

April 12, 2024

**GENERAL LETTER NO. 12-F-33**

ISSUED BY: Bureau of Child Care Services  
Division of Adult, Child, and Family Services

SUBJECT: Employees' Manual, Title 12, Chapter F, **Child Care Home Registration**, Contents 2, 54-57, revised.

**Summary**

This chapter is revised to add Work Flow for Child Care Joint Assessment

**Effective Date**

Upon receipt.

**Material Superseded**

Remove the following pages from Employees' Manual, Title 12, Chapter F, and destroy them:

<u>Page</u>	<u>Date</u>
Contents 2	January 27, 2023
54-57	January 27, 2023

**Additional Information**

Refer questions about this general letter to Kim Hahn, Child Care Regulatory Program Manager.

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## **Assessments for Child Abuse Referrals**

Legal reference: 441 IAC 110.11(237A)

When it is alleged that child abuse has occurred in a child development home, the protective service worker will immediately inform the child care registration worker. The child care worker's role in the assessment of the alleged abuse is to focus on compliance issues with the child care law and the requirements for registration.

All child abuse allegations are considered a complaint. Complete a summary including the complaint and resolution and place it in the registration file.

Iowa Code section 237A.7 permits information to be placed in the registration file about the operation of the facility. This information shall not identify individual persons, including children. Language in the documentation and summary information shall not relate to child abuse in any way, but instead shall address compliance issues.

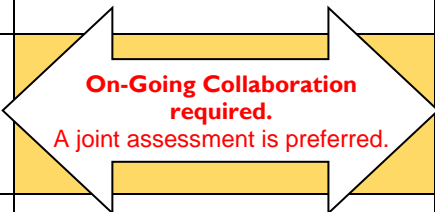

Examples include:

- The use of the rules regarding discipline and the prohibition of corporal punishment in a situation of alleged physical abuse.
- The use of the rules regarding provider requirements, specifically consistent and dependable supervision in a situation of inadequate supervision. (Many abuse allegations could fall under the section of rules regarding health and safety.)

If the result of the assessment is that a founded abuse has occurred, send letters to parents of children in care as required under [Notice to Parents](#). Also obtain a copy of the final abuse report, and begin evaluation procedures immediately.

## Work Flow for Childcare Joint Assessment

(Accepted child abuse involving a childcare provider)

Child Protective	Timeframes	Childcare
Intake notifies Child Protective Staff of complaint.		Intake notifies Child Care Staff of complaint. (Center or home email box)
CPW alerts childcare worker of assignment. <u>Center</u> / Homes	Within 24 hours	Child Care worker alerts CPW of assignment
CPW assessment begins.		Child Care Regulatory assessment begins.
CPW will email childcare staff of preliminary outcome decision.	Prior to report completion	Childcare will email CPW of preliminary outcome decision.
<b>If FOUNDED</b>		
 <b>JOINT STAFFING</b> Prior to report completion (SW 3, SW 2/4, SWS, Child Care Supervisor) SWA attendance is required only if there is a disagreement with disposition or the PERP is unknown		
CPW notices subjects at the conclusion of the abuse report.	Within 10 days of CPA disposition	Childcare staff will gather parent contact information and initiate record check process.
	Within 15 days of CPA disposition	Supervisor will draft letters to subjects and provide to Policy Staff
	Within 20 days of CPA disposition	Policy staff will distribute letters and Cc Child Care Supervisors

### Notice to Parents

Legal reference: Iowa Code section 237A.8

The Department is required to send letters to the parent, guardian, or legal custodian of each child for whom the person provides child care when there has been a founded child abuse report against the provider or an employee.

These letters shall contain the following information:

- Iowa Code section 237A.8 requires the Department of Human Services to notify the parent, guardian or legal custodian of each child for whom a child development home provides child care.
- There has been a founded child abuse case against the provider, an employee, or someone living in (the name of the child development home provider).
- Corrective action is being initiated by the facility.
- If parents have questions, they may contact your office.
- The individual has the right to appeal this finding and you will notify the parent of any changes in the finding.

If an employee has a founded abuse, and the employee has been fired, you do not have to send a letter to the parents. However, **do send a letter** to the parents if the fired employee has a founded **serious** abuse, such as burns, broken bones, hospitalization, sexual abuse, or police involvement.

Send the list of parents, guardians, or legal custodians to the program manager for child development homes in the Division of Adult, Children and Family Services. The program manager will obtain a signature from the Division Administrator and send letters to the applicable parties.

### **Adverse Actions**

Legal reference: 441 IAC 110.7(237A); Iowa Code sections 237A.8, 237A.20, 17A.18A, and 17A.19

**Deny** initial applications and renewal applications when the applicant does not comply with the requirements to qualify for a *Certificate of Registration*, **and** either:

- Cannot comply with the requirements (e.g., age or criminal record), or
- Refuses to comply with the requirements (e.g., water supply, CPR, or record checks).

**Deny or revoke** registration if any of the following people has a conviction of any crime in any state or a founded child abuse report in any state that merits prohibition of registration, as determined by Department evaluation:

- The provider
- An assistant
- Anyone living in the home
- Anyone with access to a child when the child is alone

**Revoke** registration if the facility is operating in a manner which the Department determines impairs the safety, health, sanitation, hygiene, comfort, or well-being of the child in care, and the provider cannot correct, or refuses to correct the hazards. This is true even though the hazard may not have been specifically listed under the health and safety rules.

If the Department has denied or revoked a registration because the provider has continually or repeatedly failed to operate a registered child development home in compliance with regulations, the person is prohibited from owning or operating a registered home for 12 months from the date the registration was denied or revoked. Do not act on applications submitted by the applicant during this twelve month period.

**NOTE:** When the Department denies a reapplication or revokes a registration, the provider has the option of appealing the adverse action. If the provider has appealed timely, the registration remains in effect until the provider has exhausted or failed to pursue the appeal options. This means that the provider continues to be registered and may provide child care while appealing the denial or revocation.

If you believe the conditions in the home are such that child care should be suspended immediately, there are other legal options, such as injunctions or emergency adjudicative proceedings, which may be used when all of the following conditions are met:

- The child development home fails to meet registration standards.
- There are sufficient grounds for revocation of the registration.
- The health, safety, and welfare of any child receiving child care in the home requires **immediate** action.

The procedures for pursuing these actions vary based on the case circumstances. If you feel that the listed conditions apply, **consult with your supervisor immediately**. If it is agreed that legal action is necessary, consult with central office and determine the best course of action.

### **Denial or Revocation for Noncompliance**

Legal reference: 441 IAC 110.7(237A)

The provider uses the minimum requirements as found in the *Child Development Home Registration Guidelines*, Comm. 143, as a means for self-evaluation. If possible, assist the provider to come into compliance with the requirements.

You may find noncompliance issues at an initial visit, during a compliance visit, or because of a complaint. Discuss these issues with the provider for possible resolution. If the provider is unable or unwilling to comply within a reasonable time frame, it may be necessary to deny registration or begin revocation of registration.

The first step toward denial or revocation for this reason is documentation that has been identified in the Child Development Home Pre-Inspection and Compliance Letter, Child Care Complaint, Child Care Home and Child Development Home Safety Plan or any other documentation that outlines noncompliance with administrative rules. Give the provider a time frame for correction of the noncompliance issues. The time frame to give depends on how serious the noncompliance issues are and the ability to complete the request in the given timeframe.

Determine if a follow up visit to the child development home is needed to determine if the provider has corrected all noncompliance issues. Only as a last resort should the *Certificate of Registration* be revoked or denied.

The following chart illustrates the process for revoking a *Certificate of Registration* for noncompliance.