

SENATE FILE 469  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 324)

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

A BILL FOR

1 An Act relating to the types of child abuse cases included in the  
2 central registry.

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

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SF 469

1 Section 1. Section 235A.18, subsection 1, Code 1991, is  
2 amended to read as follows:

3 1. Child abuse information, as provided pursuant to  
4 subsection 1A, relating to a particular case of suspected  
5 child abuse shall be sealed ten years after the receipt of the  
6 initial report of such abuse by the registry unless good cause  
7 be shown why the information should remain open to authorized  
8 access. If a subsequent report of a suspected case of child  
9 abuse involving the child named in the initial report as the  
10 victim of abuse or a person named in such report as having  
11 abused a child is received by the registry within this ten-  
12 year period, the information shall be sealed ten years after  
13 receipt of the subsequent report unless good cause be shown  
14 why the information should remain open to authorized access.

15 Sec. 2. Section 235A.18, Code 1991, is amended by adding  
16 the following new subsections:

17 NEW SUBSECTION. 1A. Child abuse information, which is  
18 determined by clear and convincing evidence to be founded and  
19 is one of the following, shall be maintained by the registry  
20 in accordance with subsection 1:

- 21 a. Sexual abuse.
- 22 b. Physical injury to a child which required medical  
23 attention from a health practitioner.
- 24 c. Permanently disabling or disfiguring injuries.
- 25 d. A pattern of life-threatening denial of critical care.
- 26 e. Gross failure to meet a child's emotional needs.
- 27 f. Abandonment.
- 28 g. Fatal injury.

29 NEW SUBSECTION. 1B. Child abuse information which is  
30 determined by a preponderance of the evidence to be founded,  
31 which is perpetrated by a parent, guardian, or custodian with  
32 whom the child resides, and which is one of the following,  
33 shall be maintained in a confidential manner in a separate  
34 file from the registry and, notwithstanding section 235A.15,  
35 shall only be accessible to the subjects of the report as

1 designated pursuant to section 235A.15, subsection 2,  
2 paragraph "a", and to an employee or agent of the department  
3 of human services for the purpose of providing assistance to  
4 the parent, guardian, or custodian of and with whom the child  
5 resides:

6 a. An accidental physical injury to a child for which only  
7 minor or no medical attention from a health practitioner is  
8 required.

9 b. The failure on the part of a parent, guardian, or  
10 custodian with whom the child resides to provide for adequate  
11 food, shelter, clothing, or other care necessary for the  
12 child's health and welfare when financially able to do so or  
13 when offered financial or other means to do so.

14 The information maintained under this subsection shall be  
15 expunged following provision of services to the parent,  
16 guardian, or custodian, of and with whom the child resides.

17 Sec. 3. Section 235A.18, subsection 2, Code 1991, is  
18 amended to read as follows:

19 2. Child abuse information, which is of a type listed  
20 pursuant to subsection 1A, which cannot be determined by a  
21 preponderance of the evidence to be founded or unfounded shall  
22 be expunged one year after the receipt of the initial report  
23 of abuse and child abuse information which is determined by a  
24 preponderance of the evidence to be unfounded shall be  
25 expunged when it is determined to be unfounded, as a result of  
26 any of the following:

27 a. The investigation of a report of suspected child abuse  
28 by the department.

29 b. A successful appeal as provided in section 235A.19.

30 c. A court finding by a juvenile or district court.

31 The juvenile or district court and county attorney shall  
32 expunge child abuse information upon notice from the registry.

33 EXPLANATION

34 This bill provides for a designation of the types of child  
35 abuse which are maintained in the central registry. The bill

1 provides that if the abuse is founded based upon clear and  
2 convincing evidence and is sexual abuse, physical injury to a  
3 child which required medical attention from a health  
4 practitioner, permanently disabling or disfiguring injuries, a  
5 pattern of life-threatening denial of critical care, gross  
6 failure to meet a child's emotional needs, abandonment, or  
7 fatal injury, the information will be maintained in the  
8 central registry and expunged in accordance with current law.  
9 If the abuse is founded based upon a preponderance of the  
10 evidence, is perpetrated by a parent, guardian, or custodian  
11 with whom the child resides, and is an accidental physical  
12 injury or neglect, the information is to be maintained in a  
13 separate listing and is only accessible to the subjects of the  
14 child abuse investigation and to departmental employees or  
15 agents for the purpose of providing assistance to the parent,  
16 guardian, or custodian.

17 The bill also provides that child abuse information which  
18 is of a more serious nature and which is undetermined is  
19 expunged one year after the initial report and child abuse  
20 information which is of a more serious nature and which is  
21 unfounded is to be expunged when determined unfounded.

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**SENATE FILE 469  
FISCAL NOTE**

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A fiscal note for Senate File 469 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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Senate File 469 provides that records kept in the central child abuse registry in the Department of Human Services (DHS) shall designate the type of abuse. The bill specifies that treatment of child abuse records will vary, depending upon the type of abuse and the evidentiary standard which is met. The bill requires information about serious child abuse which is not determined to be founded or unfounded shall be expunged 1 year after the initial report. Information about serious child abuse which is determined to be founded shall be expunged when the unfounded determination is made.

Fiscal Impact:

Senate File 469 is expected to require additional training for DHS and Judicial Department staff, computer database development, and additional DHS field staff time.

It is estimated that the additional training will be provided by existing staff who will be reassigned from other responsibilities. The development of a new database system to record information which does not rise to the "clear and convincing" standard will cost \$90,000, using current staff. An estimated additional 7.0 FTE field staff positions will be needed to handle an increased number of appeals and longer search time; this is projected to cost \$262,070.

Estimated federal funding of these expenditures is \$49,000, while estimated state cost is \$303,000.

Source: Department of Human Services

(LSB 2688sv, JMN)

FILED APRIL 5, 1991

BY DENNIS PROUTY, FISCAL DIRECTOR

MURPHY, CH.  
SURGEON  
RITMER

SSB 324  
HUMAN RESOURCES

SENATE FILE 469  
BY (PROPOSED COMMITTEE ON HUMAN  
RESOURCES BILL BY CHAIRPERSON  
HANNON)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
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29 NEW SUBSECTION. 1B. Child abuse information which is  
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12 child's health and welfare when financially able to do so or  
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