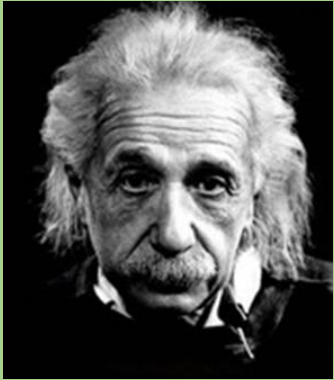


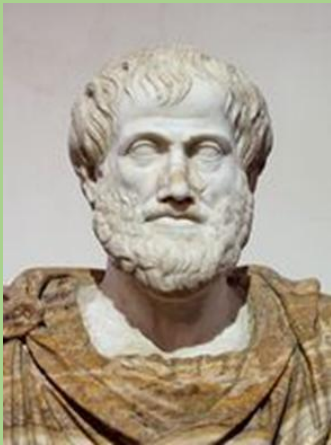
Family First

What does prevention services act mean for Iowa juvenile court judges?

Hard to fully grasp implications



“The more I learn, the more I realize how much I don’t know.”
--Albert Einstein



“The more you know, the more you know that you don’t know.”
--Aristotle

Role for State Courts and Court Improvement Programs in overall scheme of FFPSA

“relatively small”

“non-traditional role for courts in primary prevention”

Per David Kelly, Special Assistant U.S. Children’s Bureau on Children Youth & Families,
U.S. Department of Health and Human Services

Three clear implications for Iowa courts

Number One

Court Improvement Programs (Iowa Children's Justice) must provide training for judges (and attorneys) on changes in federal policy on reimbursement

- Training can be delayed until state DHS opts to implement
- Iowa DHS already presented comprehensive overview of legislation to juvenile judges this November

Three clear implications for Iowa courts

Number Two

Prevention services to be offered families in cases where previously courts may have weighed removal of children

- Will this change be evident or behind the scenes?
- Will child welfare dockets decrease?

Three clear implications for Iowa courts

Number three (most obvious role for courts)

Judicial oversight of congregate care—new placement type is dubbed Qualified Residential Treatment Programs (QRTPs)

- Within 60 days of placement, court must consider assessment by “qualified individual”
- Courts must ask if needs of child can be met in foster family home? If not, is QRTP least restrictive placement?
- Approve or disapprove of level of care
- Continued monitoring of youth in Qs

Less clear implications for Iowa courts

(1) What role will courts play as “prevention leaders”?

- National experts anticipate multi-disciplinary approach; marshalling of community resources
- “Mobilize judicial leadership to support and voice importance of strengthening families to prevent child maltreatment”
--per Jerry Milner with HHS Children’s Bureau
- Judges need to be educated on evidence-based practices and trauma-informed care

Less clear implications for Iowa courts

(2) What role, if any, will Iowa courts have in monitoring 12-month limit on prevention plans?

- Can courts demand records of progress?
- Will reports filed with the federal agency by Iowa DHS be shared with juvenile courts?
- Without jurisdiction, how would a judge use that information?

Less clear implications for Iowa courts

(3) What will be the format for decisions on QRTPs?

- Contested hearings?
- Due process for children and parents?
- What criteria will judges use to gauge appropriate level of care?
 - Question for court is not whether particular facility is accredited, but whether child needs that level of care.
- What impact will the new requirements have on placement of youths adjudicated as delinquents?

Iowa law and Family First legislation

1. CINA jurisdiction starts when petition filed under Iowa Code section 232.87. Petition triggers right to counsel and GAL under Iowa Code sec. 232.89.
 - Does that timing still make sense given possible year of prevention services?

Iowa law and Family First legislation

2. Will prevention services—if unsuccessful in preventing removal—impact CINA pleadings?
 - Should petition recite services already offered?
 - Should pleadings include child's prevention plan?
 - “Judges must ensure reasonable efforts are truly made to prevent removal.” --Jerry Milner

Iowa law and Family First legislation

3. Iowa Code section 232.102 requires DHS to make “reasonable efforts” to preserve family.
 - Will courts consider pre-CINA prevention services as part of reasonable efforts?

Iowa law and Family First legislation

4. Will provision of preventive services—if ultimately unsuccessful—be relevant to any of elements necessary to prove grounds for termination of parental rights under Iowa Code section 232.116(1)?

Next step: Judicial Branch task force

- Chief Justice Cady issued order on 11/8/18 creating task force to be chaired by Justice Christensen, includes nine judges, two JCOs, two judicial branch staff, DHS representative
- To be “effective partner” in implementing federal legislation, judicial branch must review its own policies, procedures, rules and education materials.
- Report due to Iowa Supreme Court by July 1, 2019.