Child Abuse and Dependent Adult Abuse in Iowa

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National studies continue to indicate that only about one-third of maltreated children are even reported to child protection agencies. Significant numbers of victims remain unidentified without protection and treatment. In 1985, the U.S. Surgeon General declared family violence to be a national epidemic. At that time, an estimated 3.3 million children were exposed to violence by a family member against a mother or female caretaker. The U.S. Advisory Board on Child Abuse and Neglect found domestic violence to be the single major precursor to child abuse and neglect fatalities in the United States. Child abuse is 15 times more likely to occur in homes where adult domestic violence is present.

Iowa’s child abuse reporting law, which is found in sections 232.67 through 232.75 of Iowa Code, was initially enacted in 1978, and has been amended several times since then. The intent of the law is to identify children who are victims of abuse. The law also provides for a professional assessment to determine if abuse has occurred. Accompanying the assessment are protective services designed to protect, treat, and prevent further maltreatment. The purpose of the Iowa law is to provide the greatest possible protection to children by encouraging the reporting of suspected child abuse. The state respects the bond between parent and child. However, the state does assert the right to intervene for the general welfare of the child when there is a clear and present danger to the child’s health, welfare, and safety. The state does not intend to interfere with reasonable parental discipline and child-rearing practices that are not injurious to the child. According to Iowa statute, the Department of Human Services, or DHS, has the responsibility to assess reports of suspected child abuse. DHS is the agency designated by law to receive reports of suspected child abuse and neglect.

The largest category of abuse is typically denial of critical care with it constituting approximately 80% of all cases. Physical abuse accounts for about 10%, and sexual abuse for about 5%. Child abuse related to drugs comprise about 5%, and other types we will discuss make up a very small percent of all cases. 50% of all child abuse victims are age 5 or younger. Even though this is already the largest group of abused children in Iowa, this category likely experiences the most unreported child abuse, as children this age are likely to have the least contact with outside individuals who may report the abuse.

DHS works closely with physicians, nurses, educators, mental health practitioners, law enforcement agencies, and the judiciary. These parties are involved in the identification, reporting, assessment, and treatment of cases of child maltreatment. Ultimately, children can be kept safer from abuse and neglect through increased community ownership, responsibility, and involvement. One entity, whether legislators, DHS, physicians, educators, or local law enforcement, alone cannot eliminate “child abuse.” The safety of children depends upon how well communities support families, organize basic systems, and make inclusive decisions about available resources. Partnerships that involve parents, neighbors, and grassroots community groups, in addition to public agencies and non-profit organizations, create community ownership, responsibility, and involvement. The vision of partnerships has evolved with the realization that “one size does not fit all.” Through partnerships, its citizens define a community’s needs, and services can be tailored to the particular needs and strengths of individual communities.
The child abuse reporting law is only one type of Iowa statute designed to deal with child abuse. Juvenile justice laws authorize the court to provide protection for children through supervision in their own homes or in substitute care. Criminal laws are separate from the child abuse reporting and juvenile justice laws. Criminal laws provide for the prosecution of alleged perpetrators in cases where a criminal act has been committed. Additionally, dependent child abuse may be a crime. Often, the evaluating worker and law enforcement work together. Criminal laws provide for the prosecution of alleged perpetrators in cases where a criminal act has been committed.

“Dependent adult” abuse allegations involve people who are aged 18 or over, and are incapable of adequate self-care due to physical or mental conditions, and require assistance from other people. Dependent adults may be elderly, or may have diminished physical or mental capacities that prevent them from meeting their own needs adequately. Researchers estimate that only 1 in 14 incidents of elder abuse actually come to the attention of law enforcement or human service agencies. Elder abuse is one of the most under-recognized and under-reported social problems in the United States. It is far less likely to be reported than child abuse because of the lack of public awareness. Nationally, it is estimated that over 55% of elder abuse is due to self-neglect. Such abuse can happen anywhere – in private homes, at health care facilities, and in the community at large. Iowa has an increasing proportion of people who are aged 60 or over. The number of persons 80 or over is increasing more rapidly than any other age group. Iowa’s proportion of older adults in the population exceeds that of the United States as a whole. Nationally, Iowa ranks 2nd in the percentage of persons over 75 and 85.

Dependent adults also include those who have diminished physical or mental capacity. People who have a diminished ability to protect themselves and are dependent on others for basic needs, are particularly vulnerable to mistreatment, physical violence, threats of assault, verbal abuse, financial exploitation, physical or emotional neglect, and sexual abuse. Iowa has a sizable population of adults who are dependent, but who are not elderly.

Iowa Code Section 235B, “Dependent Adult Abuse,” took effect on January 1, 1983, and has been amended yearly since then. This law authorized the Department of Human Services, or DHS, to accept reports of suspected dependent adult abuse, evaluate those reports, complete an assessment of needed services, make referrals for services, and maintain a central registry of abuse information. DHS has legal authority to conduct evaluations and assessments of alleged dependent adult abuse that occurs in the community when it is alleged. DHS conducts approximately 1600 evaluations of dependent adult abuse annually.

Under Iowa Code Chapter 235E, the Department of Inspections and Appeals, or DIA, is now responsible for accepting reports of suspected dependent adult abuse, and for completing evaluations of these reports when the abuse is reported to have occurred in a facility. These facilities include licensed health care facilities, hospitals, elder group homes, assisted living facilities and programs, and adult day services programs. Reports of abuse in the community or homes are still handled by DHS.

Other laws provide other means of protection for dependent adults, including substitute decision makers and, when necessary, the involuntary commitment of adults for substance abuse or mental
health reasons. Services can be provided for dependent adults. However, all adults have a right to self-determination. This means that the dependent adult can refuse services unless a court determines that the person is not competent to make decisions, or is threatening his or her own life or that of others.

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Iowa Code section 235B.4 creates a central registry in DHS to provide a single source for the statewide collection, maintenance, and dissemination of abuse information. The Central Abuse Registry includes report data, investigative data, and disposition data relating to reports of abuse. The purpose of the Registry is to facilitate the identification of victims, or potential victims, of abuse by making available a single, statewide source of data. It also facilitates research on abuse by making available a single, statewide source of dependent adult abuse data.