

1 SEC. 11. Section four hundred forty-four point twelve (444.12),
 2 subsection two (2), unnumbered paragraph one (1), Code 1973, is
 3 amended to read as follows:

4 Any portion which the board of supervisors may deem advisable of
 5 the cost of psychiatric examination and treatment of persons in need
 6 thereof or of professional evaluation, treatment, training, habilitation,
 7 and care of *persons who are mentally retarded persons or are afflicted*
 8 *by any other developmental disability*, at any suitable public or private
 9 facility providing inpatient or outpatient care in such county. *As used*
 10 *in this subsection, "developmental disability" has the meaning assigned*
 11 *that term by title forty-two (42), section two thousand six hundred*
 12 *ninety-one (2691), subsection one (1), United States Code, as amended*
 13 *to January 1, 1974.*

1 SEC. 12. Section four hundred forty-four point twelve (444.12),
 2 Code 1973, is amended by inserting after subsection four (4), the fol-
 3 lowing new subsection:

4 NEW SUBSECTION. Foster care and related services provided to any
 5 child who is under the jurisdiction of the juvenile court, if provided
 6 upon the order of the court.

Approved May 29, 1974

CHAPTER 1162

CHILD ABUSE

S. F. 1225

AN ACT relating to child abuse, the creation of a bureau of the central registry for child abuse information and providing penalties.

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

1 SECTION 1. Section two hundred thirty-five A point one (235A.1),
 2 Code 1973, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **235A.1 Legislative findings—purpose and policy.** Children in this
 5 state are in urgent need of protection from physical abuse. It is the
 6 purpose and policy of this Act to provide the greatest possible protec-
 7 tion to victims or potential victims of abuse through encouraging the
 8 increased reporting of suspected cases of such abuse, insuring the
 9 thorough and prompt investigation of these reports, and providing
 10 rehabilitative services, where appropriate and whenever possible to
 11 abused children and their families which will stabilize the home en-
 12 vironment so that the family can remain intact without further dan-
 13 ger to the child.

1 SEC. 2. Section two hundred thirty-five A point two (235A.2),
 2 Code 1973, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **235A.2 Definitions.** As used in this chapter, unless the context
 5 otherwise requires:

- 6 1. "Child" means any person under the age of eighteen years.
7 2. "Child abuse" or "abuse" means any nonaccidental physical in-
8 jury suffered by a child as the result of the acts or omissions of the
9 child's parents, guardians or other person legally responsible for the
10 child.
11 3. "Department" means the state department of social services and
12 includes the local, county, and regional offices of the department.
13 4. "Health practitioner" includes a licensed physician and surgeon,
14 osteopath, osteopathic physician and surgeon, dentist, optometrist, po-
15 diatrist, or chiropractor; a resident or intern in any of such profes-
16 sions; and any registered nurse or licensed practical nurse.
17 5. "Registry" means the central registry for child abuse informa-
18 tion established in section thirteen (13) of this Act.

1 SEC. 3. Section two hundred thirty-five A point three (235A.3),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **235A.3 Mandatory and permissive reporters.**

5 1. The following classes of persons shall make a report, as provided
6 in section four (4) of this Act, of cases of child abuse and willful
7 neglect and child abuse suffered by a child during the care or cus-
8 tody of the child by a person not listed in section two hundred thirty-
9 five A point two (235A.2), subsection two (2), of the Code:

10 a. Every health practitioner who examines, attends, or treats a
11 child and who believes or has reason to believe that the child has had
12 physical injury inflicted on the child as a result of abuse. If, however,
13 the health practitioner examines, attends, or treats the child as a
14 member of the staff of a hospital or similar institution, the examining
15 health practitioner shall immediately notify and give complete infor-
16 mation to the person in charge of the institution or the health practi-
17 tioner's designated agent and the person in charge of the institution
18 or designated agent shall make the report.

19 b. Every social worker under the jurisdiction of the department of
20 social services, public or private health care facility (as defined in
21 section one hundred thirty-five C point one (135C.1) of the Code),
22 certified psychologist, certificated school employee, employee of a
23 licensed day care facility, member of the staff of a mental health cen-
24 ter, or peace officer, who, in the course of employment, examines, at-
25 tends, counsels or treats a child and believes or has reason to believe
26 that the child has had physical injury inflicted on the child as a result
27 of abuse. Whenever such person is required to report under this sec-
28 tion as a member of the staff of a public or private institution, agency
29 or facility, that person shall immediately notify the person in charge
30 of such institution, agency or facility, or that person's designated
31 agent and the person in charge of the institution, agency, or facility,
32 or the designated agent shall make the report.

33 2. Any other person who believes that a child has had physical
34 injury inflicted upon him as a result of abuse may make a report as
35 provided in section four (4) of this Act.

1 SEC. 4. Section two hundred thirty-five A point four (235A.4),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **235A.4 Reporting procedure.**

5 1. Each report made by a mandatory reporter, as defined in section
6 two hundred thirty-five A point three (235A.3), subsection one (1) of
7 the Code, shall be made both orally and in writing. Each report made
8 by a permissive reporter, as defined in section two hundred thirty-five
9 A point three (235A.3), subsection two (2) of the Code, may be oral,
10 written, or both.

11 2. The oral report shall be made by telephone or otherwise to the
12 department of social services. If the person making the report has
13 reason to believe that immediate protection for the child is advisable,
14 that person shall also make an oral report to an appropriate law en-
15 forcement agency.

16 3. The written report shall be made to the department of social
17 services within forty-eight hours after such oral report.

18 4. The department of social services shall:

19 a. Immediately, upon receipt of an oral report, make an oral report
20 to the registry;

21 b. Forward a copy of the written report to the registry; and

22 c. Notify the appropriate county attorney of the receipt of any
23 report.

24 5. The oral and written reports shall contain the following infor-
25 mation, or as much thereof as the person making the report is able
26 to furnish:

27 a. The names and home address of the child and his parents or
28 other persons believed to be responsible for his care;

29 b. The child's present whereabouts if not the same as the parent's
30 or other person's home address;

31 c. The child's age;

32 d. The nature and extent of the child's injuries, including any
33 evidence of previous injuries;

34 e. The name, age and condition of other children in the same home;

35 f. Any other information which the person making the report be-
36 lieves might be helpful in establishing the cause of the injury to the
37 child, the identity of the person or persons responsible for the injury,
38 or in providing assistance to the child; and

39 g. The name and address of the person making the report.

40 6. A report made by a permissive reporter, as defined in section two
41 hundred thirty-five A point three (235A.3), subsection two (2) of
42 the Code, shall be regarded as a report pursuant to this Act whether
43 or not the report contains all of the information required by this sec-
44 tion and may be made to the department of social services, county
45 attorney, or law enforcement agency. If the report is made to any
46 agency other than the department of social services, such agency
47 shall promptly refer the report to the department of social services.

1 SEC. 5. Section two hundred thirty-five A point five (235A.5),
2 Code 1973, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **235A.5 Duties of the department upon receipt of report.**

5 1. Whenever a report is received, the department of social services
6 shall promptly commence an appropriate investigation. The primary
7 purpose of this investigation shall be the protection of the child named
8 in the report.

9 2. The investigation shall include:

10 a. Identification of the nature, extent, and cause of the injuries, if
11 any, to the child named in the report;

12 b. The identification of the person or persons responsible therefor;

13 c. The name, age, and condition of other children in the same home
14 as the child named in the report;

15 d. An evaluation of the home environment and relationship of the
16 child named in the report and any other children in the same home
17 as the parents or other persons responsible for their care;

18 e. An investigation of all other pertinent matters.

19 3. The investigation may with the consent of the parent or guard-
20 ian include a visit to the home of the child named in the report and
21 examination of such child. If permission to enter the home and to
22 examine the child is refused, the juvenile court or district court upon a
23 showing of probable cause may authorize the person making the in-
24 vestigation to enter the home and examine the child.

25 4. The county attorney and any law enforcement or social services
26 agency in the state shall cooperate and assist in the investigation
27 upon the request of the department of social services. The county
28 attorney and appropriate law enforcement agencies shall also take
29 any other lawful action which may be necessary or advisable for the
30 protection of the child.

31 5. The department of social services, upon completion of its inves-
32 tigation, shall make a complete written report of its investigation of a
33 report of suspected abuse. A copy of this report shall be transmitted
34 to the juvenile court within ninety-six hours after the department of
35 social services initially receives the abuse report unless the juvenile
36 court grants an extension of time for good cause shown. The juve-
37 nile court shall notify the registry of any action it takes with respect
38 to a suspected case of child abuse.

39 6. The department of social services shall transmit a copy of the
40 report of its investigation, including actions taken or contemplated,
41 to the registry. The department of social services shall make periodic
42 follow-up reports thereafter in a manner prescribed by the registry
43 so that the registry is kept up-to-date and fully informed concerning
44 the handling of a suspected case of child abuse.

45 7. The department of social services shall also transmit a copy of
46 the report of its investigation to the county attorney. The county
47 attorney shall notify the registry of any actions or contemplated ac-
48 tions with respect to a suspected case of child abuse so that the reg-
49 istry is kept up-to-date and fully informed concerning the handling of
50 such a case.

51 8. Based on the investigation conducted pursuant to this section,
52 the department shall offer to the family of any child believed to be
53 the victim of abuse such services as appear appropriate for either the
54 child, the family, or both, if it is explained that the department has
55 no legal authority to compel such family to receive such services.

56 9. If, upon completion of the investigation, the department of social
57 services determines that the best interests of the child require juvenile
58 court action, the department shall take the appropriate action to initi-
59 ate such action under chapter two hundred thirty-two (232) of the
60 Code. The attorney shall assist the county department of social ser-
61 vices in the preparation of the necessary papers to initiate such action

62 and shall appear and represent the department at all juvenile court
63 proceedings.

64 10. The department of social services shall assist the juvenile court
65 or district court during all stages of court proceedings involving a
66 suspected child abuse case in accordance with the purposes of this Act.

67 11. The department of social services shall provide for or arrange
68 for and monitor rehabilitative services for abused children and their
69 families on a voluntary basis or under a final or intermediate order
70 of the juvenile court.

1 SEC. 6. Section two hundred thirty-five A point six (235A.6),
2 Code 1973, is amended to read as follows:

3 **235A.6 Jurisdiction—transfer.** ~~“County department~~ *Department*
4 *of social welfare services”* or “county attorney” ordinarily refer to *the*
5 *local or county office serving* the county in which the child’s home is
6 located.

7 However, if the person making the report pursuant to this chapter
8 does not know where the child’s home is located, or if the child’s home
9 is not located in the ~~county service area~~ where the health practi-
10 tioner examines, attends, or treats the child, the report may be made
11 to the ~~designated agencies for state department of social services or to~~
12 *the local office serving* the county where the person making the report
13 resides or the county where the health practitioner examines, attends,
14 or treats the child. These agencies shall promptly proceed as provided
15 in section 235A.5, unless the matter is transferred ~~to another county~~
16 as provided in this section.

17 If it ~~appears that~~ the child’s home is located in ~~another~~ a county *not*
18 *served by the office receiving the report*, the ~~county~~ department of
19 ~~social welfare~~ shall promptly transfer the matter ~~to the other county~~
20 by transmitting a copy of the report of injury and any other pertinent
21 information to the ~~county department of social welfare office~~ and the
22 county attorney ~~of serving~~ the other county. They shall promptly pro-
23 ceed as provided in section 235A.5.

1 SEC. 7. Section two hundred thirty-five A point seven (235A.7),
2 Code 1973, is amended to read as follows:

3 **235A.7 Immunity from liability.** Anyone participating in good
4 faith in the making of a report *or photographs or x-rays* pursuant to
5 this chapter shall have immunity from any liability, civil or criminal,
6 which might otherwise be incurred or imposed. Any such participant
7 shall have the same immunity with respect to participation in good
8 faith in any judicial proceeding resulting from such report or relating
9 to the subject matter of such report.

1 SEC. 8. Chapter two hundred thirty-five A (235A), Code 1973, is
2 amended by adding the following new section:

3 **NEW SECTION. Sanctions for failure to report.**

4 1. Any person, official, agency or institution, required by this Act
5 to report a suspected case of child abuse who knowingly and willfully
6 fails to do so is guilty of a misdemeanor and upon conviction shall be
7 fined not more than one hundred dollars or be imprisoned in the
8 county jail not more than ten days.

9 2. Any person, official, agency or institution, required by section
10 three (3) of this Act to report a suspected case of child abuse who

11 knowingly fails to do so is civilly liable for the damages proximately
12 caused by such failure.

1 SEC. 9. Chapter two hundred thirty-five A (235A), Code 1973, is
2 amended by adding the following new section:

3 **NEW SECTION. Publicity and educational programs.** The depart-
4 ment, within the limits of available funds, shall conduct a continuing
5 publicity and educational program for the personnel of the depart-
6 ment, persons required to report, and any other appropriate persons
7 to encourage the fullest possible degree of reporting of suspected
8 cases of child abuse. Educational programs shall include but not be
9 limited to the diagnosis and cause of child abuse, the responsibilities,
10 obligations, duties and powers of persons and agencies under this Act
11 and the procedures of the department and the juvenile court with re-
12 spect to suspected cases of child abuse and disposition of actual cases.

1 SEC. 10. Chapter two hundred thirty-five A (235A), Code 1973,
2 is amended by adding the following new section:

3 **NEW SECTION. Photographs and x-rays.** Any person who is re-
4 quired to report a case of child abuse may take or cause to be taken,
5 at public expense, photographs of the areas of trauma visible on a
6 child. Any health practitioner may, if medically indicated, cause to
7 be performed radiological examination of the child. Any person who
8 takes any photographs or x-rays pursuant to this section shall notify
9 the department of social services that such photographs or x-rays have
10 been taken, and shall retain such photographs or x-rays for a reason-
11 able time thereafter. Whenever such person is required to report
12 under section three (3) of this Act, in that person's capacity as a
13 member of the staff of a medical or other private or public institu-
14 tion, agency or facility, that person shall immediately notify the per-
15 son in charge of such institution, agency, or facility or that person's
16 designated delegate of the need for photographs or x-rays.

1 SEC. 11. **NEW SECTION. Legislative findings and purposes.** The
2 general assembly finds and declares that a central registry is required
3 to provide a single source for the statewide collection, maintenance
4 and dissemination of child abuse information. Such a registry is
5 imperative for increased effectiveness in dealing with the problem of
6 child abuse. The general assembly also finds that vigorous protection
7 of rights of individual privacy is an indispensable element of a fair
8 and effective system of collecting, maintaining and disseminating child
9 abuse information.

10 The purposes of sections eleven (11) through twenty-three (23) of
11 this Act are to facilitate the identification of victims or potential vic-
12 tims of child abuse by making available a single, statewide source of
13 child abuse data; to facilitate research on child abuse by making avail-
14 able a single, statewide source of child abuse data; and to provide
15 maximum safeguards against the unwarranted invasions of privacy
16 which such a registry might otherwise entail.

1 SEC. 12. **NEW SECTION. Definitions.** As used in sections eleven
2 (11) through twenty-three (23) of this Act, unless the context other-
3 wise requires:

- 4 1. "Child abuse information" means any or all of the following data
5 maintained by the registry in a manual or automated data storage sys-
6 tem and individually identified:
7 a. Report data.
8 b. Investigation data.
9 c. Disposition data.
- 10 2. "Report data" means information pertaining to any occasion
11 involving or reasonably believed to involve child abuse, including:
12 a. The name and address of the child and the child's parents or
13 other persons responsible for the child's care.
14 b. The age of the child.
15 c. The nature and extent of the injury, including evidence of any
16 previous injury.
17 d. Any other information believed to be helpful in establishing the
18 cause of the injury and the identity of the person or persons respon-
19 sible therefor.
- 20 3. "Investigation data" means information pertaining to the evalua-
21 tion of report data, including:
22 a. Additional information as to the nature, extent and cause of the
23 injury, and the identity of persons responsible therefor.
24 b. The names and conditions of other children in the home.
25 c. The child's home environment and relationships with parents or
26 others responsible for his or her care.
- 27 4. "Disposition data" means information pertaining to an opinion
28 or decision as to the occurrence of child abuse, including:
29 a. Any intermediate or ultimate opinion or decision reached by
30 investigative personnel.
31 b. Any opinion or decision reached in the course of judicial pro-
32 ceedings.
33 c. The present status of any case.
- 34 5. "Confidentiality" means the withholding of information from any
35 manner of communication, public or private.
- 36 6. "Expungement" means the process of destroying child abuse in-
37 formation.
- 38 7. "Individually identified" means any report, investigation or dis-
39 position data which names the person or persons responsible or be-
40 lieved responsible for the child abuse.
- 41 8. "Sealing" means the process of removing child abuse information
42 from authorized access as provided by this Act.

1 **SEC. 13. NEW SECTION. Creation and maintenance of a central**
2 **registry.**

- 3 1. There is created within the state department of social services a
4 central registry for child abuse information. The department shall
5 organize and staff the registry and adopt rules and regulations for its
6 operation.
- 7 2. The registry shall collect, maintain and disseminate child abuse
8 information as provided for by this Act.
- 9 3. The department shall maintain a toll-free telephone line, which
10 shall be available on a twenty-four hour a day, seven day a week basis
11 and which the department of social services and all other persons may
12 use to report cases of suspected child abuse and that all persons
13 authorized by this Act may use for obtaining child abuse information.

14 4. An oral report of suspected child abuse initially made to the cen-
 15 tral registry shall be immediately transmitted by the department to
 16 the appropriate county department of social services or law enforce-
 17 ment agency, or both.

18 5. The registry, upon receipt of a report of suspected child abuse,
 19 shall search the records of the registry, and if the records of the reg-
 20 istry reveal any previous report of child abuse involving the same
 21 child or any other child in the same family, or if the records reveal
 22 any other pertinent information with respect to the same child or
 23 any other child in the same family, the appropriate office of the de-
 24 partment of social services or law enforcement agency shall be im-
 25 mediately notified of that fact.

26 6. The central registry shall include but not be limited to report
 27 data, investigation data and disposition data.

1 **SEC. 14. NEW SECTION. Authorized access.**

2 1. Notwithstanding chapter sixty-eight A (68A) of the Code, the
 3 confidentiality of all child abuse information shall be maintained,
 4 except as specifically provided by subsection two (2) of this section.

5 2. Access to child abuse information is authorized only:

6 a. To a health practitioner who is examining, attending or treat-
 7 ing a child whom the practitioner believes or has reason to believe has
 8 been the victim of abuse.

9 b. To employees of the department of social services having respon-
 10 sibility for the investigation of a child abuse report.

11 c. To a law enforcement officer having responsibility for the tempo-
 12 rary emergency removal of a child from the child's parent or other
 13 legal guardian.

14 d. To a juvenile court or district court upon a finding that infor-
 15 mation is necessary for the resolution of an issue arising in any
 16 phase of a case involving child abuse, except that information ob-
 17 tained through the registry shall not be utilized in any aspect of any
 18 criminal prosecution.

19 e. To an authorized person or agency having responsibility for the
 20 care or supervision of a child named in a report as a victim of abuse
 21 or a person named in a report as having abused a child, if the juve-
 22 nile court deems access to child abuse information by such person or
 23 agency to be necessary.

24 f. To a person conducting bona fide research on child abuse, if the
 25 details identifying any subject of a child abuse report are deleted.

26 g. To a person who is the subject of any report as provided in sec-
 27 tion eighteen (18) of this Act.

28 h. To registry or department personnel where necessary to the per-
 29 formance of their official duties.

30 i. To a court hearing an appeal for correction or expungement of
 31 registry information as provided in section eighteen (18) of this Act.

1 **SEC. 15. NEW SECTION. Requests for child abuse information.**

2 1. Requests for child abuse information shall be in writing on forms
 3 prescribed by the department, except as otherwise provided by subsec-
 4 tion two (2) of this section. Request forms shall require informa-
 5 tion sufficient to demonstrate authorized access.

6 2. Requests for child abuse information may be made orally by
 7 telephone where a person making such a request believes that the

8 information is needed immediately and where information sufficient to
9 demonstrate authorized access is provided. In the event that a re-
10 quest is made orally by telephone, a written request form shall never-
11 theless be filed within seventy-two hours.

1 **SEC. 16. NEW SECTION. Redissemination of child abuse informa-**
2 **tion.** A person, agency or other recipient of child abuse information
3 authorized to receive such information shall not redisseminate such
4 information, except that redissemination shall be permitted when:

5 1. The redissemination is for official purposes in connection with
6 prescribed duties or, in the case of a health practitioner, pursuant to
7 professional responsibilities.

8 2. The person to whom such information would be redisseminated
9 would have independent access to the same information under section
10 fourteen (14) of this Act.

11 3. A written record is made of the redissemination, including the
12 name of the recipient and the date and purpose of the redissemina-
13 tion.

14 4. The written record is forwarded to the registry within thirty
15 days of the redissemination.

1 **SEC. 17. NEW SECTION. Sealing and expungement of child abuse**
2 **information.**

3 1. Child abuse information relating to a particular case of suspected
4 child abuse shall be sealed ten years after the receipt of the initial re-
5 port of such abuse by the registry unless good cause be shown why
6 the information should remain open to authorized access. If a subse-
7 quent report of a suspected case of child abuse involving the child
8 named in the initial report as the victim of abuse or a person named in
9 such report as having abused a child is received by the registry within
10 this ten-year period, the information shall be sealed ten years after
11 receipt of the subsequent report unless good cause be shown why the
12 information should remain open to authorized access.

13 2. Child abuse information may be expunged where the probative
14 value of the information is so doubtful as to outweigh its validity.
15 Child abuse information shall be expunged if it is determined to be
16 unfounded as a result of any of the following:

17 a. The investigation of a report of suspected child abuse by the
18 department.

19 b. A successful appeal as provided in section eighteen (18) of this
20 Act.

21 c. A court adjudication.

22 3. The registry, at least once a year, shall review and determine
23 the current status of child abuse reports which are transmitted or
24 made to the registry after July 1, 1974, which are at least one year
25 old and in connection with which no investigatory report has been
26 filed by the department of social services pursuant to section five (5)
27 of this Act. If no such investigatory report has been filed, the regis-
28 try shall request the department of social services to file a report. In
29 the event a report is not filed within ninety days subsequent to such
30 a request, the report and information relating thereto shall be sealed
31 and remain sealed unless good cause be shown why the information
32 should remain open to authorized access.

1 **SEC. 18. NEW SECTION. Examination, requests for correction or**
2 **expungement, and appeal.**

3 1. Any person or that person's attorney shall have the right to
4 examine child abuse information in the registry which refers to that
5 person. The registry may prescribe reasonable hours and places of
6 examination.

7 2. Any person who files with the registry a written statement to
8 the effect that child abuse information referring to such person is in
9 whole or in part erroneous, and requests a correction or expunge-
10 ment of that information, shall be notified within sixty days by the
11 registry, in writing, of its decision or order regarding the correction
12 or elimination. All decisions and orders shall be accompanied by find-
13 ings of fact, and the registry shall provide the opportunity for a fair
14 hearing when it initially determines that the information should not
15 be corrected or expunged as requested.

16 3. The registry's decision or order may be appealed to the district
17 court of Polk county by the person requesting the correction or ex-
18 pungement or to the district court of the district in which such person
19 resides. Immediately upon such appeal the court shall order the reg-
20 istry to file with the court a certified copy of the child abuse informa-
21 tion. Commencing July 1, 1975, appeal shall be taken in accordance
22 with the provisions of the Iowa administrative procedure act.

23 4. Upon the request of the appellant, the record and evidence in
24 such cases shall be closed to all but the court and its officers, and ac-
25 cess thereto shall be prohibited unless otherwise ordered by the court.
26 The clerk shall maintain a separate docket for such actions. No per-
27 son other than the appellant shall permit a copy of any of the testi-
28 mony or pleadings or the substance thereof to be made available to
29 any person other than a party to the action or his attorney. Violation
30 of the provisions of this subsection shall be a public offense punishable
31 under section twenty (20) of this Act.

32 5. Whenever the registry corrects or eliminates information as re-
33 quested or as ordered by the court, the registry shall advise all per-
34 sons who have received the incorrect information of such fact. Upon
35 application to the court and service of notice on the registry, any indi-
36 vidual may request and obtain a list of all persons who have received
37 child abuse information referring to him or her.

38 6. In the course of any proceeding provided for by this section, the
39 identity of the person who reported the disputed information and the
40 identity of any person who has been reported as having abused a child
41 may be withheld upon a determination by the registry that disclosure
42 of their identities would be detrimental to their interests.

1 **SEC. 19. NEW SECTION. Civil remedy.** Any aggrieved person may
2 institute a civil action for damages under chapter twenty-five A (25A)
3 or six hundred thirteen A (613A) of the Code or to restrain the dis-
4 semination of child abuse information in violation of this Act, and
5 any person, agency or other recipient proven to have disseminated or
6 to have requested and received child abuse information in violation of
7 this Act shall be liable for actual damages and exemplary damages
8 for each violation and shall be liable for court costs, expenses, and rea-
9 sonable attorney's fees incurred by the party bringing the action. In
10 no case shall the award for damages be less than one hundred dollars.

1 **SEC. 20. NEW SECTION. Criminal penalties.**

2 1. Any person who willfully requests, obtains, or seeks to obtain
3 child abuse information under false pretenses, or who willfully com-
4 municates or seeks to communicate child abuse information to any
5 agency or person except in accordance with sections fourteen (14)
6 and sixteen (16) of this Act, or any person connected with any re-
7 search authorized pursuant to section fourteen (14) of this Act who
8 willfully falsifies child abuse information or any records relating
9 thereto, is guilty of a criminal offense and upon conviction for each
10 such offense be punished by a fine of not more than one thousand dol-
11 lars or by imprisonment in the state penitentiary for not more than
12 two years, or by both such fine and imprisonment. Any person who
13 knowingly, but without criminal purposes, communicates or seeks to
14 communicate child abuse information except in accordance with sec-
15 tions fourteen (14) and sixteen (16) of this Act shall for each such
16 offense be fined not more than one hundred dollars or be imprisoned
17 not more than ten days.

18 2. Any reasonable grounds for belief that a person has violated any
19 provision of this Act shall be grounds for the immediate withdrawal
20 of any authorized access such person might otherwise have to child
21 abuse information.

1 **SEC. 21. NEW SECTION. Education program.** The department shall
2 require an educational program for employees of the registry on the
3 proper use and control of child abuse information.

1 **SEC. 22. NEW SECTION. Registry reports.**

2 1. The registry may compile statistics and issue reports on child
3 abuse, provided identifying details of the subject of child abuse re-
4 ports are deleted.

5 2. The registry shall issue an annual report on its administrative
6 operation, including information as to the number of requests for
7 child abuse data, the proportion of requests attributable to each type
8 of authorized access, the frequency and nature of irregularities, and
9 other pertinent matters.

1 **SEC. 23. NEW SECTION. Council on child abuse information.**

2 1. There is created a council on child abuse information consisting
3 of nine regular members. Two members shall be appointed from the
4 house of representatives by the speaker of the house, no more than
5 one of whom shall be from the same political party. Two members
6 shall be appointed from the senate by the lieutenant governor, no more
7 than one of whom shall be from the same political party. The remain-
8 ing members of the council shall consist of a judge of the district court
9 appointed by the chief justice of the supreme court, one local law en-
10 forcement official appointed by the governor, the commissioner of the
11 department of social services or his designee, and two private citi-
12 zens not connected with law enforcement appointed by the governor.
13 The council shall select its own chairman. The members shall serve
14 at the pleasure of those by whom their appointments are made.

15 2. The council shall meet at least annually and at any other time
16 upon the call of the chairman of the council, or any three of its mem-
17 bers. Each council member shall be entitled to reimbursement for
18 actual and necessary expenses incurred in the performance of official
19 duties from funds appropriated to the department of social services.

- 20 3. The council shall have the following responsibilities and duties:
 21 a. Shall periodically monitor the operation of the child abuse infor-
 22 mation registry established by sections eleven (11) through twenty-
 23 three (23) of this Act.
 24 b. Shall review the implementation and effectiveness of legislation
 25 and administrative rules and regulations concerning the registry.
 26 c. May recommend changes in said legislation and administrative
 27 rules and regulations to the legislature and the appropriate adminis-
 28 trative officials.
 29 d. May require such reports from state agencies as may be neces-
 30 sary to perform its duties.
 31 e. May receive and review complaints from the public concerning
 32 the operation of the registry.

1 SEC. 24. Section two hundred thirty-two point eleven (232.11),
 2 Code 1973, is amended to read as follows:

3 **232.11 Parent or guardian to be present.** The hearing on the merit
 4 of the petition shall not take place without the presence of one or both
 5 of the parents or the guardian, or if none is present a guardian ad
 6 litem shall be appointed by the court to protect the interests of the
 7 child. The court ~~may~~ shall also appoint a guardian ad litem whenever
 8 necessary for the welfare of the child whether or not a parent or
 9 guardian is present.

Approved May 29, 1974

CHAPTER 1163

CHILD CARE CENTERS

S. F. 434

AN ACT to provide financial assistance for the establishment and operation of licensed child care centers and to make an appropriation.

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

- 1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act unless
 2 the context otherwise requires:
 3 1. "Commissioner" means the commissioner of social services.
 4 2. "Department" means the department of social services.
 5 3. "Director" means the director of the division designated by the
 6 commissioner to administer this Act.
 7 4. "County board" means the county board of social welfare.
 8 5. "Child care center" or "center" means a facility providing care
 9 for six or more children for more than four hours, but less than
 10 twenty-four hours, per day.
 11 6. "Licensed center" means a center applying for or issued a license
 12 by the department under the provisions of this Act.
 13 7. "Low-income family" means a family whose total income, rela-
 14 tive to the number of persons dependent on the family's total income
 15 for support, is designated by the department as insufficient to provide
 16 an adequate standard of living. Adequate standard of living shall be