

CHAPTER 92

JUVENILE DELINQUENCY NOTICES – MARRIAGE SOLEMNIZATION BY ASSOCIATE JUVENILE JUDGES

S.F. 438

AN ACT relating to juvenile justice including notice requirements for certain hearings and authorizing associate juvenile judges to perform marriage ceremonies.

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

Section 1. Section 232.37, subsection 4, Code 1995, is amended to read as follows:

4. Service of summons or notice shall be made personally by the delivery of a copy of the summons or notice to the person being served. If the court determines that personal service of a summons or notice is impracticable, the court may order service by certified mail addressed to the last known address ~~or by publication or both~~. Service of summons or notice shall be made not less than five days before the time fixed for hearing. Service of summons, notice, subpoenas or other process, after an initial valid summons or notice, shall be made in accordance with the rules of the court governing such service in civil actions.

Sec. 2. Section 232.54, subsection 6, unnumbered paragraph 2, Code 1995, is amended to read as follows:

Notice requirements of this section shall be satisfied in the same manner as for adjudicatory hearings as provided in section 232.37 except that notice shall be waived regarding a person who was notified of the adjudicatory hearing and who failed to appear. At a hearing under this section all relevant and material evidence shall be admitted.

Sec. 3. Section 595.10, subsection 1, Code 1995, is amended to read as follows:

1. A judge of the supreme court, court of appeals, or district court, including a district associate judge, associate juvenile judge, or a judicial magistrate, and including a senior judge as defined in section 602.9202, subsection 1.

Approved April 26, 1995

CHAPTER 93

ACCESS TO CHILD AND DEPENDENT ADULT ABUSE INFORMATION – REQUIRED RECORDS CHECKS

S.F. 436

AN ACT relating to certification and employment provisions involving state abuse registries by providing access for purposes of certifying sex offender treatment providers, for certain publicly operated facilities or programs, for certain purposes of public employers, and requiring records checks for purposes of employment by certain medical assistance program service providers.

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

Section 1. Section 235A.15, subsection 2, paragraph e, Code 1995, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (13) To the Iowa board for the treatment of sexual abusers for purposes of certifying sex offender treatment providers.

Sec. 2. Section 235A.15, subsection 2, paragraph c, Code 1995, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (11) To an administrator of a facility or program operated by the state, a city, or a county which provides services or care directly to children, if the information concerns a person employed by or being considered for employment by the facility or program.

NEW SUBPARAGRAPH. (12) To an administrator of an agency certified by the department of human services to provide services under a medical assistance home and community-based services waiver, if the information concerns a person employed by or being considered by the agency for employment.

Sec. 3. Section 235A.15, subsection 4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Access to founded child abuse information ~~only~~ is authorized to the department of personnel or to the personnel office of a public employer, as defined in section 20.3, as necessary for presentation in grievance or arbitration procedures provided for in sections 19A.14 and 20.18. Child abuse information introduced into a grievance or arbitration proceeding shall not be considered a part of the public record of a case.

Sec. 4. Section 235B.6, subsection 2, paragraph c, Code 1995, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (5) To an administrator of an agency certified by the department of human services to provide services under a medical assistance home and community-based services waiver, if the information concerns a person employed by or being considered by the agency for employment.

Sec. 5. NEW SECTION. 249A.29 HOME AND COMMUNITY-BASED SERVICES WAIVER PROVIDERS - RECORDS CHECKS.

1. For purposes of this section unless the context otherwise requires:

a. "Consumer" means an individual approved by the department to receive services under a waiver.

b. "Provider" means an agency certified by the department to provide services under a waiver.

c. "Waiver" means a home and community-based services waiver approved by the federal government and implemented under the medical assistance program.

2. If a person is being considered by a provider for employment involving direct responsibility for a consumer or with access to a consumer when the consumer is alone, and if the person has been convicted of a crime or has a record of founded child or dependent adult abuse, the department shall perform an evaluation to determine whether the crime or founded abuse warrants prohibition of employment by the provider. The department shall conduct criminal and child and dependent adult abuse record checks of the person in this state and may conduct these checks in other states. The record checks and evaluations required by this section shall be performed in accordance with procedures adopted for this purpose by the department.

3. If the department determines that a person employed by a provider has committed a crime or has a record of founded abuse, the department shall perform an evaluation to determine whether prohibition of the person's employment is warranted.

4. In an evaluation, the department shall consider the nature and seriousness of the crime or founded abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded abuse, the circumstances under which the crime or founded abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded abuse again, and the number of crimes or founded abuses committed by the person involved. The department may permit a person who is

evaluated to be employed or to continue to be employed by the provider if the person complies with the department's conditions relating to the employment, which may include completion of additional training.

5. If the department determines that the person has committed a crime or has a record of founded abuse which warrants prohibition of employment, the person shall not be employed by a provider.

Approved April 26, 1995

CHAPTER 94

BIRTH CERTIFICATES - LICENSURE OF ATHLETIC TRAINERS

S.F. 202

AN ACT relating to public health issues, including certain birth certificates and licensing of athletic trainers.

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

Section 1. Section 144.13, subsection 1, paragraph d, Code 1995, is amended to read as follows:

d. ~~In the case of a child born out of wedlock, the certificate shall be filed directly with the state registrar. On a monthly basis, the~~ The state registrar shall may transmit to the appropriate ~~county local~~ boards of health ~~such information from~~ birth certificates for the sole purpose of identifying those children in need of ~~inoculations~~ immunizations.

Sec. 2. Section 152D.3, subsection 2, Code 1995, is amended to read as follows:

2. An out-of-state applicant for an athletic trainer license must fulfill the requirements of subsection 1, ~~paragraph paragraphs~~ "a" ~~or~~ and "b", and submit proof of active engagement as an athletic trainer in the other state.

Approved April 26, 1995

CHAPTER 95

MEDICAL ADVANCE DIRECTIVES ON DRIVER'S LICENSES

S.F. 311

AN ACT relating to symbols indicating medical directives on a validation document for license renewal by mail and on a driver's license or nonoperator's identification card.

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

Section 1. Section 321.189, subsection 4, Code 1995, is amended to read as follows:

4. **SYMBOLS.** Upon the request of a licensee, or a person renewing the person's license by mail, the department shall indicate on the license, or the validation document issued to a person renewing by mail, the presence of a medical condition, ~~or~~ that the licensee is a donor under the uniform anatomical gift law, or that the licensee has in effect a medical advance directive. For purposes of this subsection, a medical advance directive