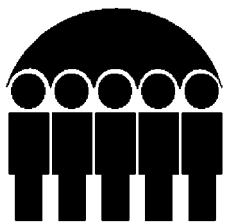


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Employees' Manual
Title 16
Chapter E(1)

CHILD ABUSE INFORMATION



Iowa
Department
of
Human Services

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OVERVIEW

This chapter describes:

- ◆ The function of the Department's central child abuse registry.
- ◆ The process for requesting correction of information maintained on the Registry.
- ◆ Expungement policies for child abuse information.
- ◆ The procedures required to authorize release of child abuse information.

The first part of the chapter contain policies that apply to all abuse reports. Due to a change in the law, other policies are divided into two sections. The first section contains the policy for information from investigation and assessment reports received before July 1, 1997. The second section contains the policy for information from investigation and assessment reports received on or after July 1, 1997.

Legal Basis

The legal basis for the child abuse information registry is found in Iowa Code chapter 235A, Sections 12 through 23. House File 698, 1997 Iowa Acts, amends these sections to change the use of the Central Abuse Registry. Department rules for the administration of the Registry are found at 441 Iowa Administrative Code 175.

Responsibility of Registry

Legal reference: Iowa Code section 235A.14

It is the responsibility of the Central Abuse Registry to maintain child abuse information as specified by Iowa Code chapter 235A. The Registry also has responsibility for maintaining the accuracy and integrity of the Central Abuse Registry database by ensuring that only those persons who have received security authorization from the Registry and the Division of Data Management have access to the system.

Only Registry staff may delete child abuse incident records from the database. The field offices may update findings upon direction from the Registry, after receipt of a final appeal or Registry review decision or following a field initiated addendum.

Obtain Central Abuse Registry database security authorization through established database security procedures. Only supervisory staff may request the security authorization. Initiate the approval process by completion of the security information forms in Exchange Public Folders, "State Approved Forms: LAN/WAN/ MF Access."

CORRECTION OF CHILD ABUSE INFORMATION

Legal reference: Iowa Code section 235A.19; 441 IAC 175.4(5)"b" and 175.31(2)

A person who is the subject of an abuse report may receive a copy of that report through procedures specified under **CONFIDENTIALITY OF CHILD ABUSE INFORMATION**. When the person believes that the information is erroneous, advise the person to file a written request for correction within six months from the date of the written notification the subject received when the investigation or assessment was completed.

The *Child Abuse Notification*, form 470-0686, is the written notification for investigations. The *Child Abuse Assessment Notification*, form 470-3242, and the *Child Abuse Assessment Notification (Registered)*, form 470-3243, are used for assessments.

When the Registry receives a request for correction, it shall notify the investigative or assessment unit and forward copies of materials received. The units shall review records to ensure that the policy in 16-E or 16-E(2), **Reviews and Appeals**, have been followed.

Note: Release of child abuse information is restricted during the six-month period allowed for requesting corrections. See **Release During Appeal Period** for details.

CONFIDENTIALITY OF CHILD ABUSE INFORMATION

Legal reference: Iowa Code sections 217.30 and 235A.15; 441 IAC 175.11(232), 175.32(232,235A), 175.38(235)

All information relative to persons receiving child protective services shall be held confidential. This includes:

- ◆ The names and addresses of the persons,
- ◆ Information concerning their social or economic conditions,
- ◆ Agency evaluations of information about them, and
- ◆ Medical or psychiatric data concerning them.

Release of child abuse information requires approval by the Central Abuse Registry, by the regional administrator (or designee), or by the county office. See the following sections for information on:

- ◆ Procedures for requesting child abuse information.
- ◆ Procedures for approving the release of child abuse information.
- ◆ Court testimony involving child abuse information.
- ◆ Redissemination of child abuse information.

Note: Information contained in voluntary or court-ordered service case records is outside the scope of this policy. These records are covered by general confidentiality provisions of I-C. This includes the Part B of the *Child Abuse Assessment Summary*.

See **REPORTS RECEIVED BEFORE JULY 1997** and **REPORTS RECEIVED JULY 1997 OR LATER** for:

- ◆ The specific definitions of child abuse information that applied in those periods.
- ◆ Details on who has authorized access to it.
- ◆ Expungement policies.

Refer all calls from the media regarding a particular case to the Office of Field Support. Immediately notify Field Support of the call and supply all available details regarding the case. Field Support staff may handle media contacts themselves or may direct the county or regional office to handle the contacts.

Requests for Child Abuse Information

Legal reference: Iowa Code section 235A.16 and 441 IAC 175.11(235A)

Requests for child abuse information may be made for three purposes:

- ◆ A child abuse record check as required by law for:
 - Employability or residence in a child-caring facility or a child day care facility
 - Licensing as a foster family home
 - Approval as an adoptive home.
- ◆ A child abuse record check by a member of the general public on a person who has voluntarily given a signed authorization.
- ◆ A request for copy of the written report from a subject or another person.

Requests for child abuse information shall be submitted to the Department as follows:

- ◆ On the form used to notify subjects of the results of the investigation or assessment:
 - Form 470-0686, *Child Abuse Notification*, for investigations.
 - Form 470-3242, *Child Abuse Assessment Notification*, for assessments.
 - Form 470-3243, *Child Abuse Assessment Notification (Registered)*, for assessments.
- ◆ On form SS-1606-0, *Request for Child Abuse Information*, for persons authorized to receive this information in Iowa Code section 235A.15, or
- ◆ On form 470-3301, *Authorization for Release of Child Abuse Information*, for members of the general public.

Requests for child abuse information shall include sufficient information to demonstrate that the requesting party has authorized access to the information. See the following sections for details on the process used for each purpose.

Mandatory Child Abuse Record Checks

Legal reference: 441 IAC 175.11(1) and 175.11(2)

Checks for founded child abuse are mandated for:

- ◆ Staff applying to work in a licensed child care center.
- ◆ Day care home providers, household members, and employees (for registration or payment).
- ◆ Household members in a foster family home or adoptive home.
- ◆ Staff in Department-operated facilities.
- ◆ Staff in other public and private child-caring agencies.

Form SS-1606-0, *Request for Child Abuse Information*, is used to document all Code-mandated child abuse record checks. The record check provides disposition data only.

The Department's day care, foster care and adoption staff submit the completed form SS-1606-0 to the Region's designated county, cluster, or regional office for processing. The form is returned to the staff person submitting the check, with the results of the Registry check. The form documents that the check was completed and the result of that check for Department day care, foster care, and adoption files.

All other public and private child caring agencies which are required by law to perform a child abuse record check, including Department-operated facilities, shall submit the SS-1606-0 to the Central Abuse Registry. (See **Child Care Background Checks** and **Providers of Care and Child Care Background Checks** sections for a complete list of persons authorized to receive this information.)

Furnish a copy of the *Request for Child Abuse Information*, SS-1606-0, to the requester. Assist the requester in completing the form, and verify the requester's identity. See 16-E-Appendix for instructions on completing form SS-1606-0.

If the requester believes the information is needed immediately, obtain information from the requester sufficient to demonstrate authorized access. Request authorization to provide the information from the Registry by telephone unless the regional administrator elects to approve the release. Obtain the *Request for Child Abuse Information* completed and signed by the requester within 72 hours. Forward it to the Registry to document the information disseminated.

Exception: Requests made by other Department employees for the performance of their official duties, by juvenile court, or by an attorney representing the Department, as authorized in Iowa Code 235A.15, do not require the completion of the *Request for Child Abuse Information*.

Voluntary Child Abuse Record Checks

Legal reference: 441 IAC 175.11(3) and 175.38(235)

Any person may request child abuse information. Requests for information from members of the general public as to whether a person is named on the Central Abuse Registry as having abused a child shall be submitted to the Central Abuse Registry.

Form 470-3301, *Authorization for Release of Child Abuse Information*, shall be completed and signed by the person requesting the information and by the person authorizing the check for the release of information.

The Registry will not provide the requested information when the authorization form is incomplete. Incomplete authorizations will be returned to the requester, indicating the reason the request was refused.

Requests for Report

Legal reference: 441 IAC 175.11(1) and 175.11(2)

The subjects of a child abuse investigation and the mandatory reporter receive notice of the outcome of the investigation on the *Child Abuse Notification*, form 470-0686. The subjects of a child abuse assessment and the mandatory reporter receive notice of the outcome of the assessment on the *Child Abuse Assessment Notification*, form 470-3242 or the *Child Abuse Assessment Notification (Registered)*, form 470-3243.

On page 2 of those forms is an abbreviated version of the *Request for Child Abuse Information*. This allows subjects or their legal representatives to request copies of the report or summary as soon as they are notified of its completion. (Subjects within the household who participated in an assessment are provided copies upon completion of the summary. Other subjects must request the summary.)

This method applies only to subjects or their representatives. Other authorized requesters must use the *Request for Child Abuse Information*, form SS-1606-0. (See the **Authorized Access** sections for a complete list of persons authorized to receive information.)

Furnish a copy of the *Request for Child Abuse Information*, SS-1606-0, to the requester. Assist the requester in completing the form, and verify the requester's identity. See 16-E-Appendix for instructions on completing form SS-1606-0.

If the requester believes the information is needed immediately, obtain information from the requester sufficient to demonstrate authorized access. Request authorization to provide the information from the Registry by telephone. If a request is made by telephone, obtain the *Request for Child Abuse Information* completed and signed by the requester within 72 hours and forward it to the Registry.

Exception: Requests made by other Department employees for the performance of their official duties, by juvenile court, or by an attorney representing the Department, as authorized in Iowa Code 235A.15, do not require the completion of the *Request for Child Abuse Information*.

Approval of Release

Legal reference: 441 IAC 175.11(235A) and 175.32(232,235A); Iowa Code section 235A.15

The **county office** is authorized to release information to the subject of a child abuse investigation or that person's legal representative upon verification of the requester's identity and subject status.

Authorization to release information to subjects of an investigation or assessment is provided on forms 470-0686, *Child Abuse Notification*, 470-3242, *Child Abuse Assessment Notification*; and 470-3243, *Child Abuse Assessment Notification (Registered)*. This eliminates need for the county office to obtain Registry approval before dissemination.

The regional administrator or designee may elect to disseminate founded or registered child abuse information to all authorized individuals, agencies, or facilities having authorized access. (See **Authorized Access** sections for details.) **Exception:** The Central Abuse Registry shall release child abuse information to:

- ◆ A certified adoption investigator.
- ◆ A person conducting bona fide research under contract with the Registry.
- ◆ A child protection agency of another state which is:
 - Investigating or treating a person named in the report as having abused a child.
 - Conducting a record check of a person who is providing care or has applied to provide care to a child in that state.
 - Investigating or treating a person named in the report as having abused a child.
- ◆ A public or licensed child-placing agency of another state responsible to an adoptive or foster care preplacement or preplacement evaluation.
- ◆ The Department of Justice for the sole purpose of filing a claim for victim reparation.
- ◆ The Board of Educational Examiners for purposes of determining whether a practitioner's license will be denied or revoked.
- ◆ The Iowa Board for Treatment of Sexual Abusers for the purpose of certifying sex offender treatment providers.

See the following sections for more information on:

- ◆ Release of child abuse information during the appeal period.
- ◆ Withholding the name of the informant.
- ◆ Redissemination of child abuse information.

Release During Appeal Period

Legal reference: Iowa Code section 235A.1(2)(b)

Child abuse information shall not be released during the six-month appeal period (the time from the date the form notifying the subjects of the result of the investigation or assessment was sent to the subjects to a date six months later) or during the pendency of any appeal to correct or expunge child abuse information, except as follows:

- ◆ As necessary to the appeal proceedings.
- ◆ To the parties and attorneys involved in a judicial proceeding.
- ◆ For the regulation of child care or child placement.
- ◆ Pursuant to court order.
- ◆ To the subjects of an investigation.
- ◆ For the care or treatment of a child named in a report as a victim of abuse.

Withholding Name of Informant

Legal reference: 441 IAC 175.5 and 175.32(235A)

The Department shall withhold the name of the person who made the report of suspected child abuse. Only the court or the Central Registry may allow the release of that person's name.

Exception: The name of the informant in a child abuse investigation or child abuse assessment may be shared with law enforcement, when law enforcement is aiding or assisting the Department in the investigation or assessment.

Record of Release

Legal reference: 441 IAC 175.8(8), 175.8(3), and 175.8(4)“b” and “c”

When the county office approves the release of child abuse information which is placed on the Registry, the county office shall transmit a written record of the request and dissemination to the Central Abuse Registry and maintain a record in the case file.

When the regional administrator or designee approves dissemination of information, the field office shall transmit a written record of the request and approval on form SS-1606-0 (470-0643), *Request for Child Abuse Information*, to the Central Abuse Registry.

When the Central Registry approves dissemination of information, notice shall be filed in the Registry on form SS-1606-0. (470-0643)

The *Request for Child Abuse Information*, form SS-1606-0 (470-0643), shall be completed and filed with the Registry in every situation where child abuse information is released, except when release is to:

- ◆ A subject of a child abuse report or that subject’s legal representative who submits a completed 470-0686, *Child Abuse Notification*; 470-3242, *Child Abuse Assessment Notification*; or 470-3243, *Child Abuse Assessment Notification (Registered)*.
- ◆ An employee of the Department, as necessary to the performance of the employee’s official duties.
- ◆ Juvenile court.
- ◆ County attorney.
- ◆ Juvenile court officers (founded child abuse information only).
- ◆ A person ordered to prepare a social investigation report for a juvenile court.
- ◆ The attorney representing the Department.
- ◆ District court upon order of the court (founded, undetermined, and nonregistered).

Place a copy of the completed SS-1606-0 (470-0643) in the case file in every situation where child abuse information is released, except when release is to the listed entities. Note release to these entities by a brief narrative entry in the case file.

Court Testimony on Child Abuse

Legal reference: Iowa Code sections 235A.13, 235A.15(2)(d), 235A.20, and 235A.21

The social worker shall present child abuse information as testimony in a juvenile court proceeding to resolve an issue arising in any phase of a case involving a child abuse.

A worker who is subpoenaed to testify or provide records in a court proceeding or for a deposition other than a juvenile court proceeding shall provide information only when specifically directed to do so by the court or by county attorney subpoena. Notify the Central Abuse Registry of any dissemination of information ordered by the court.

The intent this policy is not to obstruct judicial proceedings, but rather to:

- ◆ Guarantee that the confidentiality of child abuse information is properly safeguarded in compliance with state law and.
- ◆ Ensure that Department employees are sufficiently protected against liability for civil remedies and criminal penalties provided in state law for unauthorized release of child abuse information.

If you are notified to appear or subpoenaed to provide testimony or a deposition on child abuse information in a juvenile court proceeding, appear at the time and place as commanded by the subpoena and provide all information requested during the court proceeding. The only restraints on the information to be provided are those which arise from the proceeding itself.

If you are subpoenaed to provide testimony, a deposition, or records in any court proceeding other than a juvenile court proceeding, including criminal and civil court, first contact the attorneys involved in the case. Inform the attorneys of the provisions of the Iowa Code.

If the attorney who desires your testimony persists with the subpoena, appear as commanded. Use supervisory consultation in preparing for any testimony. When first questioned about matters relating to child abuse information, make a statement which is essentially equivalent to the following:

It is my belief that providing the requested information may be in violation of Iowa Code section 235A.15(2), and in violation of Iowa Code section 217.30, unless the information is necessary to resolve an issue which is related to child abuse.

If I provide the requested information without proper authorization, I may be liable for civil remedies or criminal penalties as provided in Iowa Code sections 235A.20 and 21. I will provide the requested information only if specifically directed to do so by the court. I request the court make a finding that the information is necessary to resolve an issue arising in a child abuse case and enter a written order to that effect.

If the court directs you to provide the testimony on the records, then the only further restrictions on your testimony are:

- ◆ Those which arise from the judicial process itself and
- ◆ The need to withhold the name of the informant unless specifically ordered by the court to state the name.

An opinion by the Iowa Supreme Court indicates that the child abuse confidentiality statute, Iowa Code section 235A.15, does not prevent child abuse information from being used by the county attorney in a criminal prosecution. Therefore, you don't need to use this procedure when you are subpoenaed by the county attorney in a criminal matter.

If you are subpoenaed to a deposition by an attorney other than the county attorney, a court order directing you to provide testimony is required. Transmit a copy of the court's written order to the Central Abuse Registry as soon as available, together with an explanation specifying the case, Registry, and incident numbers of reports about which information was disseminated. If the court refuses to file a written order, submit a brief memo to the Registry explaining the facts of the dissemination.

Redissemination

Legal reference: Iowa Code sections 235A.17, 235A.20, and 235A.21

Redissemination of child abuse information is prohibited and is cause for civil and criminal penalties, except that redissemination is permitted when:

- ◆ The redissemination is for official purposes in connection with prescribed duties or, in the case of a health practitioner, pursuant to professional responsibilities.
- ◆ The person to whom such information is redisseminated would have independent access to the same information as outlined in **Authorized Access**.

Make a written record of the redissemination, including the name of the recipient and the date and purpose of the redissemination. Forward the written record to the Central Abuse Registry within 30 days of the redissemination.

Department employees should not use the redissemination provisions except in the development and distribution of case permanency plans for child abuse services. Case permanency plans may make reference to or include:

- ◆ Founded child abuse information.
- ◆ Confirmed but not registered child abuse information.

Under no circumstances shall abuse allegations where abuse was not confirmed or undetermined child abuse information be referenced or included in a case permanency plan.

Follow redissemination guidelines in the distribution of case permanency plans. These plans may be distributed to:

- ◆ The specific parties listed on the case permanency plan form. Those parties are:
 - Parent or guardian
 - Child
 - Custodian
 - Child's attorney
 - Guardian ad litem
 - Court-appointed special advocate
 - Mother's attorney
 - Father's attorney
 - Department caseworker
 - Juvenile court officer
 - County attorney
 - Foster care review board

- ◆ Treatment providers who have contractual agreements with the Department to provide care or supervision to a child named in a report as a victim of abuse. These treatment providers may include, but are not limited to:
 - Foster parents
 - Homemakers
 - Foster group care facilities
 - Family-centered service providers

Foster care review boards, while restricted to registered child abuse report and disposition data under 235A.15, have access to court records that the court deems necessary to determine the needs of the child, pursuant to Iowa Code 237.21.

All others not specifically identified and listed on the form or contractually providing care or supervision to a child named in a report shall follow the standard request process, completing a form SS-1606 (470-0643) for approval by the Registry or the regional administrator or designee.

REPORTS RECEIVED BEFORE JULY 1997

The following sections explain:

- ◆ The definitions that applied to child abuse information for reports received before July 1, 1997.
- ◆ The expungement policies that apply to these reports.
- ◆ The extent of authorized access to information from these reports.

Definition of Child Abuse Information

Legal reference: Iowa Code section 235A.13

“**Child abuse information**” means any or all individually identified report data, investigative data, or disposition data maintained by the Central Abuse Registry or by any local office of the Department.

- ◆ **Report data** means information pertaining to any occasion involving or reasonably believed to involve child abuse, including:
 - The name and address of the child and the child's parents or other persons responsible for the child's care.
 - The age of the child.
 - The nature and extent of any injury, evidence of any previous injuries, and a description of the child's condition.
 - Any other information believed to be helpful in establishing the cause of the injury or condition and the identity of the person or persons responsible for it.
- ◆ **Investigation data** means information pertaining to the evaluation of report data, including:
 - Additional information as to the nature, extent and cause of the injury or condition of the child and the identity of the persons responsible for it.
 - The name, age, and condition of other children in the same household.
 - The child's home environment and relationships with parents or other persons responsible for the child's care.
- ◆ **Disposition data** means information pertaining to an opinion or decision as to the occurrence of child abuse, including:
 - The conclusion reached as a result of the investigation.
 - Recommendations for juvenile court intervention or provision of social services.
 - Any opinion or decision reached in the course of judicial proceedings.
 - The present status of any case.

For **investigative** reports, the *Preliminary Child Abuse Report: Part I*, form 470-0666, and the *Complete Child Abuse Report: Part II*, form 470-0687, are constructed to provide all of the information required above. *Part I* and *Part II*, along with any attached information submitted to the Central Abuse Registry, constitute child abuse information for the purposes of this chapter.

Identical information concerning a specific case may be developed independently for purposes other than a child abuse investigation. Such independently developed and maintained information is not child abuse information.

For **assessment** reports, the *Child Protective Assessment Summary Part A*, form 470-3240, is constructed to provide all of the information required above. *Part A*, along with any attached information submitted to the Central Abuse Registry, constitutes child abuse information for the purposes of this chapter.

Identical information concerning a specific case may be independently developed for purposes other than a child abuse investigation. Such independently developed and maintained information is not child abuse information.

The *Child Protective Assessment Summary Part B*, form 470-3241, is constructed to provide a summary of the assessment of the family's strengths and needs. *Part B* is not submitted to the Central Abuse Registry and is not child abuse information. Release and confidentiality is governed by Iowa Code chapter 217.30, IAC Chapter 9 and Employees Manual Chapter I-C.

Expungement of Child Abuse Information

Legal reference: Iowa Code sections 235A.18 and 19

Founded child abuse information is retained in the Abuse Registry for a period of ten years after the last founded report on the child or perpetrator. After ten years, founded information shall be sealed. Sealed information shall be expunged eight years after the date sealed.

◆ **Investigative Reports.**

Child abuse information which is undetermined shall be sealed one year after the receipt of the initial report and expunged five years after the date sealed.

Child abuse information which is unfounded shall be expunged ten working days after the completion of the report.

◆ Assessment Reports

“Founded child abuse” means reports where abuse was determined by a preponderance of evidence to have occurred and the abusive incident or condition was significant and therefore placed on the Central Abuse Registry (registered).

Part B of the assessment summary is not submitted to the Registry and is not child abuse information for the purpose of this chapter.

Nonregistered reports are not submitted to the Central Abuse Registry. They are maintained as case record information and destroyed according to state records retention policies five years after closure.

Authorized Access

All access to child abuse information placed on the Central Abuse Registry is governed by the Central Abuse Registry, as prescribed by Iowa law. For reports received before July 1, 1997, access policies are grouped as follows:

- ◆ Subjects of the report
- ◆ Persons involved in an investigation or assessment
- ◆ Persons involved in judicial or administrative proceedings
- ◆ Providers of care
- ◆ Persons requesting child care background checks
- ◆ Others

Subjects of Report

Legal reference: Iowa Code section 235A.15(2) (1997)

Founded, undetermined, or unfounded information may be provided to the following:

- ◆ A child named in a report as a victim of abuse, or the child’s attorney or guardian ad litem.
- ◆ A parent or the attorney for the parent of a child named in a report as a victim of abuse.
- ◆ A guardian or legal custodian of a child named in a report as a victim of abuse, or that person’s attorney.
- ◆ A person named in a report as having abused a child, or the attorney for the person.

Subjects have access to the entire report (minus the name of the informant). This access is provided regardless of the subject's intended use of the information. Both custodial and noncustodial biological parents with intact parental rights (no termination) and adoptive parents are entitled to child abuse information.

Note: Access by subjects to registered and nonregistered assessment reports is the same as for founded and undetermined investigation reports as shown below.

Subjects	Founded	Undetermined	Unfounded
Child	Yes	Yes	Yes
Parent (custodial or noncustodial)	Yes	Yes	Yes
Guardian or legal custodian	Yes	Yes	Yes
Perpetrator	Yes	Yes	Yes

The Central Abuse Registry has provided prior approval for county offices to release child abuse information to subjects who submit a completed 470-0686, *Child Abuse Notification*; 470- 0643, *Request for Child Abuse Information*; or form 470-3243, *Child Abuse Assessment Notification (Registered)*.

Persons Involved in an Investigation or Assessment

Legal reference: Iowa Code section 235A.15(2)“b” (1997)

The following persons involved in an investigation or assessment have access to founded child abuse information (investigations and assessments) and undetermined child abuse information (investigations only):

- ◆ An employee or agent of the Department responsible for the investigation or assessment of a child abuse report.
- ◆ The mandatory reporter who reported the an individual case of child abuse.
- ◆ A multidisciplinary team, as specified under **Multidisciplinary Teams** in 16-E and 16-E(2).

- ◆ A law enforcement officer responsible for assisting in an investigation or assessment of a child abuse allegation or assisting in the temporary emergency removal of a child from the child's home.
- ◆ A health practitioner or mental health professional who is examining, attending or treating a child whom the practitioner believes or has reason to believe has been the victim of abuse.
- ◆ A health practitioner or mental health professional whose consultation with respect to a child believed to have been the victim of abuse is requested by the Department.

Department employees responsible for investigation or assessment additionally have access to:

- ◆ Confirmed but not registered information.
- ◆ Nonconfirmed information which is maintained as case record information.

Department employees responsible for the investigation or assessment are not required to get permission from the Central Registry or the regional administrator for access to child abuse information.

The **mandatory reporter** who reported the child abuse has access to registered child abuse information and to information on the outcome of nonregistered child abuse information.

If the mandatory reporter remains concerned about the protection of the child after reviewing the child abuse information, advise the mandatory reporter to contact the regional administrator or a designee to review these concerns. If the reporter's concerns are not satisfied in this review, the matter may be referred to the state protective services program manager for further review.

A regional administrator or designee shall authorize a **multidisciplinary team** access to founded and confirmed not registered child abuse information if the Department.

- ◆ Approves the composition of the team (through form 470-0639), and
- ◆ Determines that the team's access is necessary to assist the Department in the investigation, diagnosis, assessment, and disposition of a child abuse case.

Members of multidisciplinary teams must maintain confidentiality of cases in which they provide consultation. During the course of an investigation or assessment, before a case determination is made, child abuse information may be shared. After completion of the investigation or assessment, only information where abuse was confirmed may be shared.

Nonconfirmed child abuse information may not be released to a multidisciplinary team. The family may authorize the release of the *Part B* information under I-C, **RELEASE WITH SUBJECT’S AUTHORIZATION.**

A **law enforcement officer** wishing to receive copies of prior child abuse reports concerning a family should be referred to the county attorney. The Department may not release prior reports to law enforcement. The county attorney may do so.

Child abuse information released to **providers of care** to a child named in a report as a victim of abuse is limited to necessary information only (disposition data). This may be expanded to include the report data (minus the identity of the informant) if determined necessary by the Department or the juvenile court.

Information released to a person, agency, or facility providing care, treatment, or supervision to a person named in a report as having abused a child shall be limited to that which is necessary to treat or monitor the abuse-related problems of the person (generally disposition data only).

Persons Involved in an Investigation	Founded	Undetermined	Unfounded
Department child protective investigator	Yes	Yes	Yes
Mandatory reporter in a specific case	Yes	Yes	Yes
Multidisciplinary team	Yes	Yes	No
Law enforcement assisting in an investigation	Yes	Yes	No
Health practitioner or mental health professional	Yes	Yes	No

Note: Access by persons involved in an assessment to registered and nonregistered assessment reports is the same as for founded and undetermined investigation reports as shown above.

Judicial and Administrative Proceedings

Legal reference: Iowa Code sections 235A.15(2)“d” and 232.71 (1997)

The following persons involved with judicial and administrative proceedings have access to founded, registered or undetermined child abuse information:

- ◆ The county attorney.
- ◆ The juvenile court.
- ◆ A district court, upon a finding by the court that the information is necessary for resolution of an issue arising in any phase of a case involving child abuse.
- ◆ A court or administrative agency hearing an appeal for correction of child abuse information.
- ◆ An expert witness at any stage of an appeal necessary for correction of child abuse information.
- ◆ A person preparing a social investigation report for the juvenile court pursuant to Iowa Code sections 232.48 and 232.97. **Exception:** Only founded information may be released.
- ◆ A probation or parole officer, juvenile court officer, or adult correctional officer having custody or supervision of, or conducting an investigation or assessment for a court or the board of parole regarding, a person named in a report as a victim of child abuse or as having abused a child.

County attorneys and the juvenile court additionally have access to unfounded and nonregistered child abuse information.

For juvenile delinquency social investigation reports, the release of child abuse information shall be limited to investigative or assessment conclusions and recommendations, unless the juvenile court directs the release of additional information. For child in need of assistance social investigation reports, the entire child abuse report may be released (minus the identity of the informant).

The investigator or assessment worker or the supervisor and the attorney representing the Department shall decide whether testimony from an expert witness is necessary during any stage of an appeal. When it is decided to call an expert witness, follow the Central Abuse Registry request procedure.

A Request for Child Abuse Information, form SS-1606 (470-0643), is required for release of information to an expert witness, to a probation or parole officer, or to an adult correctional officer. All other entities in this category do not need to complete form SS-1606 (470-0643). (See **Record of Release**.)

In all court proceedings other than juvenile court proceedings, testify to child abuse information only upon direction of the court or when a subpoena is issued by the county attorney. A worker subpoenaed to provide information in a district court proceeding shall provide the information only when specifically directed by the court to do so. Notify the Central Abuse Registry of any release of child abuse information directed by a district court. (See **Court Testimony on Child Abuse**.)

Judicial and Administrative Proceedings	Founded	Undetermined	Unfounded
County attorney	Yes	Yes	Yes
Juvenile court	Yes	Yes	Yes
District court (upon a finding that the information is necessary)	Yes	Yes	No
Court or administrative hearing for an appeal to correct or expunge child abuse information	Yes	Yes	No
Expert witness in an appeal	Yes	Yes	No
Social investigation report	Yes	No	No
Probation, parole, juvenile or correctional officers	Yes	Yes	No

Note: Access for judicial and administrative proceeding to registered assessment report information is the same as for founded investigation reports as shown above.

Providers of Care

Legal reference: Iowa Code section 235A.15(2)“c” (1997)

The following providers of care have access to founded child abuse information:

- ◆ A licensing authority for a facility providing care to a child named in a report, if the licensing authority is notified of a relationship between facility policy and the child abuse.
- ◆ The authorized person or agency responsible for the care, treatment, or supervision of a child named in a report as a victim of abuse, or responsible for the care or supervision of a person named in a report as having abused a child, if the juvenile court or the Registry deems access to child abuse information by this person or agency to be necessary.
- ◆ A Department employee or agent who is responsible for registering or licensing or approving the registration or licensing of an agency or facility.
- ◆ A Department employee or a licensed child-placing agency of Iowa or another state responsible for an adoptive placement.
- ◆ A person providing care to a child under the supervision of the Department.

Child abuse information released to providers of care to a child may be limited to “necessary information” only (at a minimum, disposition data). This may be expanded to include the entire report (minus the identity of the informant).

Information released to a person, agency, or facility providing care, treatment, or supervision to a person named in a report as having abused a child shall be limited to that which is necessary to treat or monitor the abuse-related problems of the person (generally disposition data only).

Information released to a child-placing agency responsible for an adoptive placement shall consist of necessary information. This may be expanded to include the entire report minus the name of an informant.

Providers of Care	Founded	Undetermined	Unfounded
Licensing authority for a facility providing care to a child named in a report	Necessary information	No	No
Person or agency responsible for care or supervision of child or perpetrator	Necessary information	No	No
Department employee responsible for registering or licensing an agency or facility	Necessary information	No	No
Department employee or public or licensed adoption agency in Iowa or another state with responsibility for an adoptive placement	Necessary information	No	No
Person providing care to a child who is regulated by the Department	Necessary information	No	No

Note: Access by providers of care to registered report information is the same as for founded investigation reports as shown above.

Child Care Background Checks

Legal reference: Iowa Code sections 125.14A, 135H.7, 218.13, 232.142, 235A.15, 237.8, and 237A.5

The following have access to founded and registered child abuse information for the purpose of background checks:

- ◆ A certified Iowa adoption investigator.
- ◆ The hiring authority of a Department-operated facility which provides direct child care.
- ◆ A child-placing agency responsible for licensed foster homes where a child abuse background check is required for licensure.
- ◆ The administrator of a facility when a child abuse background check is required for licensure, registration, or employment. This includes:
 - Foster care.
 - Day care.
 - Juvenile detention.
 - Juvenile shelter care.
 - Psychiatric medical institutions.
 - Residential substance abuse facilities treating juveniles.
- ◆ The Board of Educational Examiners for purposes of determining whether a practitioner's license will be denied or revoked.
- ◆ The superintendent of the Iowa Braille and Sight-Saving School or the superintendent of the Iowa School for the Deaf, for someone employed, being considered for employment, or living at the school.
- ◆ The administrator of a community mental health for a person employed or being considered for employment by the center.
- ◆ The Department of Human Services for a record check relating to employment or residence at a state institution pursuant.

Information released for background checks shall be limited to necessary information only. "Necessary information" consists at a minimum of disposition data. It may be expanded to include the entire child abuse report (minus the identity of the informant).

Information released for the hiring authority of a Department-operated facility shall be released to the personnel office of the Department or of the facility.

Background Checks	Founded	Undetermined	Unfounded
Certified Iowa adoption investigator	Necessary information	No	No
Hiring authority of Department facility	Necessary information	No	No
Child-placing agency responsible for licensed foster homes	Necessary information	No	No
Foster care, day care, PMIC, and juvenile substance abuse facility administrators	Necessary information	No	No
Educational examiners	Necessary information	No	No
Superintendents of Sight-Saving School and School for the Deaf	Necessary information	No	No
Administrator of a community mental health center	Necessary information	No	No
Department institution	Necessary information	No	No

Note: Access for child care background checks to registered assessment reports is the same as for founded investigation reports.

Others

Legal reference: Iowa Code sections 235A.15(2)“e” and 235A.19 (1997)

Others who have access to founded child abuse information include:

- ◆ Registry or Department personnel, as necessary to the performance of their official duties.
- ◆ A person or agency under contract with the Department to carry out official duties and functions of the Registry.

- ◆ The attorney representing the Department.
- ◆ Foster care review boards.
- ◆ A legally constituted child protection agency of another state which is:
 - Investigating or treating a child named in a report as having been abused or
 - Conducting a records check of a person who is providing care to a child.
- ◆ A person under contract with the Registry to conduct bona fide research on child abuse.
- ◆ The Department of Justice, for the sole purpose of filing a claim for victim reparation.
- ◆ Iowa Protection and Advocacy Services, authorized under the Developmental Disabilities Act, if a person identified in the information as a victim or perpetrator of abuse resides in a facility or receives services from an agency because the person is diagnosed as having a developmental disability or a mental illness.
- ◆ The state Citizens' Aide/Ombudsman office.

All of the above except foster care review boards and the protection and advocacy agency also have access to undetermined child abuse information.

Registry staff, other Department personnel, and persons under contract with the Registry also have access to unfounded and nonregistered child abuse information when necessary to the performance of their duties. Registry and Department personnel do not need to complete form SS-1606-0 (470-0643), *Request for Child Abuse Information*, to access child abuse information.

Refer requests for information from another state directly to the Central Abuse Registry. The Registry shall verify the requester's identity by telephone contact and shall release necessary information to the other state by telephone. Written child abuse information may be forwarded to the requesting state with a form SS-1606-0 attached for return to the Registry.

The Department of Justice has access to founded, undetermined, unfounded and nonregistered child abuse information to the extent that the Department shall confirm the existence of all reports and the referral dates, as available for the purpose of victim reparation.

Researchers shall receive only that information necessary to implement the research design. No details identifying any subject of an investigation or assessment shall be released to a researcher unless that information is essential to the research. All individually identified information shall be removed from any intermediate or final research report.

“Necessary information” consists at a minimum of disposition data. (See **DEFINITION OF CHILD ABUSE INFORMATION.**) It may be expanded to include the entire child abuse report minus the identity of the informant.

Others	Founded	Undetermined	Unfounded
Registry and Department personnel	Yes	Yes	Yes
Person under contract to carry out Registry duties	Yes	Yes	Yes
Attorney representing the Department	Yes	Yes	No
Foster care review boards	Yes	No	No
Child protection of another state conducting a check on a child or adult caretaker	Yes	Necessary information	No
Researcher	Necessary information	Necessary information	Necessary information
Department of Justice for victim reparation	Confirm existence of report and referral date	Confirm existence of report and referral date	Confirm existence of report and referral date
Iowa Protection and Advocacy Services	Yes	No	No
Citizens' Aide/Ombudsman	Yes	Yes	Yes

Note: Access by others to registered assessment reports is the same as for founded investigation reports.

REPORTS RECEIVED JULY 1997 OR LATER

Legal reference: Iowa Code section 235A.14. as amended by 1997 Iowa Acts, House File 698

The following sections explain:

- ◆ The definitions that apply to child abuse information from reports received on or after July 1, 1997.
- ◆ The expungement policies that apply to these reports.
- ◆ The extent of authorized access to information from these reports.

Definitions

Legal reference: Iowa Code sections 235A.13, (as amended by 1997 Iowa Acts, House File 698) and 232.71D

“**Child abuse information**” means any or all individually identified report data, investigation or assessment data, or disposition data maintained by the Central Abuse Registry or by any local office of the Department.

- ◆ **Report data** means information pertaining to an investigation or assessment of an allegation of child abuse which the Department has determined meets the definition of child abuse, including:
 - The name and address of the child and the child’s parents, guardians or custodians or other persons responsible for the child’s care.
 - The age of the child.
 - The nature and extent of any injury, evidence of any previous injuries.
 - Additional information as to the nature, extent, and cause of the injury and the identity of the person or persons responsible for the injury.
 - The names and condition of the other children in the child’s home.

- ◆ **Investigation data or assessment data** means information pertaining to the evaluation of a family, including:
 - Identification of the strengths and needs of the child and of the child's parents', home and family.
 - Identification of services available and other supports available in the community to meet identified strengths and needs.
- ◆ **Disposition data** means information pertaining to an opinion or decision as to the occurrence of child abuse, including:
 - The conclusion reached as a result of the investigation or assessment.
 - Any opinion or decision reached in the course of judicial proceedings.
 - The present status of any case.

For **investigative** reports, the *Preliminary Child Abuse Report: Part I*, form 470-0666, and *Complete Child Abuse Report: Part II(a)*, form 470-0687, are constructed to provide the report and disposition information required above. *Part I* and *Part II (a)*, along with any attached information submitted to the Central Abuse Registry constitute child abuse information for purposes of this chapter.

Identical information concerning a specific case may be developed independently for purposes other than a child abuse investigation. Such independently developed and maintained information is not child abuse information.

The *Complete Child Abuse Report: Part II(b)*, form 470-3398, is constructed to provide investigation data. *Part II(b)* is not submitted to the Central Abuse Registry and is not child abuse information. Release and confidentiality is governed by Iowa Code chapter 217.30, IAC Chapter 9, and Employees Manual Chapter I-C.

For **assessment** reports, the *Child Protective Assessment Summary Part A*, form 470-3240, is constructed to provide report and disposition data. *Part A*, along with any attached information submitted to the Central Abuse Registry, constitutes child abuse information for purposes of this chapter.

Identical information concerning a specific case may be independently developed for purposes other than a child abuse assessment. Such independently developed and maintained information is not child abuse information.

The *Child Protective Assessment Summary Part B*, form 470-3241, is constructed to provide assessment data. *Part B* is not submitted to the Central Abuse Registry and is not child abuse information. Release and confidentiality is governed by Iowa Code chapter 217.30, IAC Chapter 9 and Employees Manual Chapter I-C.

“Confirmed abuse not placed on the Registry” means that it has been determined by a preponderance of evidence that abuse has occurred however the circumstances did not meet the criteria specified for Registry placement (nonregistered).

“Founded child abuse” mean reports where abuse was determined by a preponderance of evidence to have occurred and the circumstances met the criteria for placement on the Central Abuse Registry (registered).

“Not confirmed child abuse” means that it was determined that there was not a preponderance of evidence that child abuse had occurred. (nonregistered).

Expungement

Legal reference: Iowa Code sections 235A.18 and 19, as amended by 1997 Iowa Acts, House File 698.

Founded child abuse information shall be retained in the Abuse Registry for a period of ten years after the last founded report on the child or perpetrator. After ten years, founded information shall be sealed. Sealed information shall be expunged eight years after the date sealed.

Child abuse allegations which are confirmed but not registered shall be retained by the investigative or assessment unit for a period of five years from the date of intake or five years from the date of closure of any service file which ever is later. **Note:** The Central Abuse Registry does not receive copies of this type of report.

Child abuse allegations which are not confirmed shall be retained by the investigative or assessment unit for a period of five years from the date of intake or five years from the date of closure of any service file whichever is later. **Note:** The Central Abuse Registry does not receive copies of this type of report.

Authorized Access

Legal reference: Iowa Code section 217.30; 441 IAC 9

All access to child abuse information placed on the Central Abuse Registry is governed by the Central Abuse Registry, as prescribed by Iowa law.

The Central Abuse Registry does not approve release of child abuse information which is not placed on the Registry. This includes confirmed but not registered reports, reports in which abuse was not confirmed, and assessment or investigative data contained in *Part II(b)* or a *Part B* summary. These records are maintained as a case record in county offices. Confidentiality and access is governed by Employees' Manual I-C.

See the following sections for more information on:

- ◆ Access for subjects of the report.
- ◆ Access for persons involved in an investigation or assessment.
- ◆ Access for persons involved in judicial or administrative proceedings.
- ◆ Access for employee background checks.
- ◆ Access for Department staff.
- ◆ Access for others.
- ◆ Access to reports where abuse is confirmed but does not qualify for Registry placement.
- ◆ Access to reports where abuse is not confirmed.
- ◆ Access to investigation and assessment data.

Subjects of Report

Legal reference: Iowa Code section 235A.15 as amended by 1997 Iowa Acts, House File 698; 441 IAC 175.5(232,235A) and 175.32(232,235A)

The Central Abuse Registry has provided prior approval for release of founded child abuse information to subjects who submit a completed form 470-0686, *Child Abuse Notification*; SS-1606-0, *Request for Child Abuse Information*; 470-3242, *Child Abuse Assessment Notification*, or 470-3243, *Child Abuse Assessment Notification (Registered)*. This includes the following:

- ◆ A child named in a report as a victim of abuse, or the child’s attorney or guardian ad litem.
- ◆ A parent or the attorney for the parent of a child named in a report as a victim of abuse.
- ◆ A guardian or legal custodian of a child named in a report as a victim of abuse, or that person’s attorney.
- ◆ A person named in a report as having abused a child, or the attorney for the person.

Subjects and their legal representatives have access to the entire report (minus the name of the informant). This access is provided regardless of the subject’s intended use of the information. Both custodial and noncustodial biological parents with intact parental rights (no termination) and adoptive parents are entitled to child abuse information.

SUBJECTS	Access to <i>Part I, Part II(a)</i> (Investigations) <i>Part A</i> (Assessments) when:		
	Founded	Confirmed Not Registered	Not Confirmed
Child	Yes	Yes	Yes
Parent (custodial or noncustodial)	Yes	Yes	Yes
Guardian or legal custodian	Yes	Yes	Yes
Persons responsible for the abuse	Yes	Yes	Yes

Assessment or investigation data, as defined in this chapter (*Complete Child Abuse Report: Part II (b)* and *Child Abuse Assessment Summary Part B*), is not submitted to the Registry regardless of whether the report is a registered report. The confidentiality and access to this information is handled like information in a service case record.

Access by child, parent, guardian or legal custodian, or the attorney representing these subjects is authorized. This information is accessible to subjects who participated in the assessment of the home environment or the assessment of the child and family functioning and development of a suggested plan of action. This is generally the subjects who reside in the household.

A noncustodial parent has access to information limited to the parent's own child. Further release of the information is contingent upon the authorization of release of the information by the parent or guardian as provided through, I-C, **RELEASE WITH SUBJECTS' AUTHORIZATION.**

Persons Involved in Investigation or Assessment

Legal reference: Iowa Code section 235A.15 (2) as amended by Iowa Acts, House file 698.

Report data and disposition data on founded child abuse reports is available to the following persons involved in an investigation or assessment:

- ◆ A health practitioner or mental health professional who is examining, attending or treating a child whom the practitioner believes or has reason to believe has been the victim of abuse.
- ◆ A health practitioner or mental health professional whose consultation with respect to a child believed to have been the victim of abuse is requested by the Department.
- ◆ An employee or agent of the Department responsible for the investigation or assessment of a child abuse report.
- ◆ A law enforcement officer responsible for assisting in an investigation or assessment of a child abuse allegation or assisting in the temporary emergency removal of a child from the child's home.
- ◆ A multidisciplinary team, as specified under **Multidisciplinary Teams** in 16-E and 16-E(2).
- ◆ In an individual case, the mandatory reporter who reported the child abuse.
- ◆ The county attorney.
- ◆ The juvenile court.
- ◆ The licensing authority for a facility providing care to a child named in a report, if the licensing authority is notified of a relationship between facility policy and the alleged child abuse.
- ◆ The person or agency responsible for care or supervision of a child named in a report as a victim of abuse or a person named as having abused a child, if the juvenile court or the Department deems access to report data and disposition data by the person or agency to be necessary.

Department employees responsible for the investigation or assessment of abuse allegations additionally have access to confirmed but not registered information and nonconfirmed information which is maintained as a case record information. They are not required to get permission from the Central Registry or the regional administrator for access to child abuse information.

The **mandatory reporter** who reported the child abuse has access to registered child abuse report data and disposition data. On nonregistered cases, mandatory reporters have access to disposition data only.

If the mandatory reporter remains concerned about the protection of the child involved in the report after reviewing the child abuse information, advise the mandatory reporter to contact the regional administrator or a designee to review these concerns. If the concerns of the mandatory reporter are not satisfied in this review, the matter may be referred to the state protective services program manager for further review.

A regional administrator or designee shall authorize a **multidisciplinary team** access to founded and confirmed not registered child abuse information if the Department:

- ◆ Approves the composition of the team (through form 470-0639), and
- ◆ Determines that the team's access is necessary to assist the Department in the investigation, diagnosis, assessment, and disposition of a child abuse case.

Members of multidisciplinary teams must maintain confidentiality of cases in which they provide consultation. During the course of an investigation or assessment, before a case determination is made, child abuse information may be shared. After completion of the investigation or assessment, only information where abuse was confirmed may be shared.

Nonconfirmed child abuse information may not be released to a multidisciplinary team. The family may authorize the release of the *Part B* or the *Part II(b)* information under I-C, **RELEASE WITH SUBJECT'S AUTHORIZATION**.

Refer a **law enforcement** officer wishing to receive copies of prior child abuse reports concerning a family to the county attorney. The Department is not allowed to release these prior reports to law enforcement, but the county attorney may do so.

Child abuse information released to **providers of care** to a child named in a report as a victim of abuse is limited to necessary information only (disposition data). This may be expanded to include the report data (minus the identity of the informant) if determined necessary by the Department or the juvenile court.

Information released to a person, agency, or facility providing care, treatment, or supervision to a person named in a report as having abused a child shall be limited to that which is necessary to treat or monitor the abuse-related problems of the person (generally disposition data only).

Persons Involved in an Investigation or Assessment	Access to <i>Part I, Part II(a)</i> (Investigations) <i>Part A</i> (Assessments) when:		
	Founded	Confirmed Not Registered	Not Confirmed
Health practitioner or mental health professional	Yes	No	No
Department child protective worker (investigations or assessments)	Yes	Yes	Yes
Law enforcement assisting in an investigation	Yes	Yes	No
Multidisciplinary team	Yes	Yes	No
Mandatory reporter in a specific case	Yes	Disposition data	Disposition data
County attorney	Yes	Yes	Yes
Juvenile court	Yes	Yes	Yes
Licensing authority for a facility if there is relationship between facility policy and the alleged abuse.	Yes	No	No
Person or agency responsible for care or supervision	Necessary Information	Necessary Information	No

Judicial and Administrative Proceedings

Legal reference: Iowa Code section 235A.15(2)“d” 232.71, as amended by 1997 Iowa Acts, House File 698, and 232.48 and 232.97.

The following persons involved in judicial and administrative proceedings have access to report data and disposition data from founded child abuse reports and to investigation or assessment data to the extent necessary for resolution of the proceeding:

- ◆ A juvenile court involved in an adjudication or disposition of a child named in a report.
- ◆ A district court, upon a finding by the court that the data is necessary for resolution of an issue arising in any phase of a case involving child abuse.
- ◆ A court or administrative agency hearing an appeal for correction of report data and disposition data.
- ◆ An expert witness at any stage of an appeal necessary for correction of report and disposition data.
- ◆ A probation or parole officer, juvenile court officer, or adult correctional officer:
 - Having custody or supervision of a person named in a report as a victim of child abuse or as having abused a child, or
 - Conducting an investigation for a court or board of parole regarding a person named in a report as a victim of child abuse or as having abused a child.
- ◆ A person ordered to prepare a social investigation report for the juvenile court.

County attorneys and the juvenile court additionally have access to nonconfirmed child abuse information.

A Request for Child Abuse Information, form SS-1606 (470-0643), is required for release of information to an expert witness, to a probation or parole officer, or to an adult correctional officer. All other entities in this category do not need to complete a form. (See **Record of Release**.)

Decide with your supervisor and the attorney representing the Department whether testimony from an expert witness is necessary during any stage of an appeal. When it is decided to call an expert witness, follow the Central Registry request procedure.

In all court proceedings other than juvenile court proceedings, testify to child abuse information only upon direction of the court or when a subpoena is issued by the county attorney.

If you are subpoenaed to provide information in a district court proceeding, provide the information only when specifically directed by the court to do so. Notify the Central Abuse Registry of any release of child abuse information directed by a district court. (See **Court Testimony on Child Abuse** for more information.)

Judicial and Administrative Proceedings	Access to <i>Part I, Part II(a)</i> (Investigations) <i>Part A</i> (Assessments) when:		
	Founded	Confirmed Not Registered	Not Confirmed
Juvenile court	Yes	Yes	Yes
District court (upon a finding that the information is necessary)	Yes	Yes	No
Court or administrative hearing for an appeal for correction of report data and disposition data.	Yes	No	No
Expert witness in an appeal	Yes	No	No
Probation, parole, juvenile or correctional officers	Yes	No	No
Social investigation report	Yes	No	No

Employee Background Checks

Legal reference: Iowa Code sections 125.14A, 135H.7, 218.13, 232.142, 235A.15(2)"c", as amended by 1997 Iowa Acts, House File 698, 237.8, and 237A.5

The following persons have access to founded child abuse disposition data for a person employed, being considered for employment, or living in a facility:

- ◆ The superintendent of the Iowa Braille and Sight-Saving School.
- ◆ The superintendent of the Iowa School for the Deaf.
- ◆ An administrator of a psychiatric institution for children.
- ◆ An administrator of a licensed child foster care facility (including foster group and shelter care facilities).
- ◆ An administrator of a registered or licensed child day care facility.
- ◆ An administrator of a community mental health center.
- ◆ An administrator of a facility or program operated by the state, city or a county which provides services or care directly to children (including county-operated detention facilities).
- ◆ An administrator of an agency certified by the Department to provide services under a Medicaid home- and community-based services waiver.
- ◆ An administrator of an agency providing mental health, mental retardation, or developmental disability services under a county management.
- ◆ An administrator of a child day care resource and referral agency (for data concerning persons providing child day care).
- ◆ The personnel department of the state of Iowa or its political subdivisions, including school districts, as necessary for presentation in a public employee grievance or arbitration procedures. Disposition data introduced into the proceeding shall not be considered a part of the public record of a case.

Information released for the hiring authority of a Department-operated facility shall be released to the personnel office of the Department or of the facility.

“Necessary information” consists of a minimum of disposition data. (See **DEFINITIONS, CHILD ABUSE INFORMATION.**) It may be expanded to include report data (minus the identity of the informant) if authorized in law for the purposes of a record check evaluation.

Child Care Background Checks and Providers of Care	Access to <i>Part I, Part II(a)</i> (Investigations) <i>Part A</i> (Assessments) when:		
	Founded	Confirmed Not Registered	Not Confirmed
The superintendent of the: <ul style="list-style-type: none"> • Iowa Braille and Sight-Saving School* • Iowa School for the Deaf* 	Disposition data only	No	No
Administrator of a: <ul style="list-style-type: none"> • Psychiatric institution for children* • Licensed child foster care facility* • Registered or licensed child day care facility • Community mental health center* • State, city, or county facility or program providing services or care to children* • Medicaid HCBS waiver provider agency* • MH/MR/DD provider agency under a county management plan* • Child day care resource and referral agency 	Disposition data only	No	No
Public employer personnel department	Disposition data only	No	No

* These agencies and facilities might obtain further information about a person under their care or supervision. See **Persons Involved in Investigation or Assessment**. All Department institutions also have access under another section. See **Department Staff and Agents**.

Department Staff

Legal reference: Iowa Code sections 235A.15(2)“e” as amended by 1997 Iowa Acts, House File 698; 441 IAC 175.5(232,235A) and 175.32(232,235A)

The following have access to founded report data and disposition data:

- ◆ Registry or Department personnel as necessary to the performance of their official duties.
- ◆ A person or agency under contract with the Department to carry out official duties and functions of the Department including child-placing agencies under contract to perform foster family licensing duties.
- ◆ The attorney representing the Department.
- ◆ An employee or agent of the Department responsible for registering or licensing or approving the registration or licensing of an agency, facility, or individual who is providing care to a child and regulated by the Department.
- ◆ An employee or agent of the Department regarding a person who is providing child day care, if the person is not registered or licensed to operate a child day care facility.
- ◆ The Department of Human Services for a record check relating to employment or residence at a state institution.
- ◆ An employee of the Department responsible for an adoptive placement.

Registry staff, other Department personnel, and persons under contract with the Department also have access to nonregistered child abuse information when necessary to the performance of their duties. Registry and Department personnel do not need to complete form SS-1606-0, *Request for Child Abuse Information*, to access founded child abuse information.

Department Staff	Access to <i>Part I, Part II(a)</i> (Investigations) <i>Part A</i> (Assessments) when:		
	Founded	Confirmed Not Registered	Not Confirmed
Registry and Department personnel	Yes	Yes	Yes
Person under contract to carry out the duties of the Department	Necessary information	Necessary information	Necessary information
Attorney representing the Department in an appeal	Yes	Yes	No
Department employee or agent responsible for licensing or registering an agency, facility, or individual	Yes	Yes	Yes
Department employee or agent regarding an unregistered or unlicensed child day care.	Yes	No	No
Department institutions record checks.	Yes	No	No
Department employee responsible for an adoptive placement	Yes	Yes	Yes

Others

Legal reference: Iowa Code sections 235A.15(2)“e” and 235A.19 as amended by 1997 Iowa Acts, House File 698; Iowa Code section 2.C; 441 IAC 175.5(232,235A) and 175.32(232,235A)

The following have access to founded report data and disposition data:

- ◆ State and local foster care review boards.
- ◆ A certified adoption investigator responsible for an adoptive placement.
- ◆ A licensed child-placing agency responsible for an adoptive placement.
- ◆ A person under contract with the Registry to conduct bona fide research on child abuse.

- ◆ A child protection agency of another state which is:
 - Investigating or treating a child named in a report as having been abused or
 - Investigating or treating a person named as having abused a child.
- ◆ A public or licensed child-placing agency of another state responsible for an adoptive or foster care preplacement or preplacement evaluation.
- ◆ A child protection agency in another state which is conducting a record check of a person who is providing care or has applied to provide care to a child in that state.
- ◆ Iowa Protection and Advocacy Services, authorized under the Developmental Disabilities Act, if a person identified as a victim or perpetrator of abuse resides in a facility or receives services from an agency because the person is diagnosed as having a developmental disability or a mental illness.
- ◆ The Department of Justice for the sole purpose of filing a claim for victim reparation.
- ◆ The Board of Educational Examiners for purposes of determining whether a practitioner's license will be denied or revoked.
- ◆ The Iowa Board for the Treatment of Sexual Abusers for the purpose of certifying sex offender treatment providers.
- ◆ The state Citizens' Aide/Ombudsman office.

The Department of Justice has access to founded and confirmed but not registered child abuse information to the extent that the Department shall confirm the existence of all reports and the referral dates, as available for the purpose of victim reparation.

Researchers shall receive only that information necessary to implement the research design. Do not release details identifying any subject of an investigation or assessment to a researcher unless that information is essential to the research. All individually identified information shall be removed from any intermediate or final research report.

The Citizen's Aide/Ombudsman's office may issue a subpoena for child abuse records. State law allows the Department to release to the Citizen's Aide/Ombudsman's office all records pertaining to child abuse cases, so that the office can carry out its legislative mandate to investigate citizens' complaints regarding any administrative action of any state agency.

If you provide written child abuse information regarding a report that has been placed on the Central Abuse Registry to the Citizen's Aide/Ombudsman's office, notify the Registry, either orally or in writing.

Others	Access to <i>Part I, Part II(a)</i> (Investigations) <i>Part A</i> (Assessments) when:		
	Founded	Confirmed Not Registered	Not Confirmed
Foster care review boards.	Yes	No	No
A certified adoption investigator responsible for an adoptive placement	Yes	No	No
Licensed child placing agency responsible for an adoptive placement	Yes	No	No
Researcher	Necessary information	No	No
Out-of state child protection agency investigating or treating a child or a person named as having abused a child	Yes	No	No
Out-of state public or private child-placing agency responsible for an adoptive or foster care preplacement or placement evaluation	Yes	No	No
Out of state child protection agency conducting a record check on a person who has applied to provide child care	Yes- necessary information	No	No
Iowa Protection and Advocacy Services	Yes	No	No
Department of Justice for victim reparation	Confirm existence of report and referral date	Confirm existence of report and referral date	No
Board of Educational Examiners	Yes	No	No

Iowa Board for the Treatment of Sexual Abusers	Yes-necessary information		
Citizen's Aide/Ombudsman	Yes	Yes	Yes

“Necessary information” consists of a minimum of disposition data. (See **DEFINITION OF CHILD ABUSE INFORMATION.**) It may be expanded to include the entire child abuse report minus the identity of the informant.

Refer requests for information from another state directly to the Central Abuse Registry. The Registry shall verify the requester’s identity by telephone contact and shall release necessary information to the other state by telephone. Written child abuse information may be forwarded to the requesting state with a form SS-1606-0 attached for return to the Registry.

Reports of Confirmed Abuse Not Placed on the Registry

Legal reference: Iowa Code section 235A.15, subsection 3, as amended by 1997 Iowa Acts, House File 698; 441 IAC 175.32(1) and 175.5(1)

Access to report and disposition data of reports which are confirmed but not placed on the Central Abuse Registry is limited to:

- ◆ Subjects and their attorneys.
- ◆ Persons involved in the investigation with the exception of a health practitioner or mental health professional and licensing authority for a facility.
- ◆ Department or contract personnel for performance of official duties.
- ◆ Justice Department for restitution and compensation claims.
- ◆ Attorney representing the Department.
- ◆ Employee or agent of the Department responsible for registering or licensing or approving a facility, agency or individual providing care to a child.

Reports Where Abuse Was Not Confirmed

Legal reference: Iowa Code section 235A.15, subsection 4, as amended by 1997 Iowa Acts, House File 698; 441 IAC 175.32(2) and 175.5(2)

Reports not placed on the Central Abuse Registry are retained as a case record for five years from the date of intake or five years from the date of closure of any service file, whichever occurs later.

Access to report data and disposition data for reports where abuse was not confirmed and not placed on the Registry is limited to the following:

- ◆ Subjects and their attorneys.
- ◆ The investigator or assessment worker.
- ◆ The county attorney.
- ◆ The juvenile court.
- ◆ Department and contract personnel as necessary for official duties.

Refer to 16-E and 16-E(2) for additional information regarding reports not placed on the Registry.

Assessment or Investigation Data

Legal reference: Iowa Code section 235A.14, subsection 6, as amended by 1997 Iowa Acts, House File 698; 441 IAC 175.32(2) and 175.5(2)

Assessment or investigation data, as defined for this section, (*Complete Child Abuse Report, Part II (b)* and *Child Abuse Assessment Summary Part B*) is not submitted to the Registry, regardless of whether the report is a registered report. Access by persons involved in the investigation or assessment is limited to the Department child protective worker, unless a release is signed by the parent or guardian. See also **Subjects of a Report**, below.

The confidentiality and access to this information is handled in the same manner as information in a service case record. Further release of the information is contingent upon the authorization of release of the information by the parent or guardian as provided through I-C, **RELEASE WITH SUBJECT'S AUTHORIZATION**.



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF HUMAN SERVICES

CHARLES M. PALMER, DIRECTOR

October 21, 1997

GENERAL LETTER NO. 16-E(1)-5

ISSUED BY: Bureau of Program Support and Protective Services,
Division of Adult, Children, and Family Services

SUBJECT: Employees' Manual, Title 16, Chapter E(1), *Child Abuse Information*, Title page revised; Contents, (page 1), revised; Contents (page 2), new; and pages 1 through 29, revised; and pages 30 through 45, new.

Summary

The revision of this chapter reflects legislation effective 7/1/97 amending the access and confidentiality of child abuse information. Iowa Code Chapter 235A was amended by 1997 Iowa Acts, House File 698. The use of the Central Abuse Registry was revised and the definition of child abuse was redefined. Access to information is specified by the placement of the report on the Registry and the role of the requester.

Effective Date

Upon receipt

Material Superseded

Remove the entire existing Employees' Manual Title 16, Chapter E(1), *Child Abuse Registry*, and destroy it. This includes the Title page, Contents (page 1), and pages 1 through 29.

Additional Information

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