

THE CHILD ABUSE ASSESSMENT: A Guide for Foster Parents

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Iowa Foster and Adoptive
Parents Association

Acknowledgements

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Table of Contents

Purpose _____	Page 6
Introduction _____	Page 6
How is Child abuse defined in Iowa? _____	Page 8
What is a child abuse assessment? _____	Page 9
Who should I talk to? _____	Page 11
What information will DHS need to complete the assessment? _____	Page 12
What is the assessment process? _____	Page 15
What is the Child Abuse Registry? _____	Page 18
What are my rights? _____	Page 19
How can I protect myself prior to an allegation? _____	Page 21
How can I protect myself after an allegation has been made? _____	Page 23
Do I need an attorney? _____	Page 24
Will my foster children/my biological children stay with me? _____	Page 25
What does this mean for me as a foster parent? _____	Page 27
Will there be court action? _____	Page 28
What will be done with the assessment report? _____	Page 29
Who has access to the final report? _____	Page 30
What else might happen? _____	Page 31
Where can I get support? _____	Page 32
Resources _____	Page 33
Glossary _____	Page 34

The purpose of this guide is to:

- Answer some of your questions
- Provide an overview of the assessment process as it affects foster parents
- Identify ways to protect yourself during the assessment process
- Tell you where you can go for information, assistance, or support

*"I would have been less scared
if I had known what to expect."
Linda Dodson,
foster and adoptive parent*

Introduction

Foster parents who have an abuse allegation made and an assessment completed should consider that:

- YOU ARE NOT ALONE
- Foster parent preservice training covers the likelihood of abuse allegations, but most families think it won't happen to them
- Just because you have had an allegation made, the state DOES NOT assume that abuse did occur
- This may be a difficult time for you and may cause disruption within your family
- You will likely have feelings of fear, embarrassment, shock and anger
- You'll want to know what you should do now

***For Calendar Year
2009 there were 194
foster parents investigated
for abuse and 41 of them were
confirmed or founded.***

Abuse does happen in foster care. Because foster parents are licensed (or go through a licensing process), they are at high risk for abuse allegations due to:

- Foster families are more closely monitored than the general public
- Children in placement are more likely to exhibit difficult behavior that can increase stress levels
- Corporal punishment (for example, spanking or hitting) of foster children by foster families is prohibited by law (Iowa Code 234.40)
- Foster parents may lack adequate training in discipline and behavior management
- Foster families may be overloaded with children or accept children who are a poor match with members of the foster family
- The ability to adequately supervise children may be questioned when a foster child is physically abusive or acts out sexually
- Children MAY make false reports
- Biological parents of children in placement MAY make false reports

Just because foster parents are at increased risk for abuse allegations does not mean that abuse does not occur. The incidence of abuse in foster care is eight times higher than in the general public. Foster families are responsible for their own actions.

How is child abuse defined in Iowa?

Generally, abuse can be physical, sexual, mental, or involve neglect.

- Physical Abuse is any nonaccidental injury that requires healing or a red mark that lasts more than 24 hours.
- Sexual Abuse is any sexual contact -including indecent contact or indecent exposure, like inappropriate touching or the showing of sexual parts by anyone.
- Mental Injury is a noticeable limit to a child's normal range of intellectual or psychological activity.
- Denial of Critical Care (neglect) includes failure to provide adequate food, shelter, clothing, supervision, or medical or mental health care when financially able to do so.
- Presence of Illegal Drugs in the Body of a Child - An illegal drug is present in a child's body as a result of the action of the caretaker.
- Child Prostitution - The caretaker allows, permits, or encourages the child to engage in prostitution.
- Manufacturing or possession of dangerous substance.
- Obscene materials—allowing access, exhibiting or disseminating obscene materials.
- Bestiality in the presence of a minor.
- Allows access by a registered sex offender.

The Mandatory Reporter Guide contains the specific language and definitions included in Iowa's Administrative Code.

Website: www.dhs.state.ia.us/ReportingChildMand.asp

What is a child abuse assessment?

“Assessment” means the process by which DHS carries out its legal mandates to:

- Address the safety of the child
- Determine if child abuse has occurred
- Evaluate the family functioning and engage the family in appropriate services to enhance family strengths and meet identified needs in a culturally sensitive manner

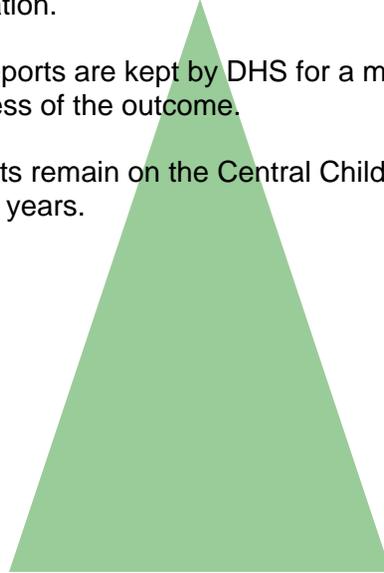
The assessment used to be called an investigation—some people are still more familiar with that term.

The assessment includes:

- An investigation of the allegations
- Assessing the family’s strengths and needs and the family situation.

Assessment reports are kept by DHS for a minimum of five years, regardless of the outcome.

Founded reports remain on the Central Child Abuse Registry for 10 years.



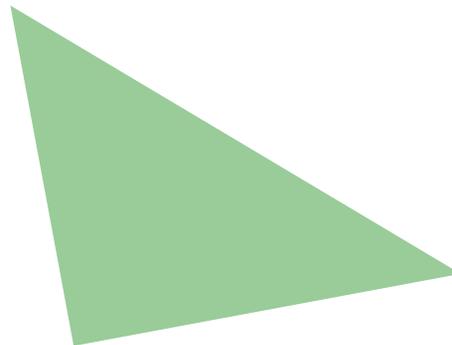
Who should I expect to see?

Through the course of the assessment, you should expect to have contact with:

- The DHS Child Protective Worker (CPW)
- Your foster home licensing worker

You *might* have contact with:

- The child's foster care worker
- A physician or mental health practitioner
- Law enforcement
- A lawyer or guardian ad litem
- A judge
- A CASA (Court Appointed Special Advocate). If involved, a CASA:
 - ◆ Has access to the information
 - ◆ Is an advocate for the child, not the foster parent



Who should I talk to?

- Communicate directly with the DHS Child Protective Worker and make sure they have a complete understanding of the situation.
- To continue to be a foster parent, you must cooperate and provide factual information to the DHS Child Protective Worker. Failure to do so may result in licensing sanctions.
- Other people can support you, but they can't carry messages to the DHS Child Protective Worker - you must do that yourself.
- You may wish to consult with an attorney. See the section on "Do I need an attorney?" on Page 24 for more information on legal representation.

The foster parent is ultimately responsible to share all information directly with the DHS Child Protective Worker.

What information will DHS need to complete the assessment?

It is the DHS Child Protective Worker's responsibility to find out all they can about the situation. Law enforcement may conduct a joint investigation with the DHS Child Protective Worker. The DHS Child Protective Worker will collect the following types of information:

- A description of the alleged incident
- A description of the family's strengths and needs
- A description of the home environment
- Identification of the person responsible for the alleged abuse
- Identification of other caretakers in the home
- A description of the child
- A complete description of any injuries to the child, which may include asking a physician to help determine the severity of the injuries
- An evaluation of the safety of the child and other children in the household

Detailed information collected from the foster parents might include:

- Actions that resulted in previous reports of abuse
- Disciplinary techniques and strategies

- Ability and understanding of the need to supervise a child
- Emotional care and nurturing behavior
- Ability to protect child from danger
- Mental health
- Physical health
- Criminal history
- Knowledge of social, emotional, and behavioral development
- Recognition of strengths and needs
- Attitude toward the assessment process
- Family stressors
- Work history
- Family history
- Support systems
- Previous work with the child's therapist and/or therapist directed techniques



The law allows the DHS Child Protective Worker to talk to:

- Other people who know you, the child, or have information about the situation (Examples include counselors, therapists, daycare providers, and neighbors)
- Doctors
- School personnel

Licensing workers and placement workers may be consulted. The DHS Child Protective Worker can share pertinent verbal information about the situation with mandatory reporters who are involved in the family situation.

Written information can be shared only through permission from the Child Abuse Registry or by court order.

At the conclusion of the assessment, a mandatory reporter can request the report from the Registry.

Assisting the worker in collecting as much information as possible will help ensure that they consider your entire situation. Be sure to share all important information with the DHS Child Protective Worker.

Document in writing your account of the alleged abuse.

Document in writing others who can provide information to assist with the assessment.

What is the assessment process?

Intake _____

- A verbal or written report can be made by anyone to DHS
- Assessment occurs if:
 - ◆ The allegations claim that there is abuse to the child
 - ◆ Abuse is caused by an act or failure to act of someone who is responsible for taking care of a child
 - ◆ The allegations meet the definition of abuse
- Time frame:
 - ◆ The DHS Child Protective Worker has 24 hours to observe the child, unless the report indicates a serious injury, high risk of injury, or sexual abuse, in which case the child will be seen within one hour
 - ◆ The assessment will be completed in 20 business days
- Your foster home license can be impacted even if the report is not accepted for an assessment

***If a report is made but is not accepted for an assessment, the information may be forwarded to the foster care licensing worker for foster care licensing rule violations.
Example – foster parents who are spanking foster children but there is no physical injury.***

Assessment _____

The DHS Child Protective Worker will try to learn a lot about your family and the child in a short amount of time. See the section on “What information will DHS need to complete the assessment?” (see Page 12).

Determination _____

The DHS Child Protective Worker will consider the information gathered and consult with their supervisor in coming to a determination. There are three possible outcomes:

1) “Founded”, which means that a preponderance (at least 51%) of evidence indicates the alleged abuse occurred and the report will be placed on the Central Abuse Registry.

2) “Confirmed Abuse not placed on the Registry” means there is a preponderance of evidence (at least 51%) that the alleged abuse did occur, but it does not meet the criteria needed to be placed on the Central Abuse Registry.

3) “Not confirmed” which means that there was not a preponderance of evidence (less than 51%) indicating the alleged abuse occurred.

Plan or Recommendations for Action _____

The DHS Child Protective Worker will also try to develop a plan of action for your family, based upon what they learn, which may include:

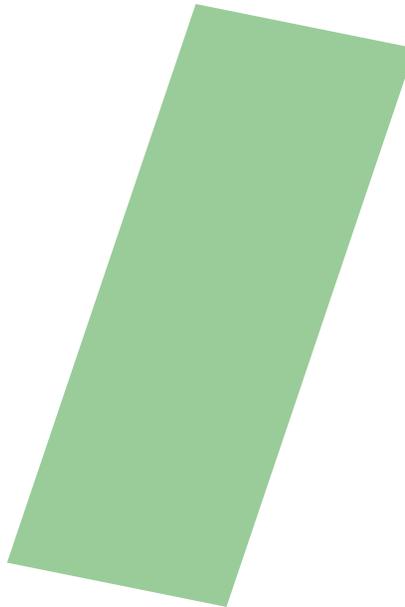
- A statement that no further action is recommended
- A referral to the licensing worker for licensing violations for development of a corrective action plan

- A recommendation that services be provided to the family
- A recommendation for juvenile or criminal court involvement

The foster care licensing worker will make a recommendation to DHS on retaining or revoking the foster care license.

You will receive a copy of the DHS determination on the Notice of Child Abuse Assessment Form.

In order to receive a copy of the assessment, you must request it by completing and returning the back of the Notice of Child Abuse Assessment form.



What is the Child Abuse Registry?

The Child Abuse Registry is a computerized listing of founded child abuse reports maintained in the central office of the Iowa Department of Human Services. All records of founded abuse are kept on the Registry for ten years and then are sealed.

The Registry is used by employers of certain occupations to request child abuse information on potential employees.

Registry personnel follow the law outlined in Iowa Code 235A.15 to make determinations as to who may access information on the Registry or provide permission to disseminate the report.

The Registry is checked to determine if persons who want to become foster or adoptive parents are listed as having abused a child.

What are my rights?

- You have the right to be informed of the allegation made against you. DHS is not authorized to disclose who made the allegation.
- You have the right to be interviewed and provide information and documentation on the allegation.
- You have a right to receive a copy of the Child Abuse Assessment - (evaluation of the abuse).
- You have the right to deny access to your home unless the worker has a court order indicating they may enter. Doing so may result in loss of your foster care license.
- You DO NOT have the right to deny access to the foster child.
- Since foster children are in the custody of DHS, the department has the right to make the determination whether or not to keep foster children in your care during the assessment.
- You have the right to receive the Foster Family Removal Letter, citing the reasons for the removal. You have the right to request a regional staffing on a decision to remove the child.
- You have the right to due process throughout the investigation. Due process means that the DHS Child Protective Worker and all others involved (like police or the courts) follow procedure when dealing with you.
- You have the right to receive the Notice of Child Abuse Assessment. The right to appeal the outcome of the assessment is listed on the back of the Notice of Child Abuse Assessment form. In fact, you have the right to appeal ANY decision to place your name on the Central Abuse Registry. This is also listed on the back of the Notice of Child Abuse Assessment form.

- You have a right to an attorney to represent you. This will be at your expense.
- You have the right to request to have another person present during the interview. The request may be denied since the information regarding a child is confidential.
- Your Peer Liaison is not allowed to attend the interview due to confidential information on the foster child.
- For licensing decisions, you have a right to receive a Notice of Action which details the status of your foster care license. Appeal rights are listed on the back of the form.

There are several points during the assessment process when you can intervene or appeal a decision:

- You may request a staffing to review the removal of foster children (see the Foster Family Removal Letter)
- You may appeal the outcome of the assessment report (see the Notice of Child Abuse Assessment form)
- You may appeal the decision to place your name on the Child Abuse Registry (see the Notice of Child Abuse Assessment form)
- You may appeal decisions made by your licensing worker (see the Notice of Action form)

Carefully review the forms you receive - each appeal has different time frames. All appeals must be received in writing.

How can I protect myself prior to an allegation? DOCUMENT!!

- As a preventative measure, attend Preventative Practices and Building Strengths training modules offered by IFAPA.
- Keep a logbook on each child in your care. Factually document regularly and consistently.
- You should always document any incidents and report problems to the child's worker immediately.
- Don't wait until there is a crisis to report concerns to workers or ask for help. Be persistent.
- Refuse to accept inappropriate placements. Carefully consider potential placement for their impact on other foster children and other family members.
- Have a crisis plan.
- Call your IFAPA Peer Liaison for support or assistance.
- Call the FAIR line for information.
- Call your Iowa KidsNet support worker.
- Plan for and use respite care to prevent stress build-up.
- Establish household expectations regarding privacy.
- Ask your licensing worker for training suggestions.
- Carefully select training that addresses the needs of the children in your care.

- Attend as much training as you can rather than just meeting minimal requirements.
- Join a foster parent support group.
- Cultivate a good relationship with your social worker.
- Regularly assess potential risks throughout your home.
- Seek or access professional services and supports.
- Recognize your own personal limits.
- Avoid activity that would fall under the definition of abuse.

Sharing your feelings or talking about situations in your home is not a breach of confidentiality. Never share the child's name or specific identifying information about a child abuse assessment.

How can I protect myself after an allegation has been made?

- WRITE DOWN EVERYTHING, including the times and dates that you talked to the DHS Child Protective Worker, and what you talked about.
- Document what questions you ask, and the responses you receive to those questions.

Write down everything.

- Be cooperative, respectful, and courteous.
- Try to stay calm and organized.
- Give full and complete information about the situation.
- Know your rights.
- Call FAIR for information and support. The toll free number is 877/788-7255, or locally (in the Des Moines area) you can call 515/261-7255.
- Always respect confidentiality when you talk to others.
- You might want to hire an attorney.

FAIR
The Foster Allegation Information Resource program is a source of information about a child abuse assessment. The FAIR program is sponsored by IFAPA.

Do I need an attorney?

- Hiring an attorney is not required, although at any point you may choose to do so.
- Hiring an attorney is at your expense.
- An attorney may be able to help you understand laws and your rights.
- An attorney may be able to help advocate for you and can be included in any proceeding at your request.
- Remember, the following people DO NOT represent you:
 - ◆ The child's guardian ad litem or child's attorney
 - ◆ The county attorney
 - ◆ The CASA worker
- Call an attorney referral service, such as that offered by the Iowa Bar Association at 515/280-7429 or 1/800/532-1108, for a list of attorneys and their areas of specialization.

Will my foster children/my biological children stay with me?

It is not uncommon to move the foster child during an assessment. Because foster children are in the state's custody, there are different standards of consideration. DHS has a responsibility to ensure the safety and well-being of the child. The following considerations will be made by the DHS Child Protective Worker:

- The DHS Child Protective Worker will make a determination of risk of all children in the home—including foster, adoptive and birth children.
- The law requires DHS to move foster children whenever it is in that child's "best interests" to do so.
- Removing the foster child does not mean there will be a determination that the alleged abuse has occurred - it is often a precautionary measure during the assessment.
- There is no requirement for a 10-day notice for removal in instances where the DHS Child Protective Worker believes there may be imminent risk to the child. Foster care payment is not guaranteed during that time.

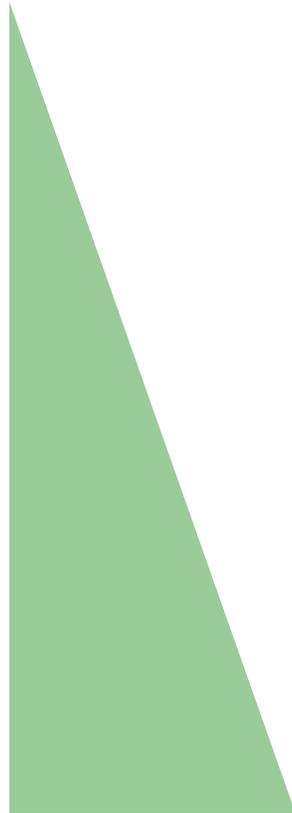
There are some protections for you if the foster child is removed:

- There can be no accusation that you led the foster child's testimony, or that you retaliated against the child regarding the allegation.
- Removing the child helps protect you and the child from any strong feelings about the assessment—the time away can serve as a cooling off period.

Your adopted or birth children may be removed in extreme circumstances:

- Where there is an allegation AND there is supporting evidence that the children are in danger.
- They are determined to be at imminent risk if they remain in your care.

You are guardian to your birth and adopted children, and are afforded all the legal rights and protections that all parents have.



What does this mean for me as a foster parent?

- The licensing agency will be notified of the specific allegations, and the licensing worker may assist with the assessment.
- The child's foster care worker may also be involved. Both workers may be required to step back from the situation in order to assure that they don't hinder the assessment. Foster parents may feel a lack of support during this time.
- Foster children may or may not be removed (see previous section).
- Confirmed abuse does not necessarily mean your foster care license will be revoked.
- You may receive an additional notice on licensing decisions, called a Notice of Action.
- Licensing decisions and child abuse decisions must be appealed separately and timely.
- Even if the outcome of the assessment is "not confirmed" you may still need to address licensing issues, and your license could be revoked or a corrective action plan developed.

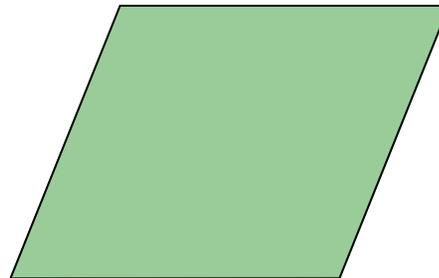
The child abuse report is not public record. Re-dissemination (sharing) of the report without court order or permission from the Child Abuse Registry can result in criminal or civil action.

Will there be court action?

The DHS Child Protective Worker may recommend that juvenile or criminal court action take place.

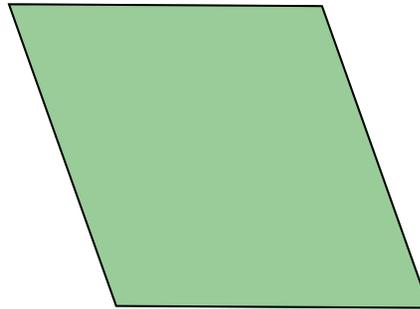
The Child Abuse Assessment report will list if further juvenile court action is recommended. Juvenile court action might include a recommendation for juvenile court involvement for your own (biological) children; or regarding the return of foster children to the foster family.

If criminal court action is recommended, there may be a criminal investigation, and charges may be filed.



What will be done with the assessment report?

The assessment report will be maintained for at least five years. The reason reports are kept is to assess if there is a pattern of concerns over time. Without retention of the reports, DHS would be unable to establish and document a pattern of behavior or concerns. Carefully read the [Notice of Child Abuse Assessment](#) form to determine how long the report will be maintained.



Who has access to the final report?

The following individuals can request a copy of the Child Abuse Assessment report:

- The foster parents, if they are the persons alleged to be responsible for the abuse.
- Other mandatory reporters, including foster parents, if they are directly involved with the child.
- The CASA worker
- The guardian ad litem
- The child

Some individuals will receive a copy of the Child Abuse Assessment report:

- The county attorney
- The Juvenile Court
- The custodial and noncustodial parents
- DHS staff who are involved in licensing decisions

Additional Information to Consider:

- Your relationships may change with your foster children, biological children, spouse, friends, neighbors, co-workers, or others affected by this process and allegation. Try to expect that change and not let it hamper your efforts.
- You may be required to accept a corrective action plan to maintain your foster care license.
- Your license may be suspended or placed on provisional status for a period of time.
- Seek out support throughout the assessment process. The FAIR line is a confidential resource for you.
- If you are in a profession that provides care to children, you may lose your livelihood due to the outcome of the assessment.

IFAPA's FAIR Program Phone:
(Foster Allegation Information Resource)

877-788-7255

Where can I get support?

- The Iowa Foster and Adoptive Parent's Association (IFAPA) has FAIR (Foster Allegations Information Resource) that provides information to foster parents in your situation. The FAIR coordinator can answer some questions for you. Call 1/877-788-7255 or 515/261-7255 to contact them.
- Peer Liaisons are available for support. If you don't know who your liaison is, call IFAPA at 1/800/277-8145 or 515/289-4567 or go to the IFAPA website www.ifapa.org for your local Peer Liaison's contact information.
- An Iowa KidsNet support worker is assigned to each foster parent. If you do not know who your support worker is, please contact 800-243-0756.
- An attorney can provide information about your choices and help you understand the assessment process.
- You can talk to your natural supports, like family members, religious officials, close friends, etc.,
ENSURING THAT YOU DO NOT VIOLATE
CONFIDENTIALITY.
- Be aware that if you talk to others, including other foster parents, confidential information on the foster child cannot be shared or you will be violating confidentiality laws.
- The Citizens' Aide/Ombudsman can help you if you have a grievance against the state or DHS. They cannot help change the decision of the DHS Child Protective Worker.

Resources

Iowa Foster and Adoptive Parents Association

6864 NE 14 Street, Suite 5

Ankeny, Iowa 50023

800/277-8145 or 515/289-4567 515/289-2080 Fax

ifapa@ifapa.org e-mail

Contact IFAPA for information about the following supports:

- Peer Liaisons
 - Foster Allegations Information Resource (FAIR) Program - 1/877-788- 7255 or 515/261-7255
 - Preventative Practices training, Building Strengths Training Modules, and Mandatory Reporter Training
-

Citizens' Aide / Ombudsman

215 East Seventh

Des Moines, Iowa 50319

888-IA-OMBUD 515/281-3592 515/242-6007 Fax

The role of the Citizens Aide / Ombudsman is to liaison between citizens and state government. Contact this office if you have concerns about your treatment by state government agencies.

Iowa Department of Human Services

Call the DHS office in your county. The phone number can be found in the government section of the phone book.

Iowa Bar Association Attorney Referral Service

800/832-1108 or 515/280-7429

If you are considering hiring an attorney to represent your interests, you can call this number for a listing of local attorneys and their areas of expertise.

DHS Foster Parent Handbook:

Don't forget about your Foster Parent Handbook. It contains valuable information. Looking through the handbook first may have the answers you need, and save you time in making phone calls and requesting information from others. Find a copy of the DHS Foster Parent Handbook

online at http://www.dhs.state.ia.us/policyanalysis/PolicyManualPages/Manual_Documents/Forms/comm33.pdf

Glossary

Corrective Action Plan

When DHS is concerned about a foster family meeting all standards for maintaining their license, they will develop a corrective action plan for the foster family. The family's license will be placed on provisional status based on Iowa Administrative Code 441, Chapter 112.7(1,2) until the terms of the corrective action plan are met. The plan will outline specific responsibilities the foster family must meet to correct deficiencies and retain their license, and the time frame for completion. The foster parent(s) will be asked to agree to and sign the plan.

Abuse Assessment / Abuse Investigation

Child Abuse Assessment is the approach currently used to assess child abuse. The Department of Human Services used to conduct investigations - many people are more familiar with that term. This change has occurred gradually over the state during the past two years, and now, the entire state uses the assessment approach. The definition of assessment and what is involved in an assessment is covered in this publication.

Mandatory Reporters of Child Abuse

Professionals who have frequent contact with children are considered to be mandatory reporters. In Iowa, mandatory reporters typically work in one of six different disciplines: medicine, mental health, education, social work, childcare, or law enforcement. Individuals who are considered mandatory reporters are required to report suspected abuse when, in the scope of professional practice or in their employment responsibilities, they examine, attend, counsel, or treat a child and reasonably believe a child has suffered abuse. Reports must be made within 24 hours.

Permissive Reporters of Child Abuse

Any person who believes that a child has suffered abuse may make a report of the suspected abuse to the Department of Human Services. Mandatory reporters are considered permissive reporters when they suspect abuse,

but that suspicion is not based on their professional practice or work with the child or family. An example of this type of instance might be when a foster parent observes an infant left alone in a car with the windows closed on a very hot day. The foster parent does not work directly with this child, but may act as a permissive reporter and make a child abuse report.

Assessment Conclusions / Placement on the Child Abuse Registry

There are three possible outcomes to child abuse assessments:

- Not confirmed- Based on the credible evidence gathered the child protection worker determines that abuse did not occur.
- Abuse is confirmed (but not placed on the Central Abuse Registry)- Based on a preponderance (51% or more) of all the credible evidence available to the child protection worker the allegation of abuse is confirmed; however, the abuse will not be placed on the Central Abuse Registry.
- Abuse founded (confirmed and placed on the Central Abuse Registry) - Based on a preponderance (51% or more) of all the credible evidence available to the child protection worker the allegation of abuse is confirmed and it is the type of abuse that requires placement on the Child Abuse Registry.

Placing a Report on the Child Abuse Registry

Reports of child abuse that are founded shall be placed on the Child Abuse Registry under the following circumstances:

- The report confirms mental injury
- The report confirms child prostitution
- The report confirms presence of illegal drugs
- The report confirms sexual abuse AND the person who committed the abuse is aged 14 or over
- The report confirms manufacturing or possession of a dangerous substance.
- The report confirms bestiality in the presence of a minor.
- The report confirms allowed access by a registered sex offender.

- The report confirms denial of critical care by:
 - ◆ Failure to provide adequate food and nutrition
 - ◆ Failure to provide adequate shelter
 - ◆ Failure to provide adequate health care
 - ◆ Failure to provide adequate mental health care
- Juvenile or criminal court action is recommended in the report
- Child abuse has been confirmed involving the same person within the previous 18 months
- The person responsible for the abuse continues to pose a danger to the child named or to another child
- The report confirms child abuse which took place in specific facilities (including a foster family home).

Reports of child abuse that are confirmed in one of the following categories require further evaluation:

- Physical abuse
- Denial of critical care by failure to provide adequate clothing
- Denial of critical care by failure to provide proper supervision

In these categories, the report is placed on the Registry unless all three of the following criteria are met:

- The abuse was minor, and
- The abuse was isolated, and
-
- The abuse is unlikely to reoccur.

**Iowa Foster and Adoptive
Parents Association**
6864 NE 14 Street, Suite 5
Ankeny, Iowa 50023
800/277-8145
515/289-4567
515/289-2080 Fax
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