

7 assistance, the state board shall make such rules and regulations as
8 may be necessary to qualify for federal aid in the assistance programs
9 administered by the board."

Approved May 19, 1965.

CHAPTER 217

PHYSICAL ABUSE OF CHILDREN REPORTED

S. F. 50

AN ACT relating to the reporting by physicians, institutions, and others of certain physical abuse of children and the protection of children against further injury.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Policy.** It is the policy of this state to provide pro-
2 tection for children who have been physically injured as a result of
3 abuse or willful neglect and who may be in danger of further injury.
4 This Act shall be administered and interpreted to provide the greatest
5 possible protection as promptly as possible for such children.

1 SEC. 2. **Definitions.** Wherever used in this Act, unless the context
2 clearly indicates otherwise:

3 1. "Health practitioner" includes any physician, surgeon, osteopath,
4 dentist, optometrist, podiatrist, or chiropractor; any resident or intern
5 in any of such professions; and any registered nurse attending or
6 treating a child in the absence of a practitioner of any of such profes-
7 sions.

8 2. "Child" means any person under the age of eighteen (18) years.

9 3. "County department of social welfare" and "county attorney"
10 have the meaning stated in section six (6) of this Act.

1 SEC. 3. **Report.** Every health practitioner who examines, attends,
2 or treats a child and who believes or has reason to believe that the
3 child has had physical injury inflicted on him as a result of abuse or
4 willful neglect, shall make a report as provided in the following section.
5 However, if the health practitioner examines, attends, or treats the
6 child as a member of the staff of a hospital or similar institution, he
7 shall immediately notify and give complete information to the person
8 in charge of the institution or his designated representative, who shall
9 make a report as provided in the following section.

10 Any other person who believes that a child has had physical injury
11 inflicted upon him as a result of abuse or neglect may make a report as
12 provided in the following section.

1 SEC. 4. **Nature and contents of report; to whom made.** Each
2 report shall be made both orally and in writing, and both reports shall
3 be made as soon as is reasonably possible.

4 The oral report shall be made by telephone or otherwise to the
5 county department of social welfare. If the person making the report
6 believes or has reason to believe that immediate protection for the

7 child is advisable, he also shall immediately make an oral report to an
8 appropriate law enforcement agency.

9 The written report shall be made to the county department of social
10 welfare and the county attorney.

11 The oral and written reports shall contain the following information,
12 or as much thereof as the person making the report is able to furnish:
13 (1) the names and home addresses of the child and his parents or
14 other persons responsible for his care; (2) the child's present where-
15 abouts if not the same as his home address; (3) the child's age; (4)
16 the nature and extent of the child's injuries, including any evidence of
17 previous injuries; and (5) any other information which the person
18 making the report believes might be helpful in establishing the cause
19 of the injuries and the identity of the person or persons responsible
20 therefor.

21 A report made by anyone other than a health practitioner, hospital,
22 or similar institution may be oral, written, or both; shall be regarded
23 as a report pursuant to this Act whether or not the report contains all
24 of the information required by this section; and may be made to any
25 county department of social welfare, county attorney, or law enforce-
26 ment agency. If the report is made to any agency other than the
27 county department of social welfare, such agency shall promptly refer
28 the report to the county department of social welfare.

1 **SEC. 5. Investigation and other action.** The county department of
2 social welfare shall make a thorough investigation promptly after re-
3 ceiving either the oral or written report. The primary purpose of the
4 investigation shall be the protection of the child.

5 The investigation shall include the nature, extent, and cause of the
6 child's injuries; the identity of the person or persons responsible
7 therefor; the names and conditions of other children in the home;
8 the child's home environment and relationship with his parents or
9 other persons responsible for his care; and all other pertinent matters.

10 The investigation shall include a visit to the child's home. If ad-
11 mission to the home cannot be obtained, the juvenile court or district
12 court, upon good cause shown, may authorize the person or persons
13 making the investigation to enter and examine the child's home, using
14 reasonable force if necessary.

15 The county department of social welfare shall make a complete writ-
16 ten report of the investigation to the juvenile court, the county attor-
17 ney, and the appropriate law enforcement agency.

18 The written report of the investigation shall be delivered within
19 ninety-six (96) hours after the county department of social welfare
20 receives either the oral or written report of injury, unless the juvenile
21 court or district court grants an extension of time for good cause
22 shown.

23 The county attorney and any law enforcement or welfare agency in
24 the state shall cooperate and assist in the investigation upon the re-
25 quest of the county department of social welfare. The county attorney
26 and appropriate law enforcement agencies shall also take any other
27 lawful action which may be necessary or advisable for the protection
28 of the child.

29 The county department of social welfare shall make available all
30 lawful services and take all lawful action which appears advisable to
31 protect the health and welfare of the child and his family.

32 The county department of social welfare shall promptly begin any
33 proceeding under chapter two hundred thirty-two (232) of the Code
34 which appears to be in the best interests of the child; but if the county
35 department of social welfare fails to do so, the county attorney shall
36 promptly do so.

1 **SEC. 6. Jurisdiction; transfer.** "County department of social wel-
2 fare" or "county attorney" ordinarily refer to the county in which the
3 child's home is located.

4 However, if the person making the report pursuant to this Act does
5 not know where the child's home is located, or if the child's home is
6 not located in the county where the health practitioner examines,
7 attends, or treats the child, the report may be made to the designated
8 agencies for the county where the person making the report resides
9 or the county where the health practitioner examines, attends, or
10 treats the child. These agencies shall promptly proceed as provided in
11 section five (5) of this Act, unless the matter is transferred to another
12 county as provided in this section.

13 If it appears that the child's home is located in another county, the
14 county department of social welfare shall promptly transfer the matter
15 to the other county by transmitting a copy of the report of injury and
16 any other pertinent information to the county department of social
17 welfare and the county attorney of the other county. They shall
18 promptly proceed as provided in section five (5) of this Act.

1 **SEC. 7. Immunity from liability.** Anyone participating in good
2 faith in the making of a report pursuant to this Act shall have im-
3 munity from any liability, civil or criminal, which might otherwise be
4 incurred or imposed. Any such participant shall have the same im-
5 munity with respect to participation in good faith in any judicial pro-
6 ceeding resulting from such report or relating to the subject matter
7 of such report.

1 **SEC. 8. Evidence not privileged or excluded.** Sections six hundred
2 twenty-two point seven (622.7), six hundred twenty-two point nine
3 (622.9), and six hundred twenty-two point ten (622.10), Code 1962,
4 and any other statute or rule of evidence which excludes or makes
5 privileged the testimony of a husband or wife against the other or the
6 testimony of a health practitioner as to confidential communications,
7 shall not apply to evidence regarding a child's injuries or the cause
8 thereof in any judicial proceeding, civil or criminal, resulting from a
9 report pursuant to this Act or relating to the subject matter of such
10 report.

Approved May 7, 1965.