

SENATE FILE 341

SENATE FILE 341

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 73)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to child abuse.

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

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HF 341

317 1 Section 1. Section 232.68, subsection 2, Code 1991, is
312' 2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. The acts or omissions of a person
4 responsible for the care of a child which results in mental
5 injury to the child.

6 Sec. 2. Section 232.71, subsection 7, Code 1991, is
7 amended to read as follows:

8 7. The department, upon completion of its investigation,
9 shall make a preliminary report of its investigation as
10 required by subsection 2. A copy of this report shall be
11 transmitted to juvenile court within four regular working days
12 after the department initially receives the abuse report
13 unless the juvenile court grants an extension of time for good
14 cause shown. If the preliminary report is not a complete
15 report, a complete report shall be filed within ~~ten~~ twenty
16 working days of the receipt of the abuse report, unless the
17 juvenile court grants an extension of time for good cause
18 shown. The department shall notify a subject of the report of
19 the result of the investigation, of the subject's right to
20 correct the information pursuant to section 235A.19, and of
21 the procedures to correct the information. The juvenile court
22 shall notify the registry of any action it takes with respect
23 to a suspected case of child abuse.

24 Sec. 3. Section 235A.13, subsection 9, Code 1991, is
25 amended to read as follows:

26 9. "Multidisciplinary team" means a group of individuals
27 who possess knowledge and skills related to the diagnosis,
28 assessment, and disposition of and consultation regarding
29 child abuse cases and who are professionals practicing in the
30 disciplines of medicine, nursing, public health, substance
31 abuse, mental health, social work, child development,
32 education, law, juvenile probation, or law enforcement, or
33 other professions relevant to child abuse, or a group
34 established pursuant to section 235B.1, subsection 6,
35 paragraph "a".

1 Sec. 4. Section 235A.15, subsection 3, Code 1991, is
2 amended to read as follows:

3 3. Access to unfounded child abuse information is
4 authorized only to those persons identified in subsection 2,
5 paragraph "a", paragraph "b", subparagraphs (2), (4), and (5),
6 and paragraph "e", subparagraph (2).

7 Sec. 5. Section 235A.18, subsection 2, unnumbered
8 paragraph 1, Code 1991, is amended to read as follows:

9 Child abuse information which cannot be determined by a
10 preponderance of the evidence to be founded or unfounded shall
11 be expunged one year after the receipt of the initial report
12 of abuse and child abuse information which is determined by a
13 preponderance of the evidence to be unfounded shall be
14 expunged ~~when-it-is-determined-to-be-unfounded~~ six months
15 after the initial report of abuse, as a result of any of the
16 following:

17 Sec. 6. Section 235A.19, subsection 2, paragraph b, Code
18 1991, is amended by adding the following new subparagraph:

19 NEW SUBPARAGRAPH. (7) To a person involved in the
20 investigation of the case of child abuse.

21 Sec. 7. Section 235B.2, subsection 5, unnumbered paragraph
22 4, Code 1991, is amended to read as follows:

23 A person required to complete both child abuse and
24 dependent adult abuse mandatory reporter training may complete
25 the training through a program which combines child abuse and
26 dependent adult abuse curricula and thereby meet the training
27 requirements of both this subsection and section 232.69
28 simultaneously. However, if child abuse and dependent adult
29 abuse mandatory reporter training are combined, a minimum of
30 three hours of training shall be completed.

31 EXPLANATION

32 This bill amends various provisions relating to child
33 abuse. The bill includes in the definition of "child abuse"
34 mental injury as previously defined in chapter 232. The bill
35 also extends the period for the filing of a completed report.

1 of a child abuse investigation from 10 to 20 working days;
2 amends the definition of multidisciplinary teams in relation
3 to the teams' membership and functions; provides access to
4 unfounded child abuse information by multidisciplinary teams;
5 provides a six-month period from the time of an initial
6 request prior to expungement of unfounded child abuse reports
7 from the registry; provides for disclosure of child abuse
8 information, prior to conclusion of proceedings, to a person
9 involved in the investigation of the case of child abuse; and
10 requires a minimum of three hours of training for mandatory
11 reporters if child abuse and dependent adult abuse training
12 are combined.

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SENATE FILE 341

S-3117

1 Amend Senate File 341 as follows:

2 1. Page 1, by striking lines 1 through 5.

3 2. Page 1, line 35, by inserting after the word
4 and letter "paragraph "a"." the following: "The
5 department, in consultation with representatives of
6 multidisciplinary teams, shall adopt rules, pursuant
7 to chapter 17A, which limit the number of members of a
8 multidisciplinary team, define the roles of the
9 members, and provide procedures for the teams."

10 3. Page 2, by striking lines 7 through 16.

11 4. By renumbering as necessary.

By MAGGIE TINSMAN

LARRY MURPHY

SHELDON RITTMER

JIM RIORDAN

S-3117 FILED MARCH 13, 1991

SENATE FILE 341

S-3121

1 Amend Senate File 341 as follows:

2 1. Page 1, by striking lines 1 through 5.

3 2. By renumbering as necessary.

By WALLY HORN

S-3121 FILED MARCH 18, 1991

SENATE FILE 341

S-3205

1 Amend Senate File 341 as follows:

2 1. Page 1, by inserting after line 35 the
3 following:

4 "Sec. ____ . Section 235A.15, subsection 2,
5 paragraph c, Code 1991, is amended by adding the
6 following new subparagraph:

7 NEW SUBPARAGRAPH. (10) To an administrator of a
8 community mental health center accredited under
9 chapter 230A if the information concerns a person
10 employed or being considered for employment by the
11 center."

12 2. By renumbering as necessary.

By BEVERLY A. HANNON

S-3205 FILED MARCH 27, 1991

SENATE FILE 341

S-3376

1 Amend Senate File 341 as follows:

2 1. Page 1, by inserting after line 35 the
3 following:

4 "Sec. ____ . Section 235A.15, subsection 2,
5 paragraph c, Code 1991, is amended by adding the
6 following new subparagraph:

7 NEW SUBPARAGRAPH. (10) To an administrator of a
8 community mental health center accredited under
9 chapter 230A if the information concerns a person
10 employed or being considered for employment by the
11 center."

12 2. By renumbering as necessary.

By BEVERLY A. HANNON

S-3376 FILED APRIL 10, 1991

STURGEON, CH.
BUNA
NAGERLA

SSB 73
HUMAN RESOURCES

SENATE/HOUSE FILE 341
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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26 dependent adult abuse curricula and thereby meet the training
27 requirements of both this subsection and section 232.69
28 simultaneously. However, if child abuse and dependent adult
29 abuse mandatory reporter training are combined, a minimum of
30 three hours of training shall be completed.

31 Sec. 8. Section 331.802, subsection 3, paragraph j, Code
32 1991, is amended to read as follows:

33 j. Death of a child under the age of two five years if
34 death results from an unknown cause or if the circumstances
35 surrounding the death indicate that sudden infant death

1 syndrome may be the cause of death or medically relevant tests
2 performed pursuant to section 232.73 resulted in positive
3 findings.

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EXPLANATION

5 This bill amends various provisions relating to child
6 abuse. The bill includes in the definition of "child abuse"
7 mental injury as previously defined in chapter 232. The bill
8 also extends the period for the filing of a completed report
9 of a child abuse investigation from 10 to 20 working days;
10 amends the definition of multidisciplinary teams in relation
11 to the teams' membership and functions; provides access to
12 unfounded child abuse information by multidisciplinary teams;
13 provides a six-month period from the time of an initial
14 request prior to expungement of unfounded child abuse reports
15 from the registry; provides for disclosure of child abuse
16 information, prior to conclusion of proceedings, to a person
17 involved in the investigation of the case of child abuse;
18 requires a minimum of three hours of training for mandatory
19 reporters if child abuse and dependent adult abuse training
20 are combined; and mandates autopsies for children who die of
21 unknown causes or circumstances indicating sudden infant death
22 syndrome up to five years of age in place of the current two
23 years of age provision and also additionally mandates
24 autopsies for children up to five years of age who die as the
25 result of a drug affected birth or other drug exposure as
26 evidenced by medical tests.

27

BACKGROUND STATEMENT

28

SUBMITTED BY THE AGENCY

29 "Mental injury" means a nonorganic injury to a child's
30 intellectual or psychological capacity as evidenced by an
31 observable and substantial impairment in the child's ability
32 to function within the child's normal range of performance and
33 behavior, considering the child's cultural origin. A method
34 to gather information regarding allegations of mental injury
35 is necessary in order to make the definition function and

1 allow the juvenile court to take action. A preliminary review
2 of Iowa's child abuse laws by federal authorities resulted in
3 this area being cited as one of three concerns regarding
4 Iowa's child abuse laws.

5 Ten working days (typically 14 calendar days or two weeks)
6 is not sufficient to conduct a thorough, complete
7 investigation including consultation with a local
8 multidisciplinary team or evaluation by a child protection
9 center in cases of alleged child abuse. Extending the time
10 should result in better, more accurate assessment of child and
11 family function.

12 In 1989 the child protection teams task force examined the
13 form and functions of child protection centers and
14 multidisciplinary teams. The multidisciplinary teams
15 subcommittee of the task force recommended amendment of the
16 multidisciplinary function and membership to clearly express
17 the "consultative" function of the local multidisciplinary
18 teams, clarify that nursing and substance abuse professionals
19 are appropriate professions to serve on a team, and allows
20 local discretion on "other relevant professions" as team
21 members.

22 The multidisciplinary teams subcommittee of the child
23 protection teams task force in 1989 recommended that
24 multidisciplinary teams be provided access to "unfounded"
25 child abuse information. These teams already have access to
26 "founded" and "undetermined" information. When combined with
27 the proposal to keep unfounded reports for six months, this
28 would allow multidisciplinary teams the ability to fully
29 assess family functioning.

30 Immediate expungement of unfounded child abuse information
31 under current law negates a person's right to obtain copies of
32 a report, does not allow a meaningful review by the county
33 attorney or juvenile court, does not allow adequate
34 functioning of section 232.71, subsection 15 (3 unfounded
35 previous reports, 4th case not investigated), and does not

1 allow any pattern of parental activity in unfounded cases to
2 be established. Therefore, a six-month period prior to
3 expungement is recommended to rectify these provisions.

4 Persons involved in an investigation (DHS, law enforcement,
5 medical practitioners, etc.) need access to child abuse
6 information during the time in which an appeal is pending. To
7 not allow the individuals actually working on an investigation
8 to have access to investigative information is to impede the
9 protection of children. Therefore, access by investigatory
10 personnel is recommended during the time in which an appeal is
11 pending.

12 Chapter 235B does not specify how many hours of training
13 are required when child abuse and dependent adult abuse
14 mandatory training are combined. Therefore, a minimum of
15 three hours training is recommended.

16 An extension of the mandatory autopsy provision which
17 currently includes children up to age two, to children who die
18 suddenly, unexpectedly, or mysteriously up to age five is
19 recommended. Additionally, mandatory performance of autopsies
20 of children known to have been drug affected at birth or
21 otherwise exposed to drugs is suggested.

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