

House File 206

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1 3 AN ACT
1 4 INCREASING THE CHILD AGE APPLICABLE TO MANDATORY REPORTING OF
1 5 SUSPECTED CHILD SEXUAL ABUSE PERPETRATED BY A PERSON OTHER
1 6 THAN THE PERSON RESPONSIBLE FOR THE CARE OF THE CHILD.

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1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 10 Section 1. Section 232.69, subsection 1, unnumbered
1 11 paragraph 1, Code 2003, is amended to read as follows:

1 12 The classes of persons enumerated in this subsection shall
1 13 make a report within twenty-four hours and as provided in
1 14 section 232.70, of cases of child abuse. In addition, the
1 15 classes of persons enumerated in this subsection shall make a
1 16 report of abuse of a child who is under ~~twelve~~ sixteen years
1 17 of age and may make a report of abuse of a child who is ~~twelve~~
1 18 ~~sixteen~~ years of age or older, which would be defined as child
1 19 abuse under section 232.68, subsection 2, paragraph "c" or
1 20 "e", except that the abuse resulted from the acts or omissions
1 21 of a person other than a person responsible for the care of
1 22 the child.

1 23 Sec. 2. Section 232.69, subsection 1, paragraph b, Code
1 24 2003, is amended by adding the following new subparagraph:

1 25 NEW SUBPARAGRAPH. (13) A member of the clergy. However,
1 26 if the belief that a child has suffered abuse arises from
1 27 information obtained only during a penitential communication,
1 28 the clergy member is not subject to the requirement to make
1 29 the report. This subparagraph shall not be construed to
1 30 modify or limit a clergy member's duty to report the belief
1 31 that a child has been abused when the clergy member is acting
1 32 in some other capacity that would otherwise make the clergy
1 33 member a mandatory reporter of abuse. For the purposes of
1 34 this subparagraph, unless the context otherwise requires:

1 35 (a) "Clergy member" or "member of the clergy" means an
2 1 individual who is designated as clergy by ordination,
2 2 licensing, or other form of entitlement by the religious group
2 3 or sect with whom the individual is affiliated.

2 4 (b) "Penitential communication" means a communication
2 5 intended to be in confidence, including but not limited to a
2 6 sacramental confession made to a clergy member who, in the
2 7 course of the discipline or practice of the clergy member's
2 8 religious group or sect, is authorized to hear those
2 9 communications, and under the discipline, practice, tenets, or
2 10 customs of the religious group or sect, the clergy member has
2 11 the duty to keep the communication secret.

2 12 Sec. 3. Section 232.69, subsection 3, paragraph b, Code
2 13 2003, is amended to read as follows:

2 14 b. A person required to make a report under subsection 1,
2 15 other than a physician whose professional practice does not
2 16 regularly involve providing primary health care to children or
2 17 a member of the clergy, shall complete two hours of training
2 18 relating to the identification and reporting of child abuse
2 19 within six months of initial employment or self-employment
2 20 involving the examination, attending, counseling, or treatment
2 21 of children on a regular basis. Within one month of initial
2 22 employment or self-employment, the person shall obtain a
2 23 statement of the abuse reporting requirements from the
2 24 person's employer or, if self-employed, from the department.
2 25 The person shall complete at least two hours of additional
2 26 child abuse identification and reporting training every five
2 27 years.

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2 32 CHRISTOPHER C. RANTS
2 33 Speaker of the House

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3 1 MARY E. KRAMER
3 2 President of the Senate

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3 4 I hereby certify that this bill originated in the House and
3 5 is known as House File 206, Eightieth General Assembly.

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MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2003

THOMAS J. VILSACK
Governor