

Mandatory Reporter Release

2022 LAW CHANGES IMPACTING CHILD AND DEPENDENT ADULT WELFARE

THE FOLLOWING AMENDMENTS ARE EFFECTIVE JULY 1, 2022:

SAFE HAVEN [HF2420](#) (IOWA CODE SECTION 233.1)

Extends the safe haven law to a newborn infant who is, or appears to be ninety days of age or younger. This is extended from what was thirty days.

MASSAGE THERAPISTS AS MANDATORY REPORTERS [HF2168](#) (IOWA CODE SECTIONS 152C.3, 232.69, & 235B.3)

Adds massage therapists as mandatory reporters of both child abuse and dependent adult abuse and requires each hour of completed training to be included toward the annual continuing education requirement.

DUTIES PERFORMED BY PHYSICIAN ASSISTANTS [HF803](#) (IOWA CODE CHAPTERS 90A, 96, 135, 135J, 141A, 144A, 144B, 144D, 144F, 189A, 225, 225C, 232, 234, 235A, 237A, 249, 321, 347B, 514C, & 147)

Addresses duties performed by physician assistants, including the responsibility to take referrals by the Iowa Department of Health and Human Services for a physical examination of a child and report back regarding the examination within twenty-four hours; the responsibility to conduct outpatient physical exams as ordered by the juvenile court, the ability to take a child into custody without court order, and the authorization to provide medical or surgical procedures to safeguard the child's life or health.

JUVENILE JUSTICE [HF2507](#) (IOWA CODE CHAPTER 232)

Includes amendments to juvenile delinquency, child in need of assistance and family in need of assistance proceedings, juvenile justice reform, and juvenile court expenses and costs:

- Amends definition to court appointed special advocate (CASA), fictive kin, foster care, guardian ad litem (GAL), neglect, putative father, relative, siblings (recognizing siblings as blood relatives even after termination of parental rights), and safety plan (clarifying that a safety plan is not a removal).
- Moves the Child In Need of Assistance (CINA) citations from section 232.2 to 232.96A.
- Requires an allegation of Denial of Critical Care or an allegation of Dangerous Substance to be reported within five years to qualify as child abuse.

- Removes the requirement for a written report of suspected abuse to be submitted within 48 hours of the oral report and maintains that only an oral report is required.
- Updates the provision for multidisciplinary teams to allow for them to be utilized during ongoing case management services as well as during a child protective assessment.
- Amends CINA proceedings as it relates to temporary custody of a child, judicial proceedings, termination of parent-child relationship proceedings, and family in need of assistance proceedings to promote initiatives of the Family First Prevention Services Act, including:
 - A requirement that the GAL must be an attorney and not a CASA,
 - An addition of “objective criteria” to be used in GAL recommendations,
 - A presumption that it is in the best interest of children 10 years and older to attend court,
 - Allows for the removal of “domestic abusers” from the residence pursuant to a court order,
 - An underscoring of the harm caused by removal of a child and that it must be weighed against the potential harm in allowing a child to remain with the child’s family,
 - A prioritization of relatives and fictive kin as preferred placements,
 - Providing notice to adult relatives, even if the custody is not transferred to the Iowa Department of Health and Human Services (HHS),
 - Permission for HHS to share information necessary to explore potential relative placement,
 - A focus on family interaction even when parents fail to comply with court requirements, so long as it’s not detrimental to the child, and
 - Reasonable efforts to place siblings together.
- Provides that unused funds for decategorization services remain available for expenditure for the next three succeeding fiscal years.
- Transfers oversight and responsibility of the maintenance of cost of juvenile homes as well as early intervention/graduated sanctions from HHS to Juvenile Court Services, beginning July 2023.
- Transfers oversight and authority of Juvenile Detention Home Funds to the Department of Human Rights, beginning July 2023.

RELATING TO CHILD CARE ASSISTANCE, CHILD AND FAMILY SERVICES, FOSTER CARE, ADOPTION, AND DEPENDENT ADULT ABUSE [HF2252](#) (IOWA CODE CHAPTERS 237A, 234, 237, 600, & 235B)

Omits “for a limited period of time” from the eligibility for child care assistance, raises foster care eligibility to 21 years of age for foster family and Supervised Apartment Living (SAL) settings, obsoletes the requirement for an annual report on spending for independent living, adds additional requirements to ensure sibling contact post adoption, opens adoption and termination of parental rights records upon request of the adopted adult, and provides the Iowa Department of Health and Human Services (HHS) the ability to communicate with financial institutions and the Social Security Administration during a dependent adult abuse

assessment or evaluation and provides financial institutions and the Social Security Administration with independent access to dependent adult abuse information.

FOSTER CARE AND CHILD ADVOCACY BOARD HF2390
(IOWA CODE CHAPTERS 232 & 237)

Clarifies the duties of a court appointed special advocate, adds a definition for “fictive kin”, provides direction regarding duties of the state board, including foster care registry and local citizen foster care review boards, and amends case permanency plan expectations to include a child’s fictive kin.

For additional mandatory reporter information, please visit:

<https://dhs.iowa.gov/child-welfare/mandatoryreporter>