

2. A professional licensed or certified by the state to provide immediate or short-term medical services or mental health services to a victim may provide the services without the prior consent or knowledge of the victim's parents or guardians.

3. Such a professional shall notify the victim if the professional is required to report an incidence of child abuse involving the victim pursuant to section 232.69.

**Sec. 15. NEW SECTION. 910A.17 EXCEPTION FROM PUBLIC RECORDS LAW.**

A victim's registration pursuant to this chapter, shall be strictly maintained in a separate confidential file, and shall be available only to the judicial district departments of correctional services and the agencies required to provide information under sections 910A.5 through 910A.9, notwithstanding chapter 22 or any other provision of law.

**Sec. 16. NEW SECTION. 910A.18 IMMUNITY.**

This chapter does not create a civil cause of action and a person is not liable for damages resulting from an act or omission in regard to any responsibility or authority created by this chapter, and such acts or omissions shall not be used in any proceeding for damages. This section does not apply to acts or omissions which constitute a willful and wanton disregard for the rights or safety of another.

Sec. 17. Section 912.4, subsections 4 and 5, Code Supplement 1985, are amended to read as follows:

4. When immediate or short-term medical services or mental health services are provided to a victim under section ~~910A.5~~ 910A.16, the department of human services shall file the claim for reparation as provided in subsection 3 for the victim and the provisions of section 912.7, subsection 2, paragraphs "b" and "c" do not apply.

5. When immediate or short-term medical services to a victim are provided pursuant to section ~~910A.5~~ 910A.16 by a professional licensed or certified by the state to provide such services, the professional shall file the claim for reparation, unless the department of human services is required to file the claim under this section, and the provisions of section 912.7, subsection 2, paragraphs "b" and "c" do not apply. The requirement to report the crime to the local police department or county sheriff department under subsection 2 does not apply to this subsection.

Sec. 18. Section 912.13, Code Supplement 1985, is amended to read as follows:

**912.13 RULEMAKING.**

The department shall adopt rules pursuant to chapter 17A to implement the procedures for reparation payments with respect to section ~~910A.5~~ 910A.16 and section 912.4, subsections 3, 4, and 5.

Sec. 19. Sections 910A.2 through 910A.4, Code Supplement 1985, shall be moved by the Code editor to appear as sections 910A.13 through 910A.15.

Sec. 20. Section 910A.5, Code Supplement 1985, is repealed.

Approved May 5, 1986

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**CHAPTER 1179**  
**DOMESTIC ABUSE**  
*H.F. 2433*

**AN ACT** relating to domestic abuse, and providing penalties.

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

Section 1. Section 236.5, subsection 2, paragraph d, Code 1985, is amended to read as follows:

d. The awarding of temporary custody of or establishing temporary visitation rights with regard to children under eighteen. In awarding temporary custody or temporary visitation rights, the court shall give primary consideration to the safety of the victim and the children. If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children.

Sec. 2. Section 236.11, Code 1985, is amended to read as follows:

**236.11 DUTY OF PEACE OFFICER.**

A peace officer shall use every reasonable means to enforce ~~an~~ any civil or criminal order or approved consent agreement issued pursuant to this chapter. If a peace officer has probable cause to believe that a person has violated any civil or criminal order or approved consent agreement, the peace officer shall take the person into custody and take the person before the court which issued the order or agreement, at which time the court shall determine whether the person has committed contempt pursuant to section 236.8. A peace officer shall not be held civilly or criminally liable for acting pursuant to this section provided that the peace officer acts in good faith, on probable cause, and ~~without malice~~ such acts do not constitute a willful and wanton disregard for the rights or safety of another.

Sec. 3. Section 236.12, subsection 2, Code Supplement 1985, is amended by striking the subsection and inserting in lieu thereof the following:

2. The peace officer shall make a reasonable inquiry of the person upon whom the harm has been inflicted and of any witnesses. If, after inquiry, the officer has probable cause to believe that domestic abuse has been committed, the peace officer shall arrest the abuser.

**Sec. 4. NEW SECTION. 236.13 PROHIBITION AGAINST REFERRAL.**

In a criminal action arising from domestic abuse, as defined in section 236.2, the prosecuting attorney or court shall not refer or order the parties involved to mediation or other nonjudicial procedures prior to judicial resolution of the action.

Sec. 5. Section 598.41, subsection 1, Code Supplement 1985, is amended to read as follows:

1. The court, insofar as is reasonable and in the best interest of the child, shall order the custody award, including liberal visitation rights where appropriate, which will assure the child the opportunity for the maximum continuing physical and emotional contact with both parents after the parents have separated or dissolved the marriage, unless direct physical harm or significant emotional harm to the child, other children, or a parent is likely to result from such contact with one parent, and which will encourage parents to share the rights and responsibilities of raising the child. The court shall consider the denial by one parent of the child's opportunity for maximum continuing contact with the other parent, without just cause, a significant factor in determining the proper custody arrangement. Unless otherwise ordered by the court in the custody decree, both parents shall have legal access to information concerning the child, including but not limited to medical, educational and law enforcement records.

Sec. 6. Section 598.41, subsection 3, Code Supplement 1985, is amended by adding the following new lettered paragraph:

**NEW LETTERED PARAGRAPH. i.** Whether the safety of the child, other children, or the other parent will be jeopardized by the awarding of joint custody or by unsupervised or unrestricted visitation.

Sec. 7. Section 804.7, Code Supplement 1985, is amended by adding the following new subsection:

**NEW SUBSECTION. 6.** As required by section 236.12, subsection 2.

Approved May 5, 1986