

Human Resources 2/28, 6 am gov 2482

Reprinted 4/2/74

SENATE FILE 1225

Senate File 1225  
Human Resources—  
Gluba, Chairman  
Milligan  
Murray \_\_\_\_\_

By DODERER, LAMBORN, SCHWENGELS, GLUBA,  
WILLITS, POTTER, PALMER, ORR, KINLEY,  
NOLIN, MILLIGAN, PRIEBE, RODGERS,  
GALLAGHER, BLOUIN, RILEY, SHAW,  
MILLER of Marshall, NYSTROM, HULTMAN,  
KENNEDY, SCHABEN, ROBINSON, SCHWIEGER,  
MURRAY and BURROUGHS  
(Bittle, Connors, Hargrave, Lipsky,  
Caffrey, Stanley, Egenes, West,  
Butler, Crabb, Brunow, Newhard,  
Hill, Avenson, Lippold, Patchett,  
Ferguson, Oakley, Cusack, O'Halloran,  
Readinger, Kiser, Harper and Kreamer)

FILED 4-1-74

Passed Senate, Date 4-1-74 (1115) Passed House, Date \_\_\_\_\_  
Vote: Ayes 39 Nays 1 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to child abuse, the creation of a bureau of the  
2 central registry for child abuse information and providing  
3 penalties.

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

S—2638

- 1 Amend Senate File 1225 as follows:
- 2 1. Page 4, by striking lines 2 through 4
- 3 and inserting in lieu thereof the following:
- 4 "1. Each report made by a mandatory reporter,
- 5 as defined in section two hundred thirty-five A
- 6 point three (235A.3), subsection one (1) of the
- 7 Code, shall be made both orally and in writing.
- 8 Each report made by a permissive reporter, as de-
- 9 fined in section two hundred thirty-five A point
- 10 three (235A.3), subsection two (2) of the Code, may
- 11 be oral, written, or both."
- 12 2. Page 5, by striking lines 3 through 6
- 13 and inserting in lieu thereof the following:
- 14 "6. A report made by a permissive reporter,
- 15 as defined in section two hundred thirty-five A
- 16 point three (235A.3), subsection two (2) of the
- 17 Code, shall be regarded as a report pursuant to
- 18 this Act".

S—2638 Filed and adopted  
April 1, 1974

By DODERER

1 Section 1. Section two hundred thirty-five A point one  
2 (235A.1), Code 1973, is amended by striking the section and  
3 inserting in lieu thereof the following:

4 235A.1 LEGISLATIVE FINDINGS--PURPOSE AND POLICY. Children  
5 in this state are in urgent need of protection from physical  
6 abuse. It is the purpose and policy of this Act to provide  
7 the greatest possible protection to victims or potential vic-  
8 tims of abuse through encouraging the increased reporting  
9 of suspected cases of such abuse, insuring the thorough and  
10 prompt investigation of these reports, and providing rehabili-  
11 tative services, where appropriate and whenever possible to  
12 abused children and their families which will stabilize the  
13 home environment so that the family can remain intact without  
14 further danger to the child.

15 Sec. 2. Section two hundred thirty-five A point two  
16 (235A.2), Code 1973, is amended by striking the section and  
17 inserting in lieu thereof the following:

18 235A.2 DEFINITIONS. As used in this chapter, unless the  
19 context otherwise requires:

20 1. "Child" means any person under the age of eighteen  
21 years.

22 2. "Child abuse" or "abuse" means any nonaccidental  
23 physical injury suffered by a child as the result of the  
24 acts or omissions of the child's parents, guardians or other  
25 person legally responsible for the child.

26 3. "County department of social services" and "county  
27 attorney" have the meaning stated in section six (6) of this Act.

28 4. "Department" means the state department of social ser-  
29 vices.

30 5. "Health practitioner" includes a licensed physician  
31 and surgeon, osteopath, osteopathic physician and surgeon,  
32 dentist, optometrist, podiatrist, or chiropractor; a resident  
33 or intern in any of such professions; and any registered nurse  
34 or licensed practical nurse.

35 6. "Registry" means the central registry for child abuse

1 information defined in section twelve (12), subsection nine  
2 (9), of this Act.

3 Sec. 3. Section two hundred thirty-five A point three  
4 (235A.3), Code 1973, is amended by striking the section and  
5 inserting in lieu thereof the following:

6 235A.3 MANDATORY AND PERMISSIVE REPORTERS.

7 1. The following classes of persons shall make a report,  
8 as provided in section four (4) of this Act, of cases of child  
9 abuse and willful neglect:

10 a. Every health practitioner who examines, attends, or  
11 treats a child and who believes or has reason to believe that  
12 the child has had physical injury inflicted on the child as  
13 a result of abuse. If, however, the health practitioner  
14 examines, attends, or treats the child as a member of the  
15 staff of a hospital or similar institution, the examining  
16 health practitioner shall immediately notify and give complete  
17 information to the person in charge of the institution or  
18 the health practitioner's designated agent.

19 b. Every social worker under the jurisdiction of the  
20 department of social services, certified psychologist, certifi-  
21 cated school employee, employee of a licensed day care  
22 facility, religious practitioner, or peace officer, who, in  
23 the course of employment, believes or has reason to believe  
24 that a child has had physical injury inflicted on the child  
25 as a result of abuse. Whenever such person is required to  
26 report under this section as a member of the staff of a public  
27 or private institution, agency or facility, that person shall  
28 immediately notify the person in charge of such institution,  
29 agency or facility, or that person's designated agent.

30 2. Any other person who believes that a child has had  
31 physical injury inflicted upon him as a result of abuse may  
32 make a report as provided in section four (4) of this Act.

33 Sec. 4. Section two hundred thirty-five A point four  
34 (235A.4), Code 1973, is amended by striking the section and  
35 inserting in lieu thereof the following:

1 235A.4 REPORTING PROCEDURE.

2 1. Each report shall be made both orally and in writing,  
3 and both reports shall be made as soon as is reasonably  
4 possible.

5 2. The oral report shall be made by telephone or otherwise  
6 to the county department of social services. If the person  
7 making the report has reason to believe that immediate protec-  
8 tion for the child is advisable, that person shall also make  
9 an oral report to an appropriate law enforcement agency.

10 3. The written report shall be made to the county depart-  
11 ment of social services within forty-eight hours after such  
12 oral report.

13 4. The county department of social services shall:

14 a. Immediately, upon receipt of an oral report, make an  
15 oral report to the state central registry as provided in  
16 section thirteen (13) of this Act;

17 b. Forward a copy of the written report to the state cen-  
18 tral agency; and

19 c. Notify the appropriate county attorney of the receipt  
20 of any report.

21 5. The oral and written reports shall contain the follow-  
22 ing information, or as much thereof as the person making the  
23 report is able to furnish:

24 a. The names and home address of the child and his parents  
25 or other persons responsible for his care;

26 b. The child's present whereabouts if the same as the  
27 parent's or other person's home address;

28 c. The child's age;

29 d. The nature and extent of the child's injuries, including  
30 any evidence of previous injuries;

31 e. The name, age and condition of other children in the  
32 same home; and

33 f. Any other information which the person making the  
34 report believes might be helpful in establishing the cause  
35 of the injury to the child, the identity of the person or

1 persons responsible for the injury, or the identity of the  
2 person providing assistance to the child.

3 6. A report made by anyone other than a health practi-  
4 tioner, hospital, or similar institution may be oral, written,  
5 or both. A report made by anyone other than a health practi-  
6 tioner shall be regarded as a report pursuant to this Act  
7 whether or not the report contains all of the information  
8 required by this section and may be made to the state depart-  
9 ment of social services, any county department of social  
10 welfare, county attorney, or law enforcement agency. If the  
11 report is made to any agency other than the county department  
12 of social welfare, such agency shall promptly refer the report  
13 to the county department of social welfare.

14 Sec. 5. Section two hundred thirty-five A point five  
15 (235A.5), Code 1973, is amended by striking the section and  
16 inserting in lieu thereof the following:

17 235A.5 DUTIES OF COUNTY DEPARTMENTS UPON RECEIPT OF REPORT.

18 1. Whenever a report is received, the county department  
19 of social services shall promptly commence an appropriate  
20 investigation. The primary purpose of this investigation  
21 shall be the protection of the child named in the report.

22 2. The investigation shall include:

23 a. Identification of the nature, extent, and cause of  
24 the injuries, if any, to the child named in the report;

25 b. The identification of the person or persons responsible  
26 therefor;

27 c. The name, age, and condition of other children in the  
28 same home as the child named in the report;

29 d. An evaluation of the home environment and relationship  
30 of the child named in the report;

31 e. The names of any other children in the same home of  
32 the parents or other persons responsible for their care; and

33 f. An investigation of all other pertinent matters.

34 3. The investigation may include a visit to the home of  
35 the child named in the report and examination of such child.

1 If permission to enter the home and to examine the child is  
2 refused, the juvenile court or district court upon a showing  
3 of probable cause may authorize the person making the investi-  
4 gation to enter the home and examine the child.

5 4. The county attorney and any law enforcement or welfare  
6 agency in the state shall cooperate and assist in the investi-  
7 gation upon the request of the county department of social  
8 services. The county attorney and appropriate law enforcement  
9 agencies shall also take any other lawful action which may  
10 be necessary or advisable for the protection of the child.

11 5. The county department of social services, upon comple-  
12 tion of its investigation, shall make a complete written  
13 report of its investigation of a report of suspected abuse.  
14 A copy of this report shall be transmitted to the juvenile  
15 court within ninety-six hours after the county department  
16 of social services initially receives the abuse report unless  
17 the juvenile court grants an extension of time for good cause  
18 shown. The juvenile court shall notify the central registry  
19 of any action it takes with respect to suspected case of  
20 child abuse.

21 6. The county department of social services shall transmit  
22 a copy of the report of its investigation, including actions  
23 taken or contemplated, to the central registry. The county  
24 department of social services shall make periodic follow-up  
25 reports thereafter in a manner prescribed by the central  
26 registry so that the registry is kept up-to-date and fully  
27 informed concerning the handling of a suspected case of child  
28 abuse.

29 7. The county department of social services shall also  
30 transmit a copy of the report of its investigation to the  
31 county attorney and the appropriate law enforcement agencies.  
32 Such persons and agencies shall notify the central registry  
33 of any actions or contemplated actions with respect to a sus-  
34 pected case of child abuse so that the registry is kept up-  
35 to-date and fully informed concerning the handling of such

1 a case.

2 8. Based on the investigation conducted pursuant to this  
3 section, the county department of social services may offer  
4 to the family of any child believed to be the victim of abuse  
5 such services as appear appropriate for either the child,  
6 the family, or both.

7 9. If, upon completion of the investigation, the county  
8 department of social services determines that the best inter-  
9 ests of the child require juvenile court action, the depart-  
10 ment shall take the appropriate action to initiate such action  
11 under chapter two hundred thirty-two (232) of the Code.

12 10. The county department of social services shall assist  
13 the juvenile court or district court during all stages of  
14 court proceedings involving a suspected child abuse case in  
15 accordance with the purposes of this Act.

16 11. The county department of social services shall provide  
17 for or arrange for and monitor rehabilitative services for  
18 abused children and their families on a voluntary basis or  
19 under a final or intermediate order of the juvenile court.

20 Sec. 6. Section two hundred thirty-five A point six  
21 (235A.6), Code 1973, is amended to read as follows:

22 235A.6 JURISDICTION--TRANSFER. "County department of  
23 social welfare services" or "county attorney" ordinarily refer  
24 to the county in which the child's home is located.

25 However, if the person making the report pursuant to this  
26 chapter does not know where the child's home is located, or  
27 if the child's home is not located in the county where the  
28 health practitioner examines, attends, or treats the child,  
29 the report may be made to the state department of social  
30 services or to the designated agencies for the county where  
31 the person making the report resides or the county where the  
32 health practitioner examines, attends, or treats the child.  
33 These agencies shall promptly proceed as provided in section  
34 235A.5 section five (5) of this Act, unless the matter is  
35 transferred to another county as provided in this section.

1 If it appears that the child's home is located in another  
2 county, the county department of social welfare shall promptly  
3 transfer the matter to the other county by transmitting a  
4 copy of the report of injury and any other pertinent infor-  
5 mation to the county department of social welfare ~~and the~~  
6 ~~county-attorney-of-the-other-county~~ services in that county.  
7 ~~They~~ The county department to which the report is referred  
8 shall promptly proceed as provided in section 235A-5 section  
9 five (5) of this Act. If more than one county department  
10 has jurisdiction under this section of a suspected case of  
11 child abuse, the departments shall cooperate in carrying out  
12 the provisions of this Act.

13 Sec. 7. Section two hundred thirty-five A point seven  
14 (235A.7), Code 1973, is amended to read as follows:

15 235A.7 IMMUNITY FROM LIABILITY. Anyone participating  
16 in good faith in the making of a report or photographs or  
17 x-rays pursuant to this chapter shall have immunity from  
18 any liability, civil or criminal, which might otherwise be  
19 incurred or imposed. Any such participant shall have the  
20 same immunity with respect to participation in good faith  
21 in any judicial proceeding resulting from such report or  
22 relating to the subject matter of such report.

23 Sec. 8. Chapter two hundred thirty-five A (235A), Code  
24 1973, is amended by adding the following new section:

25 NEW SECTION. SANCTIONS FOR FAILURE TO REPORT.

26 1. Any person, official, agency or institution, required  
27 by this Act to report a suspected case of child abuse who  
28 knowingly and willfully fails to do so is guilty of a  
29 misdemeanor and upon conviction shall be fined not more than  
30 one hundred dollars or be imprisoned in the county jail not  
31 more than ten days.

32 2. Any person, official, agency or institution, required  
33 by section three (3) of this Act to report a suspected case  
34 of child abuse who knowingly fails to do so is civilly liable  
35 for the damages proximately caused by such failure.

1 Sec. 9. Chapter two hundred thirty-five A (235A), Code  
2 1973, is amended by adding the following new section:

3 NEW SECTION. PUBLICITY AND EDUCATIONAL PROGRAMS. The  
4 state department and county departments of social services,  
5 jointly and individually, within the limits of available  
6 funds, shall conduct a continuing publicity and educational  
7 program for the personnel of the state department and county  
8 departments, persons required to report, and any other  
9 appropriate persons to encourage the fullest possible degree  
10 of reporting of suspected cases of child abuse. Educational  
11 programs shall include but not be limited to the diagnosis  
12 of child abuse, the responsibilities, obligations, duties  
13 and powers of persons and agencies under this Act and the  
14 procedures of the state department of social services, county  
15 departments of social services, and juvenile court with respect  
16 to suspected cases of child abuse.

17 Sec. 10. Chapter two hundred thirty-five A (235A), Code  
18 1973, is amended by adding the following new section:

19 NEW SECTION. PHOTOGRAPHS AND X-RAYS. Any person who is  
20 required to report a case of child abuse may take or cause  
21 to be taken, at public expense, photographs of the areas of  
22 trauma visible on a child. Any health practitioner may, if  
23 medically indicated, cause to be performed radiological exami-  
24 nation of the child. Any photographs or x-rays taken shall  
25 be sent to the county department of social services to which  
26 the report is made as soon as possible and treated as part  
27 of that report. Whenever such person is required to report  
28 under section three (3) of this Act, in that person's capacity  
29 as a member of the staff of a medical or other private or  
30 public institution, agency or facility, that person shall  
31 immediately notify the person in charge of such institution,  
32 agency, or facility or that person's designated delegate of  
33 the need for photographs or x-rays.

34 Sec. 11. NEW SECTION. LEGISLATIVE FINDINGS AND PURPOSES.

35 The general assembly finds and declares that a central registry

1 is required to provide a single source for the statewide  
2 collection, maintenance and dissemination of child abuse  
3 information. Such a registry is imperative for increased  
4 effectiveness in dealing with the problem of child abuse.  
5 The general assembly also finds that vigorous protection of  
6 rights of individual privacy is an indispensable element of  
7 a fair and effective system of collecting, maintaining and  
8 dissemination of child abuse information.

9 The purposes of sections eleven (11) through twenty-three  
10 (23) of this Act are to facilitate the identification of  
11 victims or potential victims of child abuse by making avail-  
12 able a single, statewide source of child abuse data; to facili-  
13 tate research on child abuse by making available a single,  
14 statewide source of child abuse data; and to provide maximum  
15 safeguards against the unwarranted invasions of privacy which  
16 such a registry might otherwise entail.

17 Sec. 12. NEW SECTION. DEFINITIONS. As used in sections  
18 eleven (11) through twenty-three (23) of this Act, unless  
19 the context otherwise requires:

20 1. "Child" has the meaning stated in section two (2),  
21 subsection one (1), of this Act.

22 2. "Child abuse" has the meaning stated in section two  
23 (2), subsection two (2), of this Act.

24 3. "Child abuse information" means any or all of the  
25 following data maintained by the registry in a manual or auto-  
26 mated data storage system and individually identified:

27 a. Report data.

28 b. Investigation data.

29 c. Disposition data.

30 4. "Report data" means information pertaining to any  
31 occasion involving or reasonably believed to involve child  
32 abuse, including:

33 a. The name and address of the child and the child's par-  
34 ents or other persons responsible for the child's care.

35 b. The age of the child.

1 c. The nature and extent of the injury, including evidence  
2 of any previous injury.

3 d. Any other information believed to be helpful in estab-  
4 lishing the cause of the injury and the identity of the person  
5 or persons responsible therefor.

6 e. All other pertinent matters.

7 5. "Investigation data" means information pertaining to  
8 the evaluation of report data, including:

9 a. Additional information as to the nature, extent and  
10 cause of the injury, and the identity of persons responsible  
11 therefor.

12 b. The names and conditions of other children in the home.

13 c. The child's home environment and relationships with  
14 parents or others responsible for his or her care.

15 d. All other pertinent matters.

16 6. "Disposition data" means information pertaining to  
17 an opinion or decision as to the occurrence of child abuse,  
18 including:

19 a. Any intermediate or ultimate opinion or decision reached  
20 by investigative personnel.

21 b. Any opinion or decision reached in the course of judi-  
22 cial proceedings.

23 c. The present status of any case.

24 d. All other pertinent matters.

25 7. "Confidentiality" means the withholding of information  
26 from any manner of communication, public or private.

27 8. "Department" has the meaning stated in section two  
28 (2), subsection four (4), of this Act.

29 9. "Expungement" means the process of destroying child  
30 abuse information.

31 10. "Individually identified" means any report, investi-  
32 gation or disposition data which names the person or persons  
33 responsible or believed responsible for the child abuse.

34 11. "Health practitioner" has the meaning stated in sec-  
35 tion two (2), subsection five (5), of this Act.

1 12. "Registry" means the central registry for child abuse  
2 information.

3 13. "Sealing" means the process of removing child abuse  
4 information from authorized access as provided by this Act.

5 Sec. 13. NEW SECTION. CREATION AND MAINTENANCE OF A  
6 CENTRAL REGISTRY.

7 1. There is created within the state department of social  
8 services a bureau which shall be known as the central registry  
9 for child abuse information. The department shall organize  
10 and staff the registry and adopt rules and regulations for  
11 its operation.

12 2. The registry shall collect, maintain and disseminate  
13 child abuse information as provided for by this Act.

14 3. The department shall maintain a toll-free telephone  
15 line, which shall be available on a twenty-four hour a day,  
16 seven day a week basis and which the county department of  
17 social services and all other persons may use to report cases  
18 of suspected child abuse and that all persons authorized by  
19 this Act may use for obtaining child abuse information.

20 4. An oral report of suspected child abuse initially made  
21 to the central registry shall be immediately transmitted by  
22 the department to the appropriate county department of social  
23 services or law enforcement agency, or both.

24 5. The registry, upon receipt of a report of suspected  
25 child abuse, shall search the records of the registry, and  
26 if the records of the registry reveal any previous report  
27 of child abuse involving the same child or any other child  
28 in the same family, or if the records reveal any other  
29 pertinent information with respect to the same child or any  
30 other child in the same family, the appropriate county  
31 department of social services or law enforcement agency shall  
32 be immediately notified of that fact.

33 6. The central registry shall include but not be limited  
34 to report data, investigation data and disposition data.

35 Sec. 14. NEW SECTION. AUTHORIZED ACCESS.

1 1. Notwithstanding chapter sixty-eight A (68A) of the  
2 Code, the confidentiality of all child abuse information shall  
3 be maintained, except as specifically provided by subsection  
4 two (2) of this section.

5 2. Access to child abuse information is authorized only:

6 a. To a health practitioner who is examining, attending  
7 or treating a child whom the practitioner believes or has  
8 reason to believe has been the victim of abuse.

9 b. To a county department of social services having respon-  
10 sibility for the investigation of a child abuse report.

11 c. To a law enforcement officer having responsibility  
12 for the temporary emergency removal of a child from the child's  
13 parent or other legal guardian.

14 d. To a juvenile court or district court upon a finding  
15 that information is necessary for the resolution of an issue  
16 arising in any phase of a case involving child abuse, except  
17 that information obtained through the registry shall not be  
18 utilized in any aspect of any criminal prosecution.

19 e. To an authorized person or agency having responsibility  
20 for the care or supervision of a child named in a report as  
21 a victim of abuse or a person named in a report as having  
22 abused a child, if the juvenile court deems access to child  
23 abuse information by such person or agency to be necessary.

24 f. To a person conducting bona fide research on child  
25 abuse, if the details identifying any subject of a child abuse  
26 report are deleted.

27 g. To a person who is the subject of any report as pro-  
28 vided in section eighteen (18) of this Act.

29 h. To registry or department personnel where necessary  
30 to the performance of their official duties.

31 i. To a court hearing an appeal for correction or elimina-  
32 tion of registry information as provided in section eighteen  
33 (18) of this Act.

34 Sec. 15. NEW SECTION. REQUESTS FOR CHILD ABUSE INFORMA-  
35 TION.

1 1. Requests for child abuse information shall be in writ-  
2 ing on forms prescribed by the department, except as otherwise  
3 provided by subsection two (2) of this section. Request forms  
4 shall require information sufficient to demonstrate authorized  
5 access.

6 2. Requests for child abuse information may be made orally  
7 by telephone where a person making such a request believes  
8 that the information is needed immediately and where informa-  
9 tion sufficient to demonstrate authorized access is provided.  
10 In the event that a request is made orally by telephone,  
11 a written request form shall nevertheless be filed within  
12 seventy-two hours.

13 Sec. 16. NEW SECTION. REDISSEMINATION OF CHILD ABUSE  
14 INFORMATION. A person, agency or other recipient of child  
15 abuse information authorized to receive such information shall  
16 not disseminate such information, except that dissemina-  
17 tion shall be permitted when:

18 1. The dissemination is for official purposes in connec-  
19 tion with prescribed duties or, in the case of a health  
20 practitioner, pursuant to professional responsibilities.

21 2. The recipient independently would have authorized  
22 access to the same information.

23 3. A written record is made of the dissemination, includ-  
24 ing the name of the recipient and the date and purpose of  
25 the dissemination.

26 4. The written record is forwarded to the registry within  
27 thirty days of the dissemination.

28 Sec. 17. NEW SECTION. SEALING AND EXPUNGEMENT OF CHILD  
29 ABUSE INFORMATION.

30 1. Child abuse information relating to a particular case  
31 of suspected child abuse shall be sealed ten years after the  
32 receipt of the initial report of such abuse by the registry  
33 unless good cause be shown why the information should remain  
34 open to authorized access. If information involving the child  
35 named in the initial report as the victim of abuse or a person

1 named in such report as having abused a child is received  
2 by the registry within this ten-year period, the information  
3 shall be sealed ten years after receipt of the subsequent  
4 report unless good cause be shown why the information should  
5 remain open to authorized access.

6 2. The registry shall examine all reports of child abuse  
7 and assess their validity. Child abuse information may be  
8 expunged where the probative value of the information is so  
9 doubtful as to outweigh its validity. Child abuse information  
10 shall be expunged if it is determined to be unfounded as a  
11 result of either of the following:

12 a. The investigation of a report of suspected child abuse  
13 by a county department of social services.

14 b. A successful appeal as provided in section eighteen  
15 (18) of this Act.

16 c. A court adjudication.

17 3. The registry, at least once a year, shall review and  
18 determine the current status of child abuse reports which  
19 are transmitted or made to the registry after July 1, 1974,  
20 which are at least one year old and in connection with which  
21 no investigatory report has been filed by a county department  
22 of social services pursuant to section five (5) of this Act.  
23 If no such investigatory report has been filed, the registry  
24 shall request the appropriate county department of social  
25 services to file a report. In the event a report is not filed  
26 within ninety days subsequent to such a request, the report  
27 and information relating thereto shall be sealed.

28 Sec. 18. NEW SECTION. EXAMINATION, REQUESTS FOR CORREC-  
29 TION OR ELIMINATION, AND APPEAL.

30 1. Any person or that person's attorney shall have the  
31 right to examine child abuse information in the registry which  
32 refers to that person. The registry may prescribe reasonable  
33 hours and places of examination.

34 2. Any person who files with the registry a written state-  
35 ment to the effect that child abuse information referring

1 to such person is in whole or in part erroneous, and requests  
2 a correction or expungement of that information, shall be  
3 notified within sixty days by the registry, in writing, of  
4 its decision or order regarding the correction or elimination.  
5 All decisions and orders shall be accompanied by findings  
6 of fact, and the registry shall provide the opportunity for  
7 a fair hearing when it initially determines that the  
8 information should not be corrected or expunged as requested.

9 3. The registry's decision or order may be appealed to  
10 the district court of Polk county by the person requesting  
11 the correction or expungement or to the district court of  
12 the district in which such person resides. Immediately upon  
13 such appeal the court shall order the registry to file with  
14 the court a certified copy of the child abuse information.

15 4. Upon the request of the appellant, the record and evi-  
16 dence in such cases shall be closed to all but the court and  
17 its officers, and access thereto shall be prohibited unless  
18 otherwise ordered by the court. The clerk shall maintain  
19 a separate docket for such actions. No person other than  
20 the appellant shall permit a copy of any of the testimony  
21 or pleadings or the substance thereof to be made available  
22 to any person other than a party to the action or his attorney.  
23 Violation of the provisions of this subsection shall be a  
24 public offense punishable under section twenty (20) of this  
25 Act.

26 5. Whenever the registry corrects or eliminates informa-  
27 tion as requested or as ordered by the court, the registry  
28 shall advise all persons who have received the incorrect  
29 information of such fact. Upon application to the court and  
30 service of notice on the registry, any individual may request  
31 and obtain a list of all persons who have received child abuse  
32 information referring to him or her.

33 6. In the course of any proceeding provided for by this  
34 section, the identity of the person who reported the disputed  
35 information and the identity of any person who has been

1 reported as having abused a child may be withheld upon a  
2 determination by the registry that disclosure of their  
3 identities would be detrimental to their interests.

4 Sec. 19. NEW SECTION. CIVIL REMEDY. Any aggrieved person  
5 may institute a civil action for damages under chapter twenty-  
6 five A (25A) or six hundred thirteen A (613A) of the Code  
7 or to restrain the dissemination of child abuse information  
8 in violation of this Act, and any person, agency or other  
9 recipient proven to have disseminated or to have requested  
10 and received child abuse information in violation of this  
11 Act shall be liable for actual damages and exemplary damages  
12 for each violation and shall be liable for court costs,  
13 expenses, and reasonable attorney's fees incurred by the party  
14 bringing the action. In no case shall the award for damages  
15 be less than one hundred dollars.

16 Sec. 20. NEW SECTION. CRIMINAL PENALTIES.

17 1. Any person who willfully requests, obtains, or seeks  
18 to obtain child abuse information under false pretenses, or  
19 who willfully communicates or seeks to communicate child abuse  
20 information to any agency or person except in accordance with  
21 sections fourteen (14) and sixteen (16) of this Act, or any  
22 person connected with any research authorized pursuant to  
23 section fourteen (14) of this Act who willfully falsifies  
24 child abuse information or any records relating thereto, is  
25 guilty of a criminal offense and upon conviction for each  
26 such offense be punished by a fine of not more than one thou-  
27 sand dollars or by imprisonment in the state penitentiary  
28 for not more than two years, or by both such fine and impris-  
29 onment. Any person who knowingly, but without criminal pur-  
30 poses, communicates or seeks to communicate child abuse infor-  
31 mation except in accordance with sections fourteen (14) and  
32 sixteen (16) of this Act shall for each such offense be fined  
33 not more than one hundred dollars or be imprisoned not more  
34 than ten days.

35 2. If the person convicted under this section is a law

1 enforcement officer, the conviction shall be grounds for dis-  
2 charge or suspension from duty without pay or other appropri-  
3 ate action. If the person convicted is a public official,  
4 the conviction shall be grounds for removal from office.

5 If the person convicted is a public employee, the conviction  
6 shall be grounds for discharge or other appropriate action.

7 3. Any reasonable grounds for belief that a person has  
8 violated any provision of this Act shall be grounds for the  
9 immediate withdrawal of any authorized access such person  
10 might otherwise have to child abuse information.

11 Sec. 21. NEW SECTION. EDUCATION PROGRAM. The department  
12 shall require an educational program for employees of the  
13 registry on the proper use and control of child abuse infor-  
14 mation.

15 Sec. 22. NEW SECTION. REGISTRY REPORTS.

16 1. The registry may compile statistics and issue reports  
17 on child abuse, provided identifying details of the subject  
18 of child abuse reports are deleted.

19 2. The registry shall issue an annual report on its  
20 administrative operation, including information as to the  
21 number of requests for child abuse data, the proportion of  
22 requests attributable to each type of authorized access, the  
23 frequency and nature of irregularities, and other pertinent  
24 matters.

25 Sec. 23. NEW SECTION. COUNCIL ON CHILD ABUSE INFORMA-  
26 TION.

27 1. There is created a council on child abuse information  
28 consisting of nine regular members. Two members shall be  
29 appointed from the house of representatives by the speaker  
30 of the house, no more than one of whom shall be from the same  
31 party. Two members shall be appointed from the senate by  
32 the lieutenant governor, no more than one of whom shall be  
33 from the same party. The remaining members of the council  
34 shall consist of a judge of the district court appointed by  
35 the chief justice of the supreme court, one local law enforce-

1 ment official appointed by the governor, the commissioner  
2 of the department of social services or his designee, and  
3 two private citizens not connected with law enforcement  
4 appointed by the governor. The council shall select its own  
5 chairman. The members shall serve at the pleasure of those  
6 by whom their appointments are made.

7 2. The council shall meet at least annually and at any  
8 other time upon the call of the governor, the chairman of  
9 the council, or any three of its members. Each council member  
10 shall be entitled to reimbursement for actual and necessary  
11 expenses incurred in the performance of official duties from  
12 funds appropriated to the department of social services.

13 3. The council shall have the following responsibilities  
14 and duties:

15 a. Shall periodically monitor the operation of the child  
16 abuse information registry established by sections eleven  
17 (11) through twenty-three (23) of this Act.

18 b. Shall review the implementation and effectiveness of  
19 legislation and administrative rules and regulations concern-  
20 ing the registry.

21 c. May recommend changes in said legislation rules and  
22 regulations to the legislature and the appropriate adminis-  
23 trative officials.

24 d. May require such reports from state agencies as may  
25 be necessary to perform its duties.

26 e. May receive and review complaints from the public con-  
27 cerning the operation of the registry.

28 Sec. 24. Section two hundred thirty-five point three  
29 (235.3), Code 1973, is amended by adding the following new  
30 subsections:

31 NEW SUBSECTION. Create and maintain a central registry  
32 for child abuse information as provided in this Act.

33 NEW SUBSECTION. Compile statistics and make reports  
34 regarding the incidence and nature of child abuse as defined  
35 in section two (2), subsection two (2), of this Act formulate

1 set standards for and supervise child abuse treatment and  
2 prevention programs within the state; conduct educational  
3 programs for personnel of the state division and county depart-  
4 ments with respect to the investigation of child abuse and  
5 child abuse treatment and prevention; and make available  
6 expert consultants on child abuse treatment and prevention  
7 to county departments.

8 Sec. 25. The code editor shall number and renumber the  
9 sections of this Act in accordance with the following schedule:

10 1. Sections one (1) through four (4) of this Act shall  
11 be numbered as sections two hundred thirty-five A point one  
12 (235A.1) through two hundred thirty-five A point four (235A.4)  
13 of the Code, respectively.

14 2. Section five (5) of this Act shall be numbered as  
15 section two hundred thirty-five A point eleven (235A.11) of  
16 the Code.

17 3. Section six (6) of this Act shall be numbered as sec-  
18 tion two hundred thirty-five A point nine (235A.9) of the  
19 Code.

20 4. Section seven (7) of this Act shall be numbered as  
21 section two hundred thirty-five A point six (235A.6) of the  
22 Code.

23 5. Section eight (8) of this Act shall be numbered as  
24 section two hundred thirty-five A point eight (235A.8) of  
25 the Code.

26 6. Section nine (9) of this Act shall be numbered as  
27 section two hundred thirty-five A point ten (235A.10) of the  
28 Code.

29 7. Section ten (10) of this Act shall be numbered as  
30 section two hundred thirty-five A point five (235A.5) of the  
31 Code.

32 8. Section two hundred thirty-five A point eight (235A.8)  
33 of the Code shall be renumbered as section two hundred thirty-  
34 five A point seven (235A.7) of the Code.

35 9. Sections eleven (11) through twenty-three (23) of this

1 Act shall be numbered as sections two hundred thirty-five  
2 B point one (235B.1) through two hundred thirty-five B point  
3 thirteen (235B.13) of the Code.

4 EXPLANATION

5 This bill provides for a redraft of chapter 235A of the  
6 Code relating to child abuse and creates a bureau of the cen-  
7 tral registry for child abuse information for the purposes  
8 of having a centralized file of all cases of child abuse and  
9 suspected child abuse which occur in this state.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

LSB 3482  
be/cw/1

S-2621

1 Amend Senate File 1225, page 19, line 21, by inserting  
2 after the word "legislation" the words "and admini-  
3 strative".

S-2621 Filed and adopted By DODERER  
April 1, 1974

S-2623

1 Amend Senate File 1225 as follows:  
2 1. Page 3, by striking after line 2 the  
3 following subsection:  
4 "7. 'Religious practitioner' includes, but is  
5 not limited to, a minister, a priest, or a clergy-  
6 man of any denomination."

S-2623 Filed, adopted, By DODERER  
reconsidered and withdrawn  
April 1, 1974

S-2629

1 Amend Senate File 1225, page 3, line 20, by inserting  
2 after the word "services," the words "public or pri-  
3 vate health care facility (as defined in chapter  
4 one hundred thirty-five C point one (135C.1)),".

S-2629 Filed and adopted By GLUBA  
April 1, 1974

S-2633

1 Amend Senate File 1225 as follows:  
2 1. Page 3, line 22 by striking the words  
3 "religious practitioner,".

S-2633 Filed and adopted By GLUBA, BLOUIN, DeKOSTER  
April 1, 1974 and DODERER

S-2636

1 Amend Senate File 1225, page 3, line 9 by inserting  
2 after the word "neglect" the words "and child abuse  
3 suffered by a child during the care or custody of the  
4 child by a person not listed in chapter two hun-  
5 dred thirty-five A point two (235A.2), subsection two  
6 (2), of the Code".

S-2636 Filed and adopted BY DODERER  
April 1, 1974

S-2637

1 Amend Senate File 1225, page 2, line 23, by  
2 adding the word "willful" after the word "the".

S-2637 Filed and lost By RAMSEY  
April 1, 1974

SENATE FILE 1225

S-2482

- 1 Amend Senate File 1225 as follows:  
2 1. Page 3, line 22, by inserting before the word  
3 "religious" the words "member of the staff of a mental  
4 health center,".  
5 2. Page 4, line 26, by inserting after the word  
6 "if" the word "not".  
7 3. Page 5, lines 1 and 2, by striking the words  
8 "the identity of the person" and inserting in lieu  
9 thereof the word "in".  
10 4. Page 5, line 6, by inserting before the word  
11 "shall" the words ", hospital, or similar institution".  
12 5. Page 5, line 10, by striking the word "welfare"  
13 and inserting in lieu thereof the word "services".  
14 6. Page 5, line 12, by striking the word "welfare"  
15 and inserting in lieu thereof the word "services".  
16 7. Page 5, line 13, by striking the word "welfare"  
17 and inserting in lieu thereof the word "services".  
18 8. Page 5, line 30, by inserting after the word  
19 "report" the words "and any other children in the  
20 same home as the parents or other persons responsible  
21 for their care".  
22 9. Page 5, by striking lines 31 and 32.  
23 10. Page 7, line 6, by inserting after the word  
24 "both" the words ", if it is explained that the  
25 department has no legal authority to compel such

Page 2

- 1 family to receive such services".  
2 11. Page 8, line 8, by striking the word "section".  
3 12. Page 9, lines 24 through 27, by striking the  
4 sentence "Any photographs or x-rays taken shall be  
5 sent to the county department of social services to  
6 which the report is made as soon as possible and  
7 treated as part of that report." and inserting in lieu  
8 thereof the sentence "Any person who takes any photo-  
9 graphs or x-rays pursuant to this section shall notify  
10 the county department of social services that such  
11 photographs or x-rays have been taken, and shall re-  
12 tain such photographs or x-rays for a reasonable  
13 time thereafter."  
14 13. Page 10, line 8, by striking the words "dis-  
15 semination of" and inserting in lieu thereof the word  
16 "disseminating".  
17 14. Page 13, lines 31 and 32, by striking the word  
18 "elimination" and inserting in lieu thereof the word  
19 "expungement".  
20 15. Page 14, by striking lines 21 and 22 and in-  
21 serting in lieu thereof the following:  
22 2. The person to whom such information would be  
23 redisseminated would have independent access to the  
24 same information under section fourteen (14) of this  
25 Act.

Page 3

- 1 16. Page 14, line 34, by striking the word "infor-  
2 mation" and inserting in lieu thereof the words "a  
3 subsequent report of a suspected case of child abuse".  
4 17. Page 15, line 11, by striking the word "either"  
5 and inserting in lieu thereof the word "any".  
6 18. Page 15, line 27, by inserting after the word  
7 "sealed" the words "and remain sealed unless good cause  
8 be shown why the information should remain open to  
9 authorized access".  
10 19. Page 15, line 29, by striking the word  
11 "ELIMINATION" and inserting in lieu thereof the word  
12 "EXPUNGEMENT".  
13 20. Page 20, by inserting after line 7 the  
14 following:  
15 Sec. \_\_\_\_\_. Section two hundred thirty-two point  
16 eleven (232.11), Code 1973, is amended to read as  
17 follows:  
18 232.11 PARENT OR GUARDIAN TO BE PRESENT. The  
19 hearing on the merit of the petition shall not take  
20 place without the presence of one or both of the  
21 parents or the guardian, or if none is present a  
22 guardian ad litem shall be appointed by the court to  
23 protect the interests of the child. The court may  
24 shall also appoint a guardian ad litem whenever  
25 necessary for the welfare of the child whether or not

Page 4

- 1 a parent or guardian is present.  
2 21. By renumbering the sections and subsections  
3 to accord with these amendments.

S-2482 Filed *Sept 4/*  
March 14, 1974

By COMMITTEE ON HUMAN RESOURCES

April 2, 1974

*The Human Resources 4/4*

SENATE FILE 1225

By DODERER, LAMBORN, SCHWENGELS,  
GLUBA, WILLITS, POTTER, PALMER,  
ORR, KINLEY, NOLIN, MILLIGAN, PRIEBE,  
RODGERS, GALLAGHER, BLOUIN, RILEY,  
SHAW, MILLER of Marshall, NYSTROM,  
HULTMAN, KENNEDY, SCHABEN, ROBINSON,  
SCHWIEGER, MURRAY and BURROUGHS  
(Bittle, Connors, Hargrave, Lipsky, Caffrey,  
Stanley, Egenes, West, Butler, Crabb, Brunow,  
Newhard, Hill, Avenson, Lippold, Patchett,  
Ferguson, Oakley, Cusack, O'Halloran,  
Readinger, Kiser, Harper and Kreamer)

**SENATE AMENDMENTS  
SHOWN IN BOLD FACE**

(AS PASSED BY THE SENATE)

Passed Senate, <sup>*as amended by House*</sup> Date *4-29-74 (1684)* Passed House, Date *4-24-74 (2055)*

Vote: Ayes *45* Nays *1* Vote: Ayes *90* Nays *0*

Approved *5-29-74*

## A BILL FOR

- 1 An Act relating to child abuse, the creation of a bureau of the
- 2 central registry for child abuse information and providing
- 3 penalties.
- 4 *Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. Section two hundred thirty-five A point one  
2 (235A.1), Code 1973, is amended by striking the section and  
3 inserting in lieu thereof the following:

4 235A.1 LEGISLATIVE FINDINGS—PURPOSE AND POLICY.  
Children

5 in this state are in urgent need of protection from physical  
6 abuse. It is the purpose and policy of this Act to provide  
7 the greatest possible protection to victims or potential vic-  
8 tims of abuse through encouraging the increased reporting  
9 of suspected cases of such abuse, insuring the thorough and  
10 prompt investigation of these reports, and providing rehabili-  
11 tative services, where appropriate and whenever possible to  
12 abused children and their families which will stabilize the  
13 home environment so that the family can remain intact without  
14 further danger to the child.

15 Sec. 2. Section two hundred thirty-five A point two  
16 (235A.2), Code 1973, is amended by striking the section and  
17 inserting in lieu thereof the following:

18 235A.2 DEFINITIONS. As used in this chapter, unless the  
19 context otherwise requires:

20 1. "Child" means any person under the age of eighteen  
21 years.

22 2. "Child abuse" or "abuse" means any nonaccidental  
23 physical injury suffered by a child as the result of the  
24 acts or omissions of the child's parents, guardians or other  
25 person legally responsible for the child.

26 3. "County department of social services" and "county  
27 attorney" have the meaning stated in section six (6) of this Act.

28 4. "Department" means the state department of social ser-  
29 vices.

30 5. "Health practitioner" includes a licensed physician  
31 and surgeon, osteopath, osteopathic physician and surgeon,  
32 dentist, optometrist, podiatrist, or chiropractor; a resident  
33 or intern in any of such professions; and any registered nurse  
34 or licensed practical nurse.

35 6. "Registry" means the central registry for child abuse

1 information defined in section twelve (12), subsection nine  
2 (9), of this Act.

3 Sec. 3. Section two hundred thirty-five A point three  
4 (235A.3), Code 1973, is amended by striking the section and  
5 inserting in lieu thereof the following:

6 **235A.3 MANDATORY AND PERMISSIVE REPORTERS.**

7 1. The following classes of persons shall make a report,  
8 as provided in section four (4) of this Act, of cases of child  
9 abuse and willful neglect and **child abuse suffered by a child**  
10 **during the care or or custody of the child by a person not**  
11 **listed in section two hundred thirty-five A point two**  
12 **(235A.2), subsection two (2), of the Code:**

13 a. Every health practitioner who examines, attends, or  
14 treats a child and who believes or has reason to believe that  
15 the child has had physical injury inflicted on the child as  
16 a result of abuse. If, however, the health practitioner  
17 examines, attends, or treats the child as a member of the  
18 staff of a hospital or similar institution, the examining  
19 health practitioner shall immediately notify and give complete  
20 information to the person in charge of the institution or  
21 the health practitioner's designated agent.

22 b. Every social worker under the jurisdiction of the  
23 department of social services, **public or private health**  
24 **care facility (as defined in section one hundred thirty-five**  
25 **C point one (135C.1) of the Code), certified psychologist, certifi-**  
26 **icated school employee, employee of a licensed day care**  
27 **facility, member of the staff of a mental health center, or peace officer,**  
28 **the course of employment, believes or has reason to believe** who, in  
29 **that a child has had physical injury inflicted on the child**  
30 **as a result of abuse. Whenever such person is required to**  
31 **report under this section as a member of the staff of a public**  
32 **or private institution, agency or facility, that person shall**  
33 **immediately notify the person in charge of such institution,**  
34 **agency or facility, or that person's designated agent.**

35 2. Any other person who believes that a child has had

36 physical injury inflicted upon him as a result of abuse may  
37 make a report as provided in section four (4) of this Act.

38 Sec. 4. Section two hundred thirty-five A point four  
39 (235A.4), Code 1973, is amended by striking the section and  
40 inserting in lieu thereof the following:

1 235A.4 REPORTING PROCEDURE.

2 1. Each report made by a mandatory reporter, as  
3 defined in section two hundred thirty-five A point three  
4 (235A.3), subsection one (1) of the Code, shall be made  
5 both orally and in writing. Each report made by a permissive  
6 reporter, as defined in section two hundred thirty-five A point  
7 three (235A.3), subsection two (2) of the Code, may be oral,  
8 written, or both.

9 2. The oral report shall be made by telephone or otherwise  
10 to the county department of social services. If the person  
11 making the report has reason to believe that immediate protec-  
12 tion for the child is advisable, that person shall also make  
13 an oral report to an appropriate law enforcement agency.

14 3. The written report shall be made to the county depart-  
15 ment of social services within forty-eight hours after such  
16 oral report.

17 4. The county department of social services shall:

18 a. Immediately, upon receipt of an oral report, make an  
19 oral report to the state central registry as provided in  
20 section thirteen (13) of this Act;

21 b. Forward a copy of the written report to the state cen-  
22 tral agency; and

23 c. Notify the appropriate county attorney of the receipt  
24 of any report.

25 5. The oral and written reports shall contain the follow-  
26 ing information, or as much thereof as the person making the  
27 report is able to furnish:

28 a. The names and home address of the child and his parents  
29 or other persons responsible for his care;

30 b. The child's present whereabouts if not the same as the  
31 parent's or other person's home address;

32 c. The child's age;

33 d. The nature and extent of the child's injuries, including  
34 any evidence of previous injuries;

35 e. The name, age and condition of other children in the

36 same home; and

37 f. Any other information which the person making the  
38 report believes might be helpful in establishing the cause  
39 of the injury to the child, the identity of the person or

1 persons responsible for the injury, or in  
2 providing assistance to the child.

3 **6. A report made by a permissive reporter, as**  
4 **defined in section two hundred thirty-five A point three**  
5 **(235A.3), subsection two (2) of the Code, shall be**  
6 **regarded as a report pursuant to this Act**  
7 **whether or not the report contains all of the information**  
8 **required by this section and may be made to the state depart-**  
9 **ment of social services, any county department of social**  
10 **services, county attorney, or law enforcement agency. If the**  
11 **report is made to any agency other than the county department**  
12 **of social services, such agency shall promptly refer the report**  
13 **to the county department of social services.**

14 Sec. 5. Section two hundred thirty-five A point five  
15 (235A.5), Code 1973, is amended by striking the section and  
16 inserting in lieu thereof the following:

17 **235A.5 DUTIES OF COUNTY DEPARTMENTS UPON RECEIPT**  
18 **OF REPORT.**

19 1. Whenever a report is received, the county department  
20 of social services shall promptly commence an appropriate  
21 investigation. The primary purpose of this investigation  
22 shall be the protection of the child named in the report.

23 2. The investigation shall include:

24 a. Identification of the nature, extent, and cause of  
25 the injuries, if any, to the child named in the report;

26 b. The identification of the person or persons responsible  
27 therefor;

28 c. The name, age, and condition of other children in the  
29 same home as the child named in the report;

30 d. An evaluation of the home environment and relationship  
31 of the child named in the report and any other children in the  
32 same home as the parents or other persons responsible for  
33 their care;

34 e. An investigation of all other pertinent matters.

35 3. The investigation may include a visit to the home of  
the child named in the report and examination of such child.

1 If permission to enter the home and to examine the child is  
2 refused, the juvenile court or district court upon a showing  
3 of probable cause may authorize the person making the investi-  
4 gation to enter the home and examine the child.

5 4. The county attorney and any law enforcement or welfare  
6 agency in the state shall cooperate and assist in the investi-  
7 gation upon the request of the county department of social  
8 services. The county attorney and appropriate law enforcement  
9 agencies shall also take any other lawful action which may  
10 be necessary or advisable for the protection of the child.

11 5. The county department of social services, upon comple-  
12 tion of its investigation, shall make a complete written  
13 report of its investigation of a report of suspected abuse.  
14 A copy of this report shall be transmitted to the juvenile  
15 court within ninety-six hours after the county department  
16 of social services initially receives the abuse report unless  
17 the juvenile court grants an extension of time for good cause  
18 shown. The juvenile court shall notify the central registry  
19 of any action it takes with respect to suspected case of  
20 child abuse.

21 6. The county department of social services shall transmit  
22 a copy of the report of its investigation, including actions  
23 taken or contemplated, to the central registry. The county  
24 department of social services shall make periodic follow-up  
25 reports thereafter in a manner prescribed by the central  
26 registry so that the registry is kept up-to-date and fully  
27 informed concerning the handling of a suspected case of child  
28 abuse.

29 7. The county department of social services shall also  
30 transmit a copy of the report of its investigation to the  
31 county attorney and the appropriate law enforcement agencies.  
32 Such persons and agencies shall notify the central registry  
33 of any actions or contemplated actions with respect to a sus-  
34 pected case of child abuse so that the registry is kept up-  
35 to-date and fully informed concerning the handling of such

1 a case.

2 8. Based on the investigation conducted pursuant to this  
3 section, the county department of social services may offer  
4 to the family of any child believed to be the victim of abuse  
5 such services as appear appropriate for either the child,  
6 the family, or both, if it is explained that the department  
7 has no legal authority to compel such family to receive  
8 such services.

9 9. If, upon completion of the investigation, the county  
10 department of social services determines that the best inter-  
11 ests of the child require juvenile court action, the depart-  
12 ment shall take the appropriate action to initiate such action  
13 under chapter two hundred thirty-two (232) of the Code.

14 10. The county department of social services shall assist  
15 the juvenile court or district court during all stages of  
16 court proceedings involving a suspected child abuse case in  
17 accordance with the purposes of this Act.

18 11. The county department of social services shall provide  
19 for or arrange for and monitor rehabilitative services for  
20 abuse children and their families on a voluntary basis or  
21 under a final or intermediate order of the juvenile court.

22 Sec. 6. Section two hundred thirty-five A point six  
23 (235A.6), Code 1973, is amended to read as follows:

24 235A.6 JURISDICTION—TRANSFER. "County department of  
25 social [welfare] *services*" or "county attorney" ordinarily refer  
26 to the county in which the child's home is located.

27 However, if the person making the report pursuant to this  
28 chapter does not know where the child's home is located, or  
29 if the child's home is not located in the county where the  
30 health practitioner examines, attends, or treats the child,  
31 the report may be made to *the state department of social*  
32 *services or to the designated agencies for the county where*  
33 *the person making the report resides or the county where the*  
34 *health practitioner examines, attends, or treats the child.*  
35 These agencies shall promptly proceed as provided in section

S. F. 1225

—7B—

36 [235A.5] *section five (5) of this Act*, unless the matter is  
37 transferred to another county as provided in this section.

1 If it appears that the child's home is located in another  
2 county, the county department of social welfare shall promptly  
3 transfer the matter to the other county by transmitting a  
4 copy of the report of injury and any other pertinent infor-  
5 mation to the county department of social [welfare and the  
6 county attorney of the other county] *services in that county.*  
7 [They] *The county department to which the report is referred*  
8 shall promptly proceed as provided in section [235A.5]  
9 *five (5) of this Act. If more than one county department*  
10 *has jurisdiction under this section of a suspected case of*  
11 *child abuse, the departments shall cooperate in carrying out*  
12 *the provisions of this Act.*

13 Sec. 7. Section two hundred thirty-five A point seven  
14 (235A.7), Code 1973, is amended to read as follows:

15 235A.7 IMMUNITY FROM LIABILITY. Anyone participating  
16 in good faith in the making of a report *or photographs or*  
17 *x-rays* pursuant to this chapter shall have immunity from  
18 any liability, civil or criminal, which might otherwise be  
19 incurred or imposed. Any such participant shall have the  
20 same immunity with respect to participation in good faith  
21 in any judicial proceeding resulting from such report or  
22 relating to the subject matter of such report.

23 Sec. 8. Chapter two hundred thirty-five A (235A), Code  
24 1973, is amended by adding the following new section:

25 **NEW SECTION. SANCTIONS FOR FAILURE TO REPORT.**

26 1. Any person, official, agency or institution, required  
27 by this Act to report a suspected case of child abuse who  
28 knowingly and willfully fails to do so is guilty of a  
29 misdemeanor and upon conviction shall be fined not more than  
30 one hundred dollars or be imprisoned in the county jail not  
31 more than ten days.

32 2. Any person, official, agency or institution, required  
33 by section three (3) of this Act to report a suspected case  
34 of child abuse who knowingly fails to do so is civilly liable  
35 for the damages proximately caused by such failure.

1 Sec. 9. Chapter two hundred thirty-five A (235A), Code  
2 1973, is amended by adding the following new section:

3 **NEW SECTION. PUBLICITY AND EDUCATIONAL PRO-**  
4 **GRAMS. The**

5 state department and county departments of social services,  
6 jointly and individually, within the limits of available  
7 funds, shall conduct a continuing publicity and educational  
8 program for the personnel of the state department and county  
9 departments, persons required to report, and any other  
10 appropriate persons to encourage the fullest possible degree  
11 of reporting of suspected cases of child abuse. Educational  
12 programs shall include but not be limited to the diagnosis  
13 of child abuse, the responsibilities, obligations, duties  
14 and powers of persons and agencies under this Act and the  
15 procedures of the state department of social services, county  
16 departments of social services, and juvenile court with respect  
17 to suspected cases of child abuse.

18 Sec. 10. Chapter two hundred thirty-five A (235A), Code  
19 1973, is amended by adding the following new section:

20 **NEW SECTION. PHOTOGRAPHS AND X-RAYS. Any person**  
21 **who is**

22 required to report a case of child abuse may take or cause  
23 to be taken, at public expense, photographs of the areas of  
24 trauma visible on a child. Any health practitioner may, if  
25 medically indicated, cause to be performed radiological exami-  
26 nation of the child. Any person who takes any photographs  
27 or x-rays pursuant to this section shall notify the county  
28 department of social services that such photographs or  
29 x-rays have been taken, and shall retain such photographs or  
30 x-rays for a reasonable time thereafter. Whenever such person  
31 is required to report  
32 under section three (3) of this Act, in that person's capacity  
33 as a member of the staff of a medical or other private or  
34 public institution, agency or facility, that person shall  
35 immediately notify the person in charge of such institution,  
agency, or facility or that person's designated delegate of  
the need for photographs or x-rays.

36 Sec. 11. *NEW SECTION.* LEGISLATIVE FINDINGS AND  
PURPOSES.

37 The general assembly finds and declares that a central registry

1 is required to provide a single source for the statewide  
2 collection, maintenance and dissemination of child abuse  
3 information. Such a registry is imperative for increased  
4 effectiveness in dealing with the problem of child abuse.  
5 The general assembly also finds that vigorous protection of  
6 rights of individual privacy is an indispensable element of  
7 a fair and effective system of collecting, maintaining and  
8 disseminating child abuse information.

9 The purposes of sections eleven (11) through twenty-three  
10 (23) of this Act are to facilitate the identification of  
11 victims or potential victims of child abuse by making avail-  
12 able a single, statewide source of child abuse data; to facili-  
13 tate research on child abuse by making available a single,  
14 statewide source of child abuse data; and to provide maximum  
15 safeguards against the unwarranted invasions of privacy which  
16 such a registry might otherwise entail.

17 Sec. 12. *NEW SECTION.* DEFINITIONS. As used in sections  
18 eleven (11) through twenty-three (23) of this Act, unless  
19 the context otherwise requires:

20 1. "Child" has the meaning stated in section two (2),  
21 subsection one (1), of this Act.

22 2. "Child abuse" has the meaning stated in section two  
23 (2), subsection two (2), of this Act.

24 3. "Child abuse information" means any or all of the  
25 following data maintained by the registry in a manual or auto-  
26 mated data storage system and individually identified:

27 a. Report data.

28 b. Investigation data.

29 c. Disposition data.

30 4. "Report data" means information pertaining to any  
31 occasion involving or reasonably believed to involve child  
32 abuse, including:

33 a. The name and address of the child and the child's par-  
34 ents or other persons responsible for the child's care.

35 b. The age of the child.

- 1 c. The nature and extent of the injury, including evidence
- 2 of any previous injury.
- 3 d. Any other information believed to be helpful in estab-
- 4 lishing the cause of the injury and the identity of the person
- 5 or persons responsible therefor.
- 6 e. All other pertinent matters.
- 7 5. "Investigation data" means information pertaining to
- 8 the evaluation of report data, including:
  - 9 a. Additional information as to the nature, extent and
  - 10 cause of the injury, and the identity of persons responsible
  - 11 therefor.
  - 12 b. The names and conditions of other children in the home.
  - 13 c. The child's home environment and relationships with
  - 14 parents or others responsible for his or her care.
  - 15 d. All other pertinent matters.
- 16 6. "Disposition data" means information pertaining to
- 17 an opinion or decision as to the occurrence of child abuse,
- 18 including:
  - 19 a. Any intermediate or ultimate opinion or decision reached
  - 20 by investigative personnel.
  - 21 b. Any opinion or decision reached in the course of judi-
  - 22 cial proceedings.
  - 23 c. The present status of any case.
  - 24 d. All other pertinent matters.
- 25 7. "Confidentiality" means the withholding of information
- 26 from any manner of communication, public or private.
- 27 8. "Department" has the meaning stated in section two
- 28 (2), subsection four (4), of this Act.
- 29 9. "Expungement" means the process of destroying child
- 30 abuse information.
- 31 10. "Individually identified" means any report, investi-
- 32 gation or disposition data which names the person or persons
- 33 responsible or believed responsible for the child abuse.
- 34 11. "Health practitioner" has the meaning stated in sec-
- 35 tion two (2), subsection five (5), of this Act.

1 12. "Registry" means the central registry for child abuse  
2 information.

3 13. "Sealing" means the process of removing child abuse  
4 information from authorized access as provided by this Act.

5 Sec. 13. *NEW SECTION.* CREATION AND MAINTENANCE  
6 CENTRAL REGISTRY. OF A

7 1. There is created within the state department of social  
8 services a bureau which shall be known as the central registry  
9 for child abuse information. The department shall organize  
10 and staff the registry and adopt rules and regulations for  
11 its operation.

12 2. The registry shall collect, maintain and disseminate  
13 child abuse information as provided for by this Act.

14 3. The department shall maintain a toll-free telephone  
15 line, which shall be available on a twenty-four hour a day,  
16 seven day a week basis and which the county department of  
17 social services and all other persons may use to report cases  
18 of suspected child abuse and that all persons authorized by  
19 this Act may use for obtaining child abuse information.

20 4. An oral report of suspected child abuse initially made  
21 to the central registry shall be immediately transmitted by  
22 the department to the appropriate county department of social  
23 services or law enforcement agency, or both.

24 5. The registry, upon receipt of a report of suspected  
25 child abuse, shall search the records of the registry, and  
26 if the records of the registry reveal any previous report  
27 of child abuse involving the same child or any other child  
28 in the same family, or if the records reveal any other  
29 pertinent information with respect to the same child or any  
30 other child in the same family, the appropriate county  
31 department of social services or law enforcement agency shall  
32 be immediately notified of that fact.

33 6. The central registry shall include but not be limited  
34 to report data, investigation data and disposition data.

35 Sec. 14. *NEW SECTION.* AUTHORIZED ACCESS.

1 1. Notwithstanding chapter sixty-eight A (68A) of the  
2 Code, the confidentiality of all child abuse information shall  
3 be maintained, except as specifically provided by subsection  
4 two (2) of this section.

5 2. Access to child abuse information is authorized only:

6 a. To a health practitioner who is examining, attending  
7 or treating a child whom the practitioner believes or has  
8 reason to believe has been the victim of abuse.

9 b. To a county department of social services having respon-  
10 sibility for the investigation of a child abuse report.

11 c. To a law enforcement officer having responsibility  
12 for the temporary emergency removal of a child from the child's  
13 parent or other legal guardian.

14 d. To a juvenile court or district court upon a finding  
15 that information is necessary for the resolution of an issue  
16 arising in any phase of a case involving child abuse, except  
17 that information obtained through the registry shall not be  
18 utilized in any aspect of any criminal prosecution.

19 e. To an authorized person or agency having responsibility  
20 for the care or supervision of a child named in a report as  
21 a victim of abuse or a person named in a report as having  
22 abused a child, if the juvenile court deems access to child  
23 abuse information by such person or agency to be necessary.

24 f. To a person conducting bona fide research on child  
25 abuse, if the details identifying any subject of a child abuse  
26 report are deleted.

27 g. To a person who is the subject of any report as pro-  
28 vided in section eighteen (18) of this Act.

29 h. To registry or department personnel where necessary  
30 to the performance of their official duties.

31 i. To a court hearing an appeal for correction or expungement  
32 of registry information as provided in section eighteen  
33 (18) of this Act.

34 Sec. 15. *NEW SECTION.* REQUESTS FOR CHILD ABUSE  
35 TION. INFORMA-

1 1. Requests for child abuse information shall be in writ-  
2 ing on forms prescribed by the department; except as otherwise  
3 provided by subsection two (2) of this section. Request forms  
4 shall require information sufficient to demonstrate authorized  
5 access.

6 2. Requests for child abuse information may be made orally  
7 by telephone where a person making such a request believes  
8 that the information is needed immediately and where informa-  
9 tion sufficient to demonstrate authorized access is provided.  
10 In the event that a request is made orally by telephone,  
11 a written request form shall nevertheless be filed within  
12 seventy-two hours.

13 Sec. 16. *NEW SECTION. REDISSEMINATION OF CHILD*  
14 *ABUSE*

15 *INFORMATION. A person, agency or other recipient of child*  
16 *abuse information authorized to receive such information shall*  
17 *not disseminate such information, except that redissemina-*  
18 *tion shall be permitted when:*

19 1. The redissemination is for official purposes in connec-  
20 tion with prescribed duties or, in the case of a health  
21 practitioner, pursuant to professional responsibilities.

22 2. The person to whom such information would be  
23 redisseminated would have independent access to the same  
24 information under section fourteen (14) of this Act.

25 3. A written record is made of the redissemination, includ-  
26 ing the name of the recipient and the date and purpose of  
27 the redissemination.

28 4. The written record is forwarded to the registry within  
29 thirty days of the redissemination.

30 Sec. 17. *NEW SECTION. SEALING AND EXPUNGEMENT*  
31 *OF CHILD*  
32 *ABUSE INFORMATION.*

33 1. Child abuse information relating to a particular case  
34 of suspected child abuse shall be sealed ten years after the  
35 receipt of the initial report of such abuse by the registry  
unless good cause be shown why the information should remain  
open to authorized access. If a subsequent report of a

36 suspected case of child abuse involving the child

37 named in the initial report as the victim of abuse or a person

1 named in such report as having abused a child is received  
2 by the registry within this ten-year period, the information  
3 shall be sealed ten years after receipt of the subsequent  
4 report unless good cause be shown why the information should  
5 remain open to authorized access.

6 2. The registry shall examine all reports of child abuse  
7 and assess their validity. Child abuse information may be  
8 expunged where the probative value of the information is so  
9 doubtful as to outweigh its validity. Child abuse information  
10 shall be expunged if it is determined to be unfounded as a  
11 result of any of the following:

12 a. The investigation of a report of suspected child abuse  
13 by a county department of social services.

14 b. A successful appeal as provided in section eighteen  
15 (18) of this Act.

16 c. A court adjudication.

17 3. The registry, at least once a year, shall review and  
18 determine the current status of child abuse reports which  
19 are transmitted or made to the registry after July 1, 1974,  
20 which are at least one year old and in connection with which  
21 no investigatory report has been filed by a county department  
22 of social services pursuant to section five (5) of this Act.  
23 If no such investigatory report has been filed, the registry  
24 shall request the appropriate county department of social  
25 services to file a report. In the event a report is not filed  
26 within ninety days subsequent to such a request, the report  
27 and information relating thereto shall be sealed and remain  
28 sealed unless good cause be shown why the information  
29 should remain open to authorized access.

30 Sec. 18. *NEW SECTION.* EXAMINATION, REQUESTS FOR  
CORREC-  
31 TION OR EXPUNGEMENT, AND APPEAL.

32 1. Any person or that person's attorney shall have the  
33 right to examine child abuse information in the registry which  
34 refers to that person. The registry may prescribe reasonable  
35 hours and places of examination.

36 2. Any person who files with the registry a written state-  
37 ment to the effect that child abuse information referring

1 to such person is in whole or in part erroneous, and requests  
2 a correction or expungement of that information, shall be  
3 notified within sixty days by the registry, in writing, of  
4 its decision or order regarding the correction or elimination.  
5 All decisions and orders shall be accompanied by findings  
6 of fact, and the registry shall provide the opportunity for  
7 a fair hearing when it initially determines that the  
8 information should not be corrected or expunged as requested.

9 3. The registry's decision or order may be appealed to  
10 the district court of Polk county by the person requesting  
11 the correction or expungement or to the district court of  
12 the district in which such person resides. Immediately upon  
13 such appeal the court shall order the registry to file with  
14 the court a certified copy of the child abuse information.

15 4. Upon the request of the appellant, the record and evi-  
16 dence in such cases shall be closed to all but the court and  
17 its officers, and access thereto shall be prohibited unless  
18 otherwise ordered by the court. The clerk shall maintain  
19 a separate docket for such actions. No person other than  
20 the appellant shall permit a copy of any of the testimony  
21 or pleadings or the substance thereof to be made available  
22 to any person other than a party to the action or his attorney.  
23 Violation of the provisions of this subsection shall be a  
24 public offense punishable under section twenty (20) of this  
25 Act.

26 5. Whenever the registry corrects or eliminates informa-  
27 tion as requested or as ordered by the court, the registry  
28 shall advise all persons who have received the incorrect  
29 information of such fact. Upon application to the court and  
30 service of notice on the registry, any individual may request  
31 and obtain a list of all persons who have received child abuse  
32 information referring to him or her.

33 6. In the course of any proceeding provided for by this  
34 section, the identity of the person who reported the disputed  
35 information and the identity of any person who has been

1 reported as having abused a child may be withheld upon a  
2 determination by the registry that disclosure of their  
3 identities would be detrimental to their interests.

4 Sec. 19. *NEW SECTION. CIVIL REMEDY.* Any aggrieved  
person

5 may institute a civil action for damages under chapter twenty-  
6 five A (25A) or six hundred thirteen A (613A) of the Code  
7 or to restrain the dissemination of child abuse information  
8 in violation of this Act, and any person, agency or other  
9 recipient proven to have disseminated or to have requested  
10 and received child abuse information in violation of this  
11 Act shall be liable for actual damages and exemplary damages  
12 for each violation and shall be liable for court costs,  
13 expenses, and reasonable attorney's fees incurred by the party  
14 bringing the action. In no case shall the award for damages  
15 be less than one hundred dollars.

16 Sec. 20. *NEW SECTION. CRIMINAL PENALTIES.*

17 1. Any person who willfully requests, obtains, or seeks  
18 to obtain child abuse information under false pretenses, or  
19 who willfully communicates or seeks to communicate child abuse  
20 information to any agency or person except in accordance with  
21 sections fourteen (14) and sixteen (16) of this Act, or any  
22 person connected with any research authorized pursuant to  
23 section fourteen (14) of this Act who willfully falsifies  
24 child abuse information or any records relating thereto, is  
25 guilty of a criminal offense and upon conviction for each  
26 such offense be punished by a fine of not more than one thou-  
27 sand dollars or by imprisonment in the state penitentiary  
28 for not more than two years, or by both such fine and impris-  
29 onment. Any person who knowingly, but without criminal pur-  
30 poses, communicates or seeks to communicate child abuse infor-  
31 mation except in accordance with sections fourteen (14) and  
32 sixteen (16) of this Act shall for each such offense be fined  
33 not more than one hundred dollars or be imprisoned not more  
34 than ten days.

35 2. If the person convicted under this section is a law

1 enforcement officer, the conviction shall be grounds for dis-  
2 charge or suspension from duty without pay or other appropri-  
3 ate action. If the person convicted is a public official,  
4 the conviction shall be grounds for removal from office.

5 If the person convicted is a public employee, the conviction  
6 shall be grounds for discharge or other appropriate action.

7 3. Any reasonable grounds for belief that a person has  
8 violated any provision of this Act shall be grounds for the  
9 immediate withdrawal of any authorized access such person  
10 might otherwise have to child abuse information.

11 Sec. 21. *NEW SECTION.* EDUCATION PROGRAM. The de-  
12 shall require an educational program for employees of the <sup>partment</sup>  
13 registry on the proper use and control of child abuse infor-  
14 mation.

15 Sec. 22. *NEW SECTION.* REGISTRY REPORTS.

16 1. The registry may compile statistics and issue reports  
17 on child abuse, provided identifying details of the subject  
18 of child abuse reports are deleted.

19 2. The registry shall issue an annual report on its  
20 administrative operation, including information as to the  
21 number of requests for child abuse data, the proportion of  
22 requests attributable to each type of authorized access, the  
23 frequency and nature of irregularities, and other pertinent  
24 matters.

25 Sec. 23. *NEW SECTION.* COUNCIL ON CHILD ABUSE IN-  
26 TION. <sup>FORMA-</sup>

27 1. There is created a council on child abuse information  
28 consisting of nine regular members. Two members shall be  
29 appointed from the house of representatives by the speaker  
30 of the house, no more than one of whom shall be from the same  
31 party. Two members shall be appointed from the senate by  
32 the lieutenant governor, no more than one of whom shall be  
33 from the same party. The remaining members of the council  
34 shall consist of a judge of the district court appointed by  
35 the chief justice of the supreme court, one local law enforce-

1 ment official appointed by the governor, the commissioner  
2 of the department of social services or his designee, and  
3 two private citizens not connected with law enforcement  
4 appointed by the governor. The council shall select its own  
5 chairman. The members shall serve at the pleasure of those  
6 by whom their appointments are made.

7 2. The council shall meet at least annually and at any  
8 other time upon the call of the governor, the chairman of  
9 the council, or any three of its members. Each council member  
10 shall be entitled to reimbursement for actual and necessary  
11 expenses incurred in the performance of official duties from  
12 funds appropriated to the department of social services.

13 3. The council shall have the following responsibilities  
14 and duties:

15 a. Shall periodically monitor the operation of the child  
16 abuse information registry established by sections eleven  
17 (11) through twenty-three (23) of this Act.

18 b. Shall review the implementation and effectiveness of  
19 legislation and administrative rules and regulations concern-  
20 ing the registry.

21 c. May recommend changes in said legislation and administrative  
22 and regulations to the legislature and the appropriate adminis-  
23 trative officials.

24 d. May require such reports from state agencies as may  
25 be necessary to perform its duties.

26 e. May receive and review complaints from the public con-  
27 cerning the operation of the registry.

28 Sec. 24. Section two hundred thirty-five point three  
29 (235.3), Code 1973, is amended by adding the following new  
30 subsections:

31 *NEW SUBSECTION.* Create and maintain a central registry  
32 for child abuse information as provided in this Act.

33 *NEW SUBSECTION.* Compile statistics and make reports  
34 regarding the incidence and nature of child abuse as defined  
35 in section two (2), subsection two (2), of this Act formulate

1 set standards for and supervise child abuse treatment and  
2 prevention programs within the state; conduct educational  
3 programs for personnel of the state division and county depart-  
4 ments with respect to the investigation of child abuse and  
5 child abuse treatment and prevention; and make available  
6 expert consultants on child abuse treatment and prevention  
7 to county departments.

8 Sec. 25. Section two hundred thirty-two point eleven  
9 (232.11), Code 1973, is amended to read as follows:

10 **232.11 PARENT OR GUARDIAN TO BE PRESENT.** The  
11 **hearing**  
12 on the merit of the petition shall not take place without  
13 the presence of one or both of the parents or the guardian,  
14 or if none is present a guardian ad litem shall be appointed  
15 by the court to protect the interests of the child. The court  
16 [may] shall also appoint a guardian ad litem whenever necessary  
17 for the welfare of the child whether or not a parent or  
18 guardian is present.

19 Sec. 26. The code editor shall number and renumber the  
20 sections of this Act in accordance with the following schedule:

21 1. Sections one (1) through four (4) of this Act shall  
22 be numbered as sections two hundred thirty-five A point one  
23 (235A.1) through two hundred thirty-five A point four (235A.4)  
24 of the Code, respectively.

25 2. Section five (5) of this Act shall be numbered as  
26 section two hundred thirty-five A point eleven (235A.11) of  
27 the Code.

28 3. Section six (6) of this Act shall be numbered as sec-  
29 tion two hundred thirty-five A point nine (235A.9) of the  
30 Code.

31 4. Section seven (7) of this Act shall be numbered as  
32 section two hundred thirty-five A point six (235A.6) of the  
33 Code.

34 5. Section eight (8) of this Act shall be numbered as  
35 section two hundred thirty-five A point eight (235A.8) of  
the Code.

36 6. Section nine (9) of this Act shall be numbered as  
37 section two hundred thirty-five A point ten (235A.10) of the  
38 Code.

39 7. Section ten (10) of this Act shall be numbered as  
40 section two hundred thirty-five A point five (235A.5) of the  
41 Code.

42 8. Section two hundred thirty-five A point eight (235A.8)  
43 of the Code shall be renumbered as section two hundred thirty-  
44 five A point seven (235A.7) of the Code.

45 9. Sections eleven (11) through twenty-three (23) of this

1 Act shall be numbered as sections two hundred thirty-five  
2 B point one (235B.1) through two hundred thirty-five B point  
3 thirteen (235B.13) of the Code.

4 EXPLANATION

5 This bill provides for a redraft of chapter 235A of the  
6 Code relating to child abuse and creates a bureau of the cen-  
7 tral registry for child abuse information for the purposes  
8 of having a centralized file of all cases of child abuse and  
9 suspected child abuse which occur in this state.

HOUSE AMENDMENT TO SENATE FILE 1225

- 1 Amend Senate File 1225, as passed by the Senate and  
2 reprinted, as follows:
- 3 1. Page 2, by striking lines 26 and 27.
  - 4 2. Page 2, line 29, by inserting after the word "vices"  
5 the words "and includes the local, county, and regional offices  
6 of the department".
  - 7 3. Page 3A, by striking lines 1 and 2 and inserting in  
8 lieu thereof the words "information established in section  
9 thirteen (13) of this Act."
  - 10 4. Page 3A, line 21, by inserting after the word "agent"  
11 the words "and the person in charge of the institution or  
12 designated agent shall make the report".
  - 13 5. Page 3A, line 28, by inserting after the comma the  
14 words "examines, attends, counsels or treats a child and".
  - 15 6. Page 3A, line 29, by striking the word "a" and inserting  
16 in lieu thereof the word "the".
  - 17 7. Page 3A, line 34, by inserting after the word "agent"  
18 the words "and the person in charge of the institution,  
19 agency, or facility, or the designated agent shall make the  
20 report".
  - 21 8. Page 4A, line 10, by striking the word "county".
  - 22 9. Page 4A, line 14, by striking the word "county".
  - 23 10. Page 4A, line 17, by striking the word "county".
  - 24 11. Page 4A, line 19, by striking the words "state central  
25 registry as provided in" and inserting in lieu thereof the

Page 2

- 1 word "registry;".
- 2 12. Page 4A, by striking line 20.
  - 3 13. Page 4A, lines 21 and 22, by striking the words  
4 "state central agency" and inserting in lieu thereof the  
5 word "registry".
  - 6 14. Page 4A, line 29, by inserting after the word "per-  
7 sons" the words "believed to be".
  - 8 15. Page 5, by inserting after line 2 the following  
9 new paragraph:  
10 g. The name and address of the person making the report.
  - 11 16. Page 5, line 8, by striking the word "state".
  - 12 17. Page 5, line 9, by striking the words "services, any  
13 county department of social".
  - 14 18. Page 5, line 11, by striking the word "county".
  - 15 19. Page 5, line 13, by striking the word "county".
  - 16 20. Page 5, line 17, by striking the words "COUNTY  
17 DEPARTMENTS" and inserting in lieu thereof the words "THE  
18 DEPARTMENT".
  - 19 21. Page 5, line 18, by striking the word "county".
  - 20 22. Page 5, line 34, by inserting after the word "may"  
21 the words "with the consent of the parent or guardian".
  - 22 23. Page 6, line 5, by striking the word "welfare" and  
23 inserting in lieu thereof the words "social services".
  - 24 24. Page 6, line 7, by striking the word "county".
  - 25 25. Page 6, line 11, by striking the word "county".

Page 3

- 1 26. Page 6, line 15, by striking the word "county".
- 2 27. Page 6, line 18, by striking the word "central".
- 3 28. Page 6, line 19, by inserting after the word "to"
- 4 the word "a".
- 5 29. Page 6, line 21, by striking the word "county".
- 6 30. Page 6, line 23, by striking the words "central"
- 7 and "county".
- 8 31. Page 6, line 25, by striking the word "central".
- 9 32. Page 6, line 29, by striking the word "county".
- 10 33. Page 6, line 31, by striking the words "and the
- 11 appropriate law enforcement agencies".
- 12 34. Page 6, by striking line 32 and inserting in lieu
- 13 thereof the sentence "The county attorney shall notify
- 14 the registry."
- 15 35. Page 7A, line 3, by striking the words "county
- 16 department of social services may" and inserting in lieu
- 17 thereof the words "department shall".
- 18 36. Page 7A, line 9, by striking the word "county".
- 19 37. Page 7A, by adding after line 13: "The attorney
- 20 shall assist the county department of social services in
- 21 the preparation of the necessary papers to initiate such
- 22 action and shall appear and represent the department at
- 23 all juvenile court proceedings."
- 24 38. Page 7A, line 14, by striking the word "county".
- 25 39. Page 7A, line 18, by striking the word "county".

Page 4

- 1 40. Page 7A, by striking lines 24 through 35 and insert-
- 2 ing in lieu thereof the following:
- 3 235A.6 JURISDICTION--TRANSFER. "~~County-department~~
- 4 Department of social welfare services" or county attorney"
- 5 ordinarily refer to the local or county office serving the
- 6 county in which the child's home is located.
- 7 However, if the person making the report pursuant to this
- 8 chapter does not know where the child's home is located, or
- 9 if the child's home is not located in the county service
- 10 area where the health practitioner examines, attends, or
- 11 treats the child, the report may be made to the designated
- 12 agencies-for state department of social services or to the
- 13 local office serving the county where the person making the
- 14 report resides or the county where the health practitioner
- 15 examines, attends, or treats the child. These agencies shall
- 16 promptly proceed as provided in section 235A.5, unless the
- 17 matter is transferred to-another-county as provided in this
- 18 section.
- 19 If ~~it appears that~~ the child's home is located in another
- 20 a county not served by the office receiving the report, the
- 21 county department of social welfare shall promptly transfer
- 22 the matter to-the-other-county by transmitting a copy of the
- 23 report of injury and any other pertinent information to the
- 24 county-department-of-social-welfare office and the county
- 25 attorney of serving the other county. They shall promptly

- 1 proceed as provided in section 235A.5.
- 2 41. Page 7B, by striking lines 36 and 37.
- 3 42. Page 8, by striking lines 1 through 12.
- 4 43. Page 9A, by striking line 4 and inserting in lieu
- 5 thereof the word "department".
- 6 44. Page 9A, line 5, by striking the words "jointly and
- 7 individually".
- 8 45. Page 9A, lines 7 and 8, by striking the words
- 9 "state department and county departments" and inserting in
- 10 lieu thereof the word "department".
- 11 46. Page 9A, line 11, by inserting after the word
- 12 "diagnosis" the words "and cause".
- 13 47. Page 9A, by striking lines 14, 15, and 16 and in-
- 14 serting in lieu thereof the words "procedures of the de-
- 15 partment and the juvenile court with respect to suspected
- 16 cases of child abuse and disposition of actual cases."
- 17 48. Page 9A, line 25, by striking the word "county".
- 18 49. Page 10, by striking lines 20, 21, 22, and 23.
- 19 50. Page 11, by striking lines 6, 15, 24, 27, 28, 34, and
- 20 35.
- 21 51. Page 12, by striking lines 1 and 2.
- 22 52. Page 12, line 8, by striking the words "bureau which
- 23 shall be known as the".
- 24 53. Page 12, line 16, by striking the word "county".
- 25 54. Page 12, line 30, by striking the word "county" and

Page 6

- 1 inserting in lieu thereof the words "office of the".
- 2 55. Page 13, line 9, by striking the words "a county"
- 3 and inserting in lieu thereof the words "employees of the".
- 4 56. Page 15A, lines 6 and 7, by striking the sentence
- 5 "The registry shall examine all reports of child abuse and
- 6 assess their validity."
- 7 57. Page 15A, line 13, by striking the words "a county
- 8 department of social services" and inserting in lieu thereof
- 9 the words "the department".
- 10 58. Page 15A, line 21, by striking the words "a county"
- 11 and inserting in lieu thereof the word "the".
- 12 59. Page 15A, line 24, by striking the words "appropriate
- 13 county".
- 14 60. Page 16, line 14, by inserting after the period the
- 15 sentence "Commencing July 1, 1975, appeal shall be taken in
- 16 accordance with the provisions of the Iowa administrative
- 17 procedure act."
- 18 61. Page 17, by striking line 35.
- 19 62. Page 18, by striking lines 1 through 6.
- 20 63. Page 18, line 30, by inserting after the word "same"
- 21 the word "political".
- 22 64. Page 18, line 33, by inserting after the word "same"
- 23 the word "political".
- 24 65. Page 19, line 8, by striking the words "the governor,".
- 25 66. Page 19, by striking lines 28 through 35

Page 7

- 1 67. Page 20A, by striking lines 1 through 7 and lines 18
- 2 through 35.
- 3 68. Page 20B, by striking lines 36 through 45.
- 4 69. Page 21, by striking lines 1, 2, and 3.
- 5 70. Renumber sections and subsections, and correct
- 6 internal references in accordance with this amendment.

H-2968

1 Amend Senate File 1225 as passed by the Senate  
2 and reprinted as follows: Page 7A, by adding after  
3 line 13: "The county attorney shall assist the county  
4 department of social services in the preparation of  
5 the necessary papers to initiate such action and  
6 shall appear and represent the department at all  
7 juvenile court proceedings."

H-2968 Filed *Adoptive Res* By KNOKE of Pottawattamie  
April 23, 1974

H-2973

1 Amend the Knoke amendment, H-2968, to page 7A of  
2 Senate File 1225 by striking from line 3 the word  
3 "county".

H-2973 Filed and adopted By KNOKE of Pottawattamie  
April 24, 1974

H-2976

1 Amend the Bittle amendment H-2971, to Senate File  
2 1225 as passed by the Senate and reprinted, as follows:  
3 1. By inserting after line 108 the following:  
4 "42. Page 7B, by striking lines 36 and 37."  
5 2. "43. Page 8, by striking lines 1 through 12."  
6 3. By renumbering the amendments accordingly.

H-2976 Filed and adopted By BITTLE of Polk  
April 24, 1974

H-2983

1 Amend the Bittle, et al., amendment H-2971, to  
2 Senate File 1225 as passed by the Senate and reprinted,  
3 as follows:  
4 1. Line 5, by inserting after the word "local"  
5 the following: ", county,".  
6 2. Line 35, by inserting after the word "local"  
7 the words "or county".

H-2983 Filed and adopted By DEN HERDER of Sioux  
April 24, 1974 BITTLE of Polk

SENATE FILE 1225

H-2971

- 1 Amend Senate File 1225, as amended, passed, and  
2 reprinted by the Senate, as follows: \_\_\_\_\_ A ---  
3 1. Page 2, by striking lines 26 and 27.  
4 2. Page 2, line 29, by inserting after the word  
5 "vices" the words "and includes the local and regional  
6 offices of the department".  
7 3. Page 3A, by striking lines 1 and 2 and insert-  
8 ing in lieu thereof the words "information established  
9 in section thirteen (13) of this Act."  
10 4. Page 3A, line 10, by striking the second word  
11 "or".  
12 5. Page 3A, line 21, by inserting after the word  
13 "agent" the words "and the person in charge of the  
14 institution or designated agent shall make the report".  
15 6. Page 3A, line 28, by inserting after the comma  
16 the words "examines, attends, counsels or treats a  
17 child and".  
18 7. Page 3A, line 29, by striking the word "a" and  
19 inserting in lieu thereof the word "the".  
20 8. Page 3A, line 34, by inserting after the word  
21 "agent" the words "and the person in charge of the  
22 institution, agency, or facility, or the designated  
23 agent shall make the report".  
24 9. Page 4A, line 10, by striking the word "county".  
25 10. Page 4A, line 14, by striking the word "county".  
26 11. Page 4A, line 17, by striking the word "county".  
27 12. Page 4A, line 19, by striking the words "state  
28 central registry as provided in" and inserting in lieu  
29 thereof the word "registry".  
30 13. Page 4A, by striking line 20.  
31 14. Page 4A, lines 21 and 22, by striking the words  
32 "state central agency" and inserting in lieu thereof  
33 the word "registry".  
34 15. Page 4A, line 29, by inserting after the word  
35 "persons" the words "believed to be".  
36 16. Page 5, by inserting after line 2 the following  
37 new paragraph:  
38 g. The name and address of the person making the  
39 report.  
40 17. Page 5, line 8, by striking the word "state".  
41 18. Page 5, line 9, by striking the words "services,  
42 and county department of social".  
43 19. Page 5, line 11, by striking the word "county".  
44 20. Page 5, line 13, by striking the word "county".  
45 21. Page 5, line 17, by striking the words "COUNTY  
46 DEPARTMENTS" and inserting in lieu thereof the words  
47 "THE DEPARTMENT".  
48 22. Page 5, line 18, by striking the word "county".  
49 23. Page 5, line 34, by inserting after the word  
50 "may" the words "with the consent of the parent or

- 51 guardian".  
52 24. Page 6, line 5, by striking the word "welfare"  
53 and inserting in lieu thereof the words "social services".  
54 25. Page 6, line 7, by striking the word "county".  
55 26. Page 6, line 11, by striking the word  
56 "county".  
57 27. Page 6, line 15, by striking the word "county".  
58 28. Page 6, line 18, by striking the word  
59 "central".  
60 29. Page 6, line 19, by inserting after the word  
61 "to" the word "a".  
62 30. Page 6, line 21, by striking the word "county".  
63 31. Page 6, line 23, by striking the words  
64 "central" and "county".  
65 32. Page 6, line 25, by striking the word  
66 "central".  
67 33. Page 6, line 29, by striking the word "county".  
68 34. Page 6, line 31, by striking the words "and  
69 the appropriate law enforcement agencies".  
70 35. Page 6, by striking line 32 and inserting in  
71 lieu thereof the sentence "The county attorney shall  
72 notify the registry".  
73 36. Page 7A, line 3, by striking the words  
74 "county department of social services may" and insert-  
75 ing in lieu thereof the words "department shall".  
77 37. Page 7A, line 9, by striking the word "county".  
77 38. Page 7A, line 14, by striking the word "county".  
78 39. Page 7A, line 18, by striking the word "county".  
79 40. Page 7A, line 20, by striking the word "abuse"  
80 and inserting in lieu thereof the word "abused".  
81 41. Page 7A, by striking lines 24 through 35 and  
82 inserting in lieu thereof the following:  
83 235A.6 JURISDICTION--TRANSFER. "County-depart-  
84 ment Department of social welfare services" or "county  
85 attorney" ordinarily refer to the local office serving  
86 the county in which the child's home is located.  
87 However, if the person making the report pursuant  
88 to this chapter does not know where the child's home  
89 is located, or if the child's home is not located in  
90 the county service area where the health practitioner  
91 examines, attends, or treats the child, the report  
92 may be made to the designated-agencies-for state de-  
93 partment of social services or to the local office  
94 serving the county where the person making the report  
95 resides or the county where the health practitioner  
96 examines, attends, or treats the child. These agencies  
97 shall promptly proceed as provided in section 235A.5,  
98 unless the matter is transferred to-another-county as  
99 provided in this section.  
100 If it-appears-that the child's home is located in

101 another a county not served by the office receiving  
102 the report, the county department of-social-welfare  
103 shall promptly transfer the matter to-the-other-county  
104 by transmitting a copy of the report of injury and any  
105 other pertinent information to the county-department  
106 of-social-welfare office and the county attorney of  
107 servng the other county. They shall promptly proceed  
108 as provided in section 325A.5.

109 42. Page 9A, by striking line 4 and inserting in  
110 lieu thereof the word "department".

111 43. Page 9A, line 5, by striking the words  
112 "jointly and individually".

113 44. Page 9A, lines 7 and 8, by striking the words  
114 "state department and county departments" and insert-  
115 ing in lieu thereof the word "department".

116 45. Page 9A, line 11, by inserting after the word  
117 "diagnosis" the words "and cause".

118 46. Page 9A, by striking lines 14, 15, and 16 and  
119 inserting in lieu thereof the words "procedures of the  
120 department and the juvenile court with respect to  
121 suspected cases of child abuse and disposition of  
122 actual cases."

123 47. Page 9A, line 25, by striking the word "county".

124 48. Page 10, by striking lines 20, 21, 22, and 23.

125 49. Page 11, by striking lines 6, 15, 24, 27, 28,  
126 34, and 35.

127 50. Page 12, by striking lines 1 and 2.

128 51. Page 12, line 8, by striking the words "bureau  
129 which shall be known as the".

130 52. Page 12, line 16, by striking the word "county".

131 53. Page 12, line 30, by striking the word "county"  
132 and inserting in lieu thereof the words "office of  
133 the".

134 54. Page 13, line 9, by striking the words "a  
135 county" and inserting in lieu thereof the words "em-  
136 ployees of the".

137 55. Page 15A, lines 6 and 7, by striking the  
138 sentence "The registry shall examine all reports of  
139 child abuse and assess their validity."

140 56. Page 15A, line 13, by striking the words "a  
141 county department of social services" and inserting  
142 in lieu thereof the words "the department".

143 57. Page 15A, line 21, by striking the words "a  
144 county" and inserting in lieu thereof the word "the".

145 58. Page 15A, line 24, by striking the words "ap-  
146 propriate county".

147 59. Page 16, line 14, by inserting after the period  
148 the sentence "Commencing July 1, 1975, appeal shall  
149 be taken in accordance with the provisions of the Iowa  
150 administrative procedures act."

House 11  
April 24, 1974

- 151 60. Page 17, by striking line 35.  
152 61. Page 18, by striking lines 1 through 6.  
153 62. Page 18, line 30, by inserting after the  
154 word "same" the word "political".  
155 63. Page 18, line 33, by inserting after the word  
156 "same" the word "political".  
157 64. Page 19, line 8, by striking the words "the  
158 governor,".  
159 65. Page 19, line 21, by striking the words "ad-  
160 ministrative rules". 8  
H. B. B. B.  
4/24  
161 66. Page 19, by striking lines 22 and 23 and in-  
162 serting in lieu thereof the words "promulgate rules,  
163 subject to review in accordance with chapter  
164 seventeen A (17A) of the Code."  
165 67. Page 19, by striking lines 28 through 35. A  
166 68. Page 20A, by striking lines 1 through 7 and  
167 lines 18 through 35.  
168 69. Page 20B, by striking lines 36 through 45.  
169 70. Page 21, by striking lines 1, 2, and 3.  
170 71. Renumber sections and subsections, and correct  
171 internal references in accordance with this amendment.

H-2971 Filed *1. adopted, reconsidered, amended by 2976 and* By BITTLE of Polk  
April 23, 1974 *adopted 4/24 (2832)* CONNORS of Polk  
*Reconsidered, amended by 2983,* LIPSKY of Linn  
*and adopted 4/24 (2054)* WEST of Marshall

H-2773

- 1 Amend Senate File 1225, as passed by the Senate  
2 and reprinted, as follows:  
3 1. Page 3A, by striking all of lines 1 and 2  
4 and inserting in lieu thereof the following:  
5 "information defined in section twelve (12), sub-  
6 section twelve (12), and created in section thirteen  
7 (13), of this Act."  
8 2. Page 4A, line 29, by inserting after the  
9 word "persons" the words "believed to be".  
10 3. Page 18, line 30, by inserting after the  
11 word "same" the word "political".  
12 4. Page 18, line 33, by inserting after the word  
13 "same" the word "political".  
14 5. Page 19, line 35, by striking the word  
15 "formulate" and inserting in lieu thereof the  
16 following: "; formulate".  
17 6. Page 20A, line 1, by inserting after the word  
18 "for" a comma.

H-2773 Filed *Withdrawn 4/24*  
April 4, 1974

By LIPSKY of Linn