

FEB 26 1980  
HUMAN RESOURCES

HOUSE FILE 320  
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Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to child abuse reporting by providing for a  
2 report to be made to a local law enforcement agency for an  
3 initial response.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 320

1 Section 1. Section 232.68, Code 2003, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 5A. "Local law enforcement agency" means  
4 the law enforcement agency of the local governmental  
5 subdivision where a child suspected of having suffered abuse  
6 is believed to be present.

7 Sec. 2. Section 232.70, subsections 3, 4, and 5, Code  
8 2003, are amended to read as follows:

9 3. The oral report shall be made by telephone or otherwise  
10 to the ~~department-of-human-services~~ local law enforcement  
11 agency. ~~If-the-person-making-the-report-has-reason-to-believe~~  
12 ~~that-immediate-protection-for-the-child-is-advisable,~~ ~~that~~  
13 ~~person-shall-also-make-an-oral-report-to-an-appropriate-law~~  
14 ~~enforcement-agency.~~

15 4. The written report shall be made to the department of  
16 human services within forty-eight hours after ~~such~~ the oral  
17 report.

18 5. Upon receipt of an oral or a written report, the local  
19 law enforcement agency or the department, as applicable, shall  
20 do all of the following:

21 a. Immediately, upon receipt of an oral report, make ~~a~~ an  
22 initial determination as to whether the report constitutes an  
23 allegation of child abuse as defined in section 232.68.

24 b. Notify the appropriate county attorney of the receipt  
25 of the report.

26 c. If the local law enforcement agency initially receives  
27 the report, immediately notify the department of the receipt  
28 of the report, the initial determination made by the agency as  
29 to whether the report constitutes an allegation of child  
30 abuse, and any action taken by the agency in investigating the  
31 report.

32 d. If the department initially receives the report,  
33 immediately notify the local law enforcement agency of the  
34 receipt of the report, any initial determination made by the  
35 department as to whether the report constitutes an allegation

1 of child abuse, and any action taken by the department in  
2 assessing the report.

3 Sec. 3. Section 232.70, subsections 7, 8, and 9, Code  
4 2003, are amended to read as follows:

5 7. A report made by a permissive reporter, as defined in  
6 section 232.69, subsection 2, shall be regarded as a report  
7 pursuant to this chapter whether or not the report contains  
8 all of the information required by this section and may be  
9 made to the department of human services, county attorney, or  
10 law enforcement agency. If the initial report is made to any  
11 agency other than the ~~department of human services~~, such local  
12 law enforcement agency, the agency shall promptly refer the  
13 report to the ~~department of human services~~ local law  
14 enforcement agency.

15 8. If a report initially received by the department would  
16 be determined to constitute an allegation of child abuse as  
17 defined under section 232.68, subsection 2, paragraph "c" or  
18 "e", except that the suspected abuse resulted from the acts or  
19 omissions of a person other than a person responsible for the  
20 care of the child, the department shall refer the report to  
21 the appropriate law enforcement agency having jurisdiction to  
22 investigate the allegation. The department shall refer the  
23 report orally as soon as practicable and in writing within  
24 seventy-two hours of receiving the report.

25 9. Within twenty-four hours of receiving a report from a  
26 mandatory or permissive reporter, or of receiving notification  
27 of the report from the local law enforcement agency, the  
28 department shall inform the reporter, orally or by other  
29 appropriate means, whether or not the department has commenced  
30 an assessment of the allegation in the report. Within the  
31 same time frame, the local law enforcement agency which  
32 received the report shall inform the reporter whether or not  
33 the agency has commenced a criminal investigation.

34 Sec. 4. Section 232.70, Code 2003, is amended by adding  
35 the following new subsection:

1 NEW SUBSECTION. 10. Upon receiving a child abuse report,  
2 a local law enforcement agency shall make a determination  
3 whether or not immediate action may be necessary for  
4 protection of the child. If it is determined that immediate  
5 action may be necessary, the agency shall immediately attempt  
6 to interview or observe the child. If it is determined that  
7 immediate action is not necessary but the child may be in need  
8 of protection, the agency shall attempt to interview or  
9 observe the child at the earliest practical time or shall  
10 refer the report to the department along with information as  
11 to any response made by the agency. The primary purpose of  
12 the law enforcement agency in responding to a report shall be  
13 to protect the child named in the report. The secondary  
14 purpose of the law enforcement agency in responding to a  
15 report is to perform any criminal investigation that is  
16 warranted.

17 Sec. 5. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
18 3, shall not apply to this Act.

19 EXPLANATION

20 This bill relates to child abuse reporting by providing for  
21 a report to be made to a local law enforcement agency for an  
22 initial response.

23 Current law provides for an oral report to be made to the  
24 department of human services followed by a written report.  
25 The bill provides for the oral report to be made to the local  
26 law enforcement agency instead of the department. "Local law  
27 enforcement agency" is defined as the law enforcement agency  
28 of the local governmental subdivision where the child  
29 suspected of having suffered abuse is believed to be present.

30 The bill provides contingencies for the department to refer  
31 a report to the local law enforcement agency if the department  
32 initially receives a report instead of the agency. Current  
33 law requires the department to notify mandatory reporters of  
34 child abuse within 24 hours of receiving a report as to  
35 whether the department commenced an assessment. The bill

1 requires a local law enforcement agency to notify mandatory  
2 reporters as whether or not the agency commenced a criminal  
3 investigation.

4 Upon receiving a child abuse report, the bill directs a  
5 local law enforcement agency to determine whether or not  
6 immediate action may be needed to protect the child. If it is  
7 determined that immediate action may be necessary, the agency  
8 is required to immediately attempt to interview or observe the  
9 child. If it is determined that immediate action is not  
10 necessary but the child may be in need of protection, the  
11 agency is required to attempt to interview or observe the  
12 child at the earliest practical time or to refer the report to  
13 the department along with information as to any response made  
14 by the agency. The primary purpose of the law enforcement  
15 agency in responding to a report is to protect the child named  
16 in the report. The secondary purpose of the law enforcement  
17 agency in responding to a report is to perform any criminal  
18 investigation that is warranted.

19 The bill may include a state mandate as defined in Code  
20 section 25B.3. The bill makes inapplicable Code section  
21 25B.2, subsection 3, which would relieve a political  
22 subdivision from complying with a state mandate if funding for  
23 the cost of the state mandate is not provided or specified.  
24 Therefore, political subdivisions are required to comply with  
25 any state mandate included in the bill.

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