

January 21, 1965.

Passed on File.

Industrial + Human Relations 4/25
Passed Senate, Date 4/11

Senate File 50
By BURNS, ELY and NIMS.

Passed House, Date 4/26

Vote: Ayes 49 Nays 0

Vote: Ayes 108 Nays 0

Approved May 7, 1965

"be amended + do pass" 3/12

Industrial + Human Relations 4/7
"do pass" 4/7

A BILL FOR

An Act relating to the reporting by physicians, institutions, and others of certain physical abuse of children.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. The purpose of this Act is to provide for the pro-

2 tection of children who have had physical injury inflicted upon

3 them and who are further threatened by the conduct of those respon-

4 sible for their care and protection. Physicians and others who

5 become aware of such cases should report the cases to the county

6 board of social welfare of the county wherein the child resides,

7 thereby causing the protective services and courts of law of the

8 state to be brought to bear in an effort to protect the health

9 and welfare of these children and to prevent further abuses.

1 Sec. 2. Any physician, including any doctor of medicine, osteo-

2 pathic physician, intern or resident, nurse, social worker, school

3 teacher or school, authority, lawyer, marriage counselor, minister,

4 and any other person having reasonable cause to suspect that a

5 minor child under the age of eighteen (18) years brought to him

6 or coming before him for examination, care, or treatment, or known

7 to him by other means, has had serious physical injury or injuries

8 inflicted upon him other than by accidental means by a parent or

9 other person responsible for the care of the child shall report

10 or cause reports to be made in accordance with the provisions of

11 this Act. When the attendance of a physician with respect to a

12 child is pursuant to the performance of services as a member of
13 the staff of a hospital or other facility for medical or psychi-
14 atric care and treatment, the physician shall notify the person or
15 a designated delegate in charge of the institution or facility
16 who shall report or cause reports to be made in accordance with
17 the provisions of this Act.

1 Sec. 3. An oral report shall be made immediately by telephone
2 or otherwise and followed as soon as possible thereafter by a
3 report in writing to the county board of social welfare of the
4 county wherein the child resides. If immediate emergency protec-
5 tion for the child is necessary, the oral report shall be to an
6 appropriate police authority. Such reports shall contain the
7 name and address of the child, the names of all minor siblings,
8 and the names of parents or other persons responsible for the care
9 of the child, if known; the age of the child; the nature and
10 extent of the child's injuries, including any evidence of previous
11 injuries; and any other information that the physician or other
12 person making the report believes may be helpful in establishing
13 the cause of the injuries and the identity of the perpetrator.

1 Sec. 4. The county board of social welfare receiving the
2 report shall immediately cause an investigation to be made by a
3 child welfare worker into the home and the circumstances surround-
4 ing the injury to the child. The county board shall take such
5 action as granted to it under the laws of the state and by the
6 courts of the state to protect the health and welfare of the child,
7 to prevent further abuses, and to make services available which
8 will preserve and strengthen the family unit whenever possible.

1 Sec. 5. Anyone participating in good faith in the making of
2 a report or in the investigation of the problem pursuant to this

3 Act shall have immunity from any liability, civil or criminal,
 4 that might otherwise be incurred or imposed. Any such participant
 5 shall have the same immunity with respect to participation in any
 6 judicial proceeding resulting from such report.

1 Sec. 6. Neither the physician-patient privilege nor the husband-
 2 wife privilege shall be a ground for excluding evidence regarding a
 3 child's injuries or the cause thereof in any proceeding resulting
 4 from a report pursuant to this Act.

SENATE FILE 50
 (Committee Amendment)

1 Amend Senate File 50, by striking all after the enacting clause
 2 and substituting in lieu thereof the following:

3 Section 1. Policy. It is the policy of this state to provide
 4 protection for children who have been physically injured as a
 5 result of abuse or willful neglect and who may be in danger of
 6 further injury. This Act shall be administered and interpreted
 7 to provide the greatest possible protection as promptly as possible
 8 for such children.

9 Sec. 2. Definitions. Whenever used in this Act, unless the
 10 context clearly indicates otherwise:

11 1. "Health practitioner" includes any physician, surgeon,
 12 osteopath, dentist, optometrist, podiatrist, or chiropractor; any
 13 resident or intern in any of such professions; and any registered
 14 nurse attending or treating a child in the absence of a practitioner
 15 of any of such professions.

16 2. "Child" means any person under the age of eighteen (18) years.

17 3. "County department of social welfare" and "county attorney"
 18 have the meaning stated in section six (6) of this Act.

19 Sec. 3. Report. Every health practitioner who examines,
 20 attends, or treats a child and who believes or has reason to
 21 believe that the child has had physical injury inflicted on him
 22 as a result of abuse or willful neglect, shall make a report as
 23 provided in the following section. However, if the health
 24 practitioner examines, attends, or treats the child as a member of
 25 the staff of a hospital or similar institution, he shall
 26 immediately notify and give complete information to the person in
 27 charge of the institution or his designated representative, who
 28 shall make a report as provided in the following section.

29 Any other person who believes that a child has had physical
 30 injury inflicted upon him as a result of abuse or neglect may
 31 make a report as provided in the following section.

32 Sec. 4. Nature and contents of report; to whom made. Each
 33 report shall be made both orally and in writing, and both reports
 34 shall be made as soon as is reasonably possible.

35 The oral report shall be made by telephone or otherwise to
 36 the county department of social welfare. If the person making
 37 the report believes or has reason to believe that immediate
 38 protection for the child is advisable, he also shall immediately
 39 make an oral report to an appropriate law enforcement agency.

40 The written report shall be made to the county department of
 41 social welfare and the county attorney.

42 The oral and written reports shall contain the following
 43 information, or as much thereof as the person making the report
 44 is able to furnish: (1) the names and home addresses of the
 45 child and his parents or other persons responsible for his care;
 46 (2) the child's present whereabouts if not the same as his home
 47 address; (3) the child's age; (4) the nature and extent of the
 48 child's injuries, including any evidence of previous injuries;
 49 and (5) any other information which the person making the report
 50 believes might be helpful in establishing the cause of the injuries
 51 and the identity of the person or persons responsible therefor.

52 A report made by anyone other than a health practitioner,
 53 hospital, or similar institution may be oral, written, or both;
 54 shall be regarded as a report pursuant to this Act whether or
 55 not the report contains all of the information required by this
 56 section; and may be made to any county department of social
 57 welfare, county attorney, or law enforcement agency. If the

58 report is made to any agency other than the county department
59 of social welfare, such agency shall promptly refer the report to
60 the county department of social welfare.
61 Sec. 5. Investigation and other action. The county department
62 of social welfare shall make a thorough investigation promptly
63 after receiving either the oral or written report. The primary
64 purpose of the investigation shall be the protection of the child.
65 The investigation shall include the nature, extent, and cause
66 of the child's injuries; the identity of the person or persons
67 responsible therefor; the names and conditions of other children
68 in the home; the child's home environment and relationship with
69 his parents or other persons responsible for his care; and all
70 other pertinent matters.
71 The investigation shall include a visit to the child's home.
72 If admission to the home cannot be obtained, the juvenile court or
73 district court, upon good cause shown, may authorize the person or
74 persons making the investigation to enter and examine the child's
75 home, using reasonable force if necessary.
76 The county department of social welfare shall make a complete
77 written report of the investigation to the juvenile court, the
78 county attorney, and the appropriate law enforcement agency.
79 The written report of the investigation shall be delivered
80 within ninety-six (96) hours after the county department of social
81 welfare receives either the oral or written report of injury,
82 unless the juvenile court or district court grants an extension
83 of time for good cause shown.
84 The county attorney and any law enforcement or welfare agency
85 in the state shall cooperate and assist in the investigation upon
86 the request of the county department of social welfare. The
87 county attorney and appropriate law enforcement agencies shall also
88 take any other lawful action which may be necessary or advisable
89 for the protection of the child.
90 The county department of social welfare shall make available
91 all lawful services and take all lawful action which appears
92 advisable to protect the health and welfare of the child and his
93 family.
94 The county department of social welfare shall promptly begin
95 any proceeding under chapter two hundred thirty-two (232) of the
96 Code which appears to be in the best interests of the child; but if
97 the county department of social welfare fails to do so, the county
98 attorney shall promptly do so.
99 Sec. 6. Jurisdiction; transfer. "County department of social
100 welfare" or "county attorney" ordinarily refer to the county in
101 which the child's home is located.
102 However, if the person making the report pursuant to this Act
103 does not know where the child's home is located, or if the child's
104 home is not located in the county where the health practitioner
105 examines, attends, or treats the child, the report may be made to
106 the designated agencies for the county where the person making the
107 report resides or the county where the health practitioner
108 examines, attends, or treats the child. These agencies shall
109 promptly proceed as provided in section five (5) of this Act, unless
110 the matter is transferred to another county as provided in this
111 section.
112 If it appears that the child's home is located in another
113 county, the county department of social welfare shall promptly
114 transfer the matter to the other county by transmitting a copy
115 of the report of injury and any other pertinent information to the
116 county department of social welfare and the county attorney of the
117 other county. They shall promptly proceed as provided in section
118 five (5) of this Act.
119 Sec. 7. Immunity from liability. Anyone participating in good
120 faith in the making of a report pursuant to this Act shall have
121 immunity from any liability, civil or criminal, which might
122 otherwise be incurred or imposed. Any such participant shall
123 have the same immunity with respect to participation in good faith
124 in any judicial proceeding resulting from such report or relating
125 to the subject matter of such report.
126 Sec. 8. Evidence not privileged or excluded. Sections six
127 hundred twenty-two point seven (622.7), six hundred twenty-two point
128 nine (622.9), and six hundred twenty-two point ten (622.10), Code
129 1962, and any other statute or rule of evidence which excludes or
130 makes privileged the testimony of a husband or wife against the
131 other or the testimony of a health practitioner as to confidential
132 communication, shall not apply to evidence regarding a child's
133 injuries or the cause thereof in any judicial proceeding, civil
134 or criminal, resulting from a report pursuant to this Act or
135 relating to the subject matter of such report.

Filed
March 12, 1965.

Adopted as amended
By COMMITTEE ON INDUSTRIAL
AND HUMAN RELATIONS,
JAKE B. MINCKS, *Chairman*.

SENATE FILE 50

Amend the committee amendment to Senate File 50
as follows:

1. Strike the word "communication" in line 132 and insert
in lieu thereof the word "communications".
2. Amend the title by inserting after the word "children"
in line 2 the words "and the protection of children against
further injury".

and adopted
1, 1965.

By STANLEY.