

*Harmon B. ...*

FILED MAR 18 1891

SENATE FILE 359  
BY DIELEMAN and TAYLOR

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

A BILL FOR

1 An Act relating to the definitions used in the areas of child  
2 abuse and child in need of assistance proceedings.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 359

1 Section 1. Section 232.2, subsection 6, Code 1991, is  
2 amended by adding the following new unnumbered paragraph after  
3 paragraph n:

4 NEW UNNUMBERED PARAGRAPH. "Child in need of assistance"  
5 does not include a child whose need is alleged to be an  
6 educational benefit such as placement, testing, referral,  
7 compulsory attendance, or other academic pursuit, and shall be  
8 limited to fully disclosed, compelling, and current  
9 conditions, allegations, and complaints, documented by sworn  
10 statements accompanying the petition at the time of service,  
11 which are clearly cited and pertinent to the situation of the  
12 child.

13 Sec. 2. Section 232.2, Code 1991, is amended by adding the  
14 following new subsection:

15 NEW SUBSECTION. 21A. "Imminently likely" means a hazard  
16 of the occurrence of child abuse which is menacing,  
17 threatening, and immediately impending and which, in the  
18 absence of an overt act or verbal threat of child abuse, would  
19 present clear, convincing, compelling, and current reasoning  
20 which would lead a reasonable and prudent person assessing the  
21 same or similar facts, to substantially the same conclusion.

22 Sec. 3. Section 232.2, subsection 45, Code 1991, is  
23 amended by striking the subsection and inserting in lieu  
24 thereof the following:

25 45. "Sexual abuse" means the commission of a sex offense  
26 as defined by the penal law delimited by circumstances which  
27 can be prudently expected within the intimacy of a family or a  
28 home environment, and subject to thorough, explicit, and  
29 substantial evidence of illicit intent on the part of the  
30 alleged offender, clearly outside of the boundaries of  
31 appropriate conduct within the context.

32 Sec. 4. Section 232.68, Code 1991, is amended by adding  
33 the following new subsection:

34 NEW SUBSECTION. 7A. "Reasonable degree of certainty" or  
35 "reasonable belief" means the level of observation which is

1 absent of doubt, accompanied by assurance of accuracy and  
2 precision, characterized as specific and distinct and lacking  
3 in ambiguity, which prompts a reasonably prudent individual to  
4 form a belief that a child has been abused.

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EXPLANATION

This bill defines "reasonable degree of certainty" or  
"reasonable belief" for the purposes of a basis for the  
mandatory reporting of suspected child abuse; further defines  
"child in need of assistance"; and defines "imminently likely"  
and redefines "sexual abuse" for the purposes of the juvenile  
justice chapter of the Code.