
With relatives	At relatives’ home	Relatives’ county
In placement	At home	Home county (court)
In placement	In that placement	Placement county
In placement	In a former placement	Home county (court)

- If the child resides at home or if the abuse took place in the child’s home, assign primary responsibility for completing the child abuse assessment to the unit serving the county where the child subject’s home is located.
- If the child is abused in a relative placement or other facility placement, and the child continues to reside with that relative or in that facility, the county of the facility or relative has jurisdiction.

- See [Out-of-Home Settings](#) for information on who has responsibility for the assessment of child abuse allegations in specific types of facilities.
- The assessment unit whose jurisdiction encompasses the location of a facility or placement where the child is living has primary responsibility for completing the assessment when:
 - The child is placed in a residential facility and the abuse occurs in the facility, or
 - The child resides or is placed away from the parental home, and the abuse occurs in the current placement or residence. Refer to the jurisdiction [table](#) above.
- If the child’s county of residence is unknown, the intake unit will determine which county has primary responsibility for conducting the assessment until the actual county of residence can be determined.

When the county of residence is determined, transfer the responsibility for completing the assessment to that county.

Out-of-Home Settings

The chart below summarizes responsibility for assessment and notification in the various types of out-of-home settings. County attorney notification is required as usual.

Facility	Regulated by:	Assessed by:	Notify of Assessment and Outcome:
Child-care center	Licensed by HHS	HHS child protection worker	Parents, facility administrator, HHS child care consultant
Child development home (excluding nonregistered)	Registered by HHS	HHS child protection worker	Parents, HHS registration staff
Foster family home	Licensed by HHS	HHS child protection worker	Parents, foster parents, HHS foster care licensor, child-placing agency, HHS case manager or JCO
Group care facility	Licensed by HHS; inspected by DIA	HHS child protection worker	Parents, facility administrator, DIA surveyor, HHS case manager or JCO, HHS project manager
Hospital or nursing facility	Licensed by DIA	HHS child protection worker	Parents, facility administrator, DIA surveyor, HHS case manager
ICF/MR	Licensed by DIA	HHS child protection worker	Parents, facility administrator, DIA surveyor, HHS case manager
Juvenile detention center	Approved by HHS; inspected by DIA	HHS child protection worker	Parents, facility administrator, DIA surveyor, HHS case manager or JCO
Juvenile shelter care facility	Licensed by HHS; inspected by DIA	HHS child protection worker	Parents, facility administrator, DIA surveyor, HHS case manager or JCO
PMIC	Licensed by DIA; licensed by HHS	HHS child protection worker	Parents, facility administrator, DIA surveyor, HHS case manager or JCO
State-operated facility	Approved by HHS	DIA surveyor	Parents, facility administrator, HHS case manager or JCO
Substance abuse facility	Licensed by HHS or Department of Public Health	HHS child protection worker	Parents, facility administrator, DIA surveyor, HHS case manager or JCO, DPH substance abuse licensor