

*Human Resources*

FILE NO. 1007

SENATE FILE **360**  
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 physical abuse of or injury to children,  
2 providing definitions, and excepting certain forms of corporal  
3 punishment from prohibited conduct.

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

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*SF 360*

1 Section 1. Section 232.2, subsection 38, Code 1991, is  
2 amended to read as follows:

3 38. "Physical abuse or neglect" or "abuse or neglect"  
4 means any ~~nonaccidental~~ physical injury suffered by a child as  
5 the result of the acts or omissions of the child's parent,  
6 guardian, or custodian or other person legally responsible for  
7 the child who maliciously, willfully, or wantonly disregards  
8 the safety or health of the child.

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

11 NEW SUBSECTION. 38A. "Physical injury" means damage to  
12 body tissue or a body part which causes serious permanent  
13 disfigurement, protracted loss or impairment of the function  
14 of the tissue or body part, which requires medical  
15 reconstructive or replacement procedures, or which seriously  
16 affects the general soundness or health of the individual's  
17 body.

18 Sec. 3. Section 232.68, subsection 2, paragraph a, Code  
19 1991, is amended to read as follows:

20 a. Any nonaccidental physical injury, or injury which is  
21 at variance with the history given of it, suffered by a child  
22 as the result of the acts or omissions of a person responsible  
23 for the care of the child, which has been validated as to the  
24 nature, extent, and age of the damage by a licensed physician  
25 during the course of a personal examination of the child.

26 Sec. 4. Section 232.68, subsection 2, Code 1991, is  
27 amended by adding the following new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. "Child abuse" or "abuse" does  
29 not include the reasonable, limited corporal punishment of a  
30 child by a person responsible for the care of the child. A  
31 determination of whether the use of corporal punishment is  
32 reasonable or limited shall include consideration of the  
33 manner in which the punishment was inflicted, the location on  
34 the body of the injury inflicted, whether the injury is a  
35 physical injury under section 232.2, subsection 38A, the

1 chronological age of the child, the physical and mental  
2 development of the child, the extent of the child's  
3 contribution to the injury, whether the punishment was the  
4 direct cause of the injury, and whether the conduct which  
5 caused the injury was in reckless disregard of the safety or  
6 health of the child.

7 Sec. 5. Section 232.78, subsection 1, Code 1991, is  
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. d. The allegations that form the basis for  
10 the ex parte order do not reflect the use of reasonable,  
11 limited corporal punishment of a child by a person responsible  
12 for the care of the child. A determination of whether the use  
13 of corporal punishment is reasonable or limited shall include  
14 consideration of the manner in which the punishment was  
15 inflicted, the location on the body of the injury inflicted,  
16 whether the injury is physical injury under section 232.2,  
17 subsection 38A, the chronological age of the child, the  
18 physical and mental development of the child, the extent of  
19 the child's contribution to the injury, whether the punishment  
20 was the direct cause of the injury, and whether the conduct  
21 which caused the injury was in reckless disregard of the  
22 safety or health of the child.

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EXPLANATION

24 This bill changes the definition of physical abuse and  
25 injury to include only those injuries which can be termed  
26 serious physical or mental disfigurement or result in  
27 protracted physical or mental impairment and are caused by  
28 willful, wanton, or malicious acts or omissions by the person  
29 responsible for a child's care. The bill excludes reasonable,  
30 limited corporal punishment from the term "child abuse." The  
31 bill also excludes use of reasonable, limited corporal  
32 punishment from the grounds on which an ex parte order for  
33 removal of a child from the care of the person responsible for  
34 the child's care.

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