

CHAPTER 1252**CHILD ABUSE AND CRIMES AGAINST CHILDREN***S.F. 2075*

AN ACT relating to child abuse by providing for examination of a child, by providing for filing complaints of alleged child sexual abuse, by requiring departmental coordination in cases of child abuse, by providing for the application of a penalty to persons who improperly use criminal history information obtained in the course of an investigation, by allowing the department of public safety the use of certain revenues generated by fees, and by expanding the definition of indecent contact with a child.

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

Section 1. Section 232.71, Code Supplement 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 16. The department may request criminal history data from the department of public safety on any person believed to be responsible for an injury to a child which, if confirmed, would constitute child abuse. The department shall establish procedures for determining when a criminal history records check under this subsection is necessary.

Sec. 2. **NEW SECTION. 232.83 CHILD SEXUAL ABUSE INVOLVING A PERSON NOT RESPONSIBLE FOR THE CARE OF THE CHILD.**

1. A complaint related to circumstances involving a child who is alleged to be a victim of an offense defined in chapter 709, 726, or 728 and an alleged offender who is not a person responsible for the care of the child shall be handled pursuant to section 232.81.

2. Anyone authorized to conduct a preliminary investigation in response to a complaint may apply for, or the court on its own motion may enter an ex parte order authorizing a physician or hospital to conduct an outpatient physical examination or authorizing a physician, a psychologist certified under section 154B.7, or a community mental health center accredited pursuant to chapter 230A to conduct an outpatient mental examination of a child if necessary to identify the nature, extent, and causes of any injuries, emotional damage, or other such needs of a child as specified in section 232.2, subsection 6, paragraph "c", "e", or "f", provided that all of the following apply:

- a. The parent, guardian, or legal custodian is absent, or though present, was asked and refused to authorize the examination.
- b. There is not enough time to file a petition and hold a hearing under this chapter.
- c. The parent, guardian, or legal custodian has not provided care and treatment related to their child's alleged victimization.

Sec. 3. Section 692.2, subsection 1, paragraph c, Code Supplement 1987, is amended to read as follows:

c. The department of human services for the purposes of section 232.71, subsection 16, section 237.8, subsection 2, and section 237A.5, and section 600.8, subsections 1 and 2.

Sec. 4. Section 709.12, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The provisions of this section shall also apply to a person sixteen or seventeen years of age who commits any of the enumerated acts with a child who is at least five years the person's junior, in which case the juvenile court shall have jurisdiction under chapter 232.

Sec. 5. **NEW SECTION. 709.13 CHILD IN NEED OF ASSISTANCE COMPLAINTS.**

During or following an investigation into allegations of violations of this chapter or of chapter 726 or 728 involving an alleged victim under the age of eighteen and an alleged offender

who is not a person responsible for the care of the child, anyone with knowledge of the alleged offense may file a complaint pursuant to section 232.83 alleging the child to be a child in need of assistance. In all cases, the complaint shall be filed by any peace officer with knowledge of the investigation when the peace officer has reason to believe that the alleged victim may require treatment as a result of the alleged offense and that the child's parent, guardian, or custodian will be unwilling or unable to provide the treatment.

Sec. 6. Notwithstanding section 7, subsection 4, paragraph "a", of Senate File 2314, the department of public safety is authorized to use revenues generated from the fee authorized in section 692.2, subsection 6, to employ sufficient clerical personnel to process criminal history checks for non-law-enforcement purposes.

Approved May 15, 1988

CHAPTER 1253

FAMILY DEVELOPMENT AND SELF-SUFFICIENCY COUNCIL

S.F. 2225

AN ACT relating to the establishment of a family development and self-sufficiency council and the council's duties.

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

Section 1. NEW SECTION. 217.41 FAMILY DEVELOPMENT AND SELF-SUFFICIENCY COUNCIL CREATED.

A family development and self-sufficiency council is established within the department of human services. The council consists of the following persons:

1. The director of the department of human services or the director's designee.
2. The director of the Iowa department of public health or the director's designee.
3. The administrator of the division of community action agencies in the department of human rights or the administrator's designee.
4. The administrator of the division of children, youth, and families of the department of human rights or the administrator's designee.
5. The dean of the college of family and consumer sciences at Iowa State University or the dean's designee.
6. A representative from the family life institute designated by the director of that institute.
7. The director of the public policy center at the University of Iowa or the director's designee.
8. Two recipients or former recipients of the aid to dependent children program, selected by the other members of the committee.
9. The head of the department of home economics at the University of Northern Iowa or that person's designee.

The department of human services shall contract with the department of health and human rights to staff and administer grants provided under section 217.42.

Sec. 2. NEW SECTION. 217.42 COUNCIL DUTIES.

The family development and self-sufficiency council shall:

1. Identify the factors and conditions that place Iowa families at risk of long-term dependency upon the aid to dependent children program. The council shall seek to use relevant research findings and national and Iowa specific data on the aid to dependent children program.
2. Identify the factors and conditions that place Iowa families at risk of family instability and foster care placement. The council shall seek to use relevant research findings and national