

Reprinted 2/10/85

FEB 28 1985

Place On Calendar

HOUSE FILE 451

BY COMMITTEE ON HUMAN RESOURCES

(Formerly House File 180)

Passed House, Date 3-6-85 (p. 620) Passed Senate, Date _____

Vote: Ayes 81 Nays 6 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to child protection and providing penalties.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 451

1 Section 1. NEW SECTION. 144.13A REGISTRATION FEE.

2 The local registrar and state registrar shall charge the
3 person responsible for the filing of a certificate of birth
4 under section 144.13 a ten dollar fee for the registration of
5 the certificate of birth. If the expenses of the birth are
6 reimbursed under the medical assistance program established by
7 chapter 249A or paid for under the statewide indigent patient
8 care program established by chapter 255, the ten dollar
9 registration fee is waived. The fees collected by the local
10 registrar and state registrar shall be remitted to the
11 treasurer of state for deposit in the general fund of the
12 state. It is the intent of the general assembly that the
13 funds generated from the registration fees be appropriated and
14 used for primary child abuse prevention programs.

15 Sec. 2. Section 232.68, subsection 6, paragraph c, Code
16 1985, is amended to read as follows:

17 c. An employee or agent of any public or private facility
18 providing care for a child, including an institution,
19 hospital, health care facility, group home, mental health
20 center, residential treatment center, shelter care facility,
21 detention center, or child care facility, or public or
22 nonpublic school.

23 Sec. 3. Section 232.69, subsection 1, paragraph b, Code
24 1985 is amended to read as follows:

25 b. Every self-employed social worker, every social worker
26 under the jurisdiction of the department of human services,
27 any social worker employed by a public or private agency or
28 institution, public or private health care facility as defined
29 in section 135C.1, certified psychologist, certificated school
30 employee, employee or operator of a licensed child care center
31 or registered group day care home or registered family day
32 care home, individual licensee under chapter 237, member of
33 the staff of a mental health center, or peace officer, who, in
34 the course of employment or in providing child foster care,
35 examines, attends, counsels or treats a child and reasonably

1 believes a child has suffered abuse. If a person is required
2 to report under this section as a member of the staff of a
3 public or private institution, agency or facility, that person
4 shall immediately notify the person in charge of the
5 institution, agency or facility, or that person's designated
6 agent, and the person in charge of the institution, agency, or
7 facility, or the designated agent shall make the report.

8 Sec. 4. Section 232.69, Code 1985, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 3. A person required to make a report
11 under subsection 1, other than a physician whose professional
12 practice does not regularly involve providing primary health
13 care to children, shall complete two hours of training
14 relating to the identification and reporting of child abuse
15 within one year of initial employment or self-employment
16 involving the examination, attending, counseling, or treatment
17 of children. The person shall complete at least two hours of
18 additional child abuse identification and reporting training
19 every five years. If the person is an employee of a hospital
20 or similar institution, or of a public or private institution,
21 agency, or facility, the employer shall be responsible for
22 providing the child abuse identification and reporting
23 training. If the person is self-employed, the person shall be
24 responsible for obtaining the child abuse identification and
25 reporting training. The person may complete the initial or
26 additional training as part of a continuing education program
27 required under chapter 258A or may complete the training as
28 part of a training program offered by the department of human
29 services, the department of public instruction, an area
30 education agency, a school district, the Iowa law enforcement
31 academy, or a similar public agency.

32 Sec. 5. Section 232.71, subsection 2, paragraph e, Code
33 1985, is amended by striking the paragraph.

34 Sec. 6. Section 232.71, subsection 3, Code 1985, is
35 amended to read as follows:

1 3. The investigation may with the consent of the parent or
2 guardian or administrator of a facility include a visit to the
3 home of the child or the facility providing care to the child
4 named in the report and examination of such the child. If
5 permission to enter the home or facility and to examine the
6 child is refused, the juvenile court or district court upon a
7 showing of probable cause may authorize the person making the
8 investigation to enter the home or facility and examine the
9 child. The department may utilize a multidisciplinary team in
10 investigations of child abuse involving employees or agents of
11 a facility providing care for a child.

12 Sec. 7. Section 232.71, Code 1985, is amended by adding
13 the following new subsection after subsection 3 and
14 renumbering the subsequent subsections:

15 NEW SUBSECTION. 4. Based on an investigation of alleged
16 child abuse by an employee of a facility providing care to a
17 child, the department shall notify the licensing authority for
18 the facility, the governing body of the facility, and the
19 administrator in charge of the facility of any of the
20 following:

21 a. A violation of facility policy noted in the
22 investigation.

23 b. An instance in which facility policy or lack of
24 facility policy may have contributed to the alleged child
25 abuse.

26 c. An instance in which general practice in the facility
27 appears to differ from the facility's written policy.

28 The licensing authority, the governing body, and the
29 administrator in charge of the facility shall take any lawful
30 action which may be necessary or advisable to protect children
31 residing in the facility.

32 Sec. 8. Section 232.71, subsection 6, Code 1985, is
33 amended to read as follows:

34 6. The department ~~of-human-services~~, upon completion of
35 its investigation, shall make a preliminary report of its

1 investigation as required by subsection 2. A copy of this
2 report shall be transmitted to juvenile court within ninety-
3 six hours after the department of-human-services initially
4 receives the abuse report unless the juvenile court grants an
5 extension of time for good cause shown. If the preliminary
6 report is not a complete report, a complete report shall be
7 filed within ten working days of the receipt of the abuse
8 report, unless the juvenile court grants an extension of time
9 for good cause shown. The department shall notify a subject
10 of the report of the result of the investigation and of the
11 subject's right to correct the information pursuant to section
12 235A.19. The juvenile court shall notify the registry of any
13 action it takes with respect to a suspected case of child
14 abuse.

15 Sec. 9. Section 232.78, subsection 1, paragraph a, Code
16 1985, is amended to read as follows:

17 a. The parent, guardian, legal custodian, or employee of
18 the child day care facility is absent, or though present, was
19 asked and refused to consent to the removal of the child and
20 was informed of an intent to apply for an order under this
21 section, or the parent, guardian, or legal custodian has a
22 prior instance of flight to avoid a child abuse investigation.

23 Sec. 10. Section 232.78, Code 1985, is amended by adding
24 the following new subsection as subsection 4 and renumbering
25 as necessary:

26 NEW SUBSECTION. 4. The juvenile court, before or after
27 the filing of a petition under this chapter, may enter an ex
28 parte order authorizing a physician or hospital to conduct an
29 outpatient physical or mental examination of a child if
30 necessary to identify the nature, extent, and cause of
31 injuries to the child as required by section 232.71,
32 subsection 2, provided all of the following apply:

33 a. The parent, guardian, or legal custodian is absent, or
34 though present, was asked and refused to provide written
35 consent to the examination, and was informed of an intent to

1 apply for an order under this section.

2 b. There is not enough time to file a petition and to hold
3 a hearing as provided in section 232.98.

4 Sec. 11. Section 232.98, subsection 1, unnumbered para-
5 graph 1, Code 1985, is amended to read as follows:

6 A Except as provided in section 232.78, subsection 4, a
7 physical or mental examination of the child may be ordered
8 only after the filing of a petition pursuant to section 232.87
9 and after a hearing to determine whether an examination is
10 necessary to determine the child's physical or mental
11 condition.

12 Sec. 12. Section 232.102, Code 1985, is amended by adding
13 the following new subsection as subsection 2 and renumbering
14 as necessary:

15 NEW SUBSECTION. 2. After a dispositional hearing and upon
16 the request of the department, the court may enter an order
17 appointing the department as the guardian of an unaccompanied
18 refugee minor or of a child without parent or guardian.

19 Sec. 13. Section 232.141, subsection 2, Code 1985, is
20 amended to read as follows:

21 2. Whenever if legal custody of a minor is transferred by
22 the court or-~~whenever~~, if the minor is placed by the court
23 with someone other than the parents, or whenever if a minor is
24 given physical or mental examinations or treatment under order
25 of the court and no provision is otherwise made by law for
26 payment for the care, examination, or treatment of the minor,
27 the costs shall be charged upon the funds of the county in
28 which the proceedings are held upon certification of the judge
29 to the board of supervisors. If a minor is given physical or
30 mental examinations or treatment with the consent of the
31 parent, guardian, or legal custodian relating to a child abuse
32 investigation and no other provision is otherwise made by law
33 for payment for the examination or treatment of the minor, the
34 costs shall be charged upon the funds of the county in which
35 the child resides upon certification of the department to the

1 board of supervisors. Except where the parent-child
2 relationship is terminated, the court may inquire into the
3 ability of the parents to support the minor and after giving
4 the parents a reasonable opportunity to be heard may order the
5 parents to pay in the manner and to whom the court may direct,
6 such sums as will cover in whole or in part the cost of care,
7 examination, or treatment of the minor. An order entered
8 under this section shall not obligate a parent paying child
9 support under a custody decree, except that any part of such a
10 monthly support payment may be used to satisfy the obligations
11 imposed by an order entered under this section. If the
12 parents fail to pay the sum without good reason, the parents
13 may be proceeded against for contempt or the court may inform
14 the county attorney who shall proceed against the parents to
15 collect the unpaid sums or both. Any such sums ordered by the
16 court shall be a judgment against each of the parents and a
17 lien as provided in section 624.23. If all or any part of the
18 sums that the parents are ordered to pay is subsequently paid
19 by the county, the judgment and lien shall thereafter be
20 against each of the parents in favor of the county to the
21 extent of such the county's payments.

22 Sec. 14. Section 232.149, Code 1985, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 5. This section does not prohibit a
25 criminal justice agency from disclosing or releasing pursuant
26 to chapter 694 the identity of a missing child or information
27 useful in the recovery of a missing child.

28 Sec. 15. Section 235A.15, Code 1985, is amended to read as
29 follows:

30 235A.15 AUTHORIZED ACCESS.

31 1. Notwithstanding chapter 22, the confidentiality of all
32 child abuse information shall be maintained, except as
33 specifically provided by subsection 2 and subsection 3.

34 2. Access to child abuse information other than unfounded
35 child abuse information is authorized only:

- 1 a. To a health practitioner who is examining, attending or
2 treating a child whom the practitioner believes or has reason
3 to believe has been the victim of abuse.
- 4 b. To employees of the department of human services having
5 responsibility for the investigation of a child abuse report.
- 6 c. To a law enforcement officer having responsibility for
7 the temporary emergency removal of a child from the child's
8 parent or other legal guardian.
- 9 d. To a juvenile court or district court upon a finding
10 that information is necessary for the resolution of an issue
11 arising in any phase of a case involving child abuse, except
12 that information obtained through the registry shall not be
13 utilized in any aspect of any criminal prosecution.
- 14 e. To an authorized person or agency having responsibility
15 for the care or supervision of a child named in a report as a
16 victim of abuse or a person named in a report as having abused
17 a child, if the juvenile court or the registry deems access to
18 child abuse information by such person or agency to be
19 necessary.
- 20 f. To a person conducting bona fide research on child
21 abuse, if the details identifying any subject of a child abuse
22 report are deleted.
- 23 g. To a person who is the subject of any report as
24 provided in section 235A.19.
- 25 h. To registry or department personnel where necessary to
26 the performance of their official duties.
- 27 i. To a court hearing an appeal for correction or
28 expungement of registry information as provided in section
29 235A.19.
- 30 j. In an individual case, to the mandatory reporter who
31 reported the child abuse.
- 32 k. To a multidisciplinary team, if the department of human
33 services approves the composition of the multidisciplinary
34 team and determines that access to the team is necessary to
35 assist the department in the diagnosis, assessment, and

1 disposition of a child abuse case.

2 1. To a licensing authority for a facility providing care
3 for a child named in a report, if the licensing authority is
4 notified of a relationship between facility policy and the
5 child abuse under section 232.71, subsection 4.

6 3. Access to unfounded child abuse information is
7 authorized only to those persons identified in subsection 2,
8 paragraphs "b", "g", "h", and "j".

9 Sec. 16. Section 235A.18, subsection 2, Code 1985, is
10 amended to read as follows:

11 2. Child abuse information which cannot be determined by a
12 preponderance of the evidence to be founded or unfounded shall
13 be expunged one year after the receipt of the initial report
14 of such abuse if-the-information-cannot-be-determined-by-a
15 preponderance-of-the-evidence-to-be-founded-or-unfounded-
16 child and child abuse information which is determined by a
17 preponderance of the evidence to be unfounded shall be
18 expunged if-the-information-is-determined-to-be-unfounded six
19 months after the receipt of the initial report of abuse, as a
20 result of any of the following:

21 a. The investigation of a report of suspected child abuse
22 by the department.

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

24 c. A court adjudication.

25 3. However, if a correction of child abuse information is
26 requested under section 235A.19 and the issue is not resolved
27 at the end of the one-year or six-month period, the
28 information shall be retained until the issue is resolved and
29 if the child abuse information is not determined to be
30 founded, the information shall be expunged at the appropriate
31 time under subsection 2.

32 Sec. 17. Section 235A.19, subsections 2 and 3, Code 1985,
33 are amended to read as follows:

34 2. Any A person who-files may file with the registry
35 department within six months of the date of the notice of the

1 results of an investigation required by section 232.71, sub-
2 section 6, a written statement to the effect that child abuse
3 information referring to such the person is in whole or in
4 part erroneous, and requests may request a correction or
5 expungement of that information, shall be notified within
6 sixty days by the registry, in writing, of its decision or
7 order regarding the correction or elimination or of the
8 findings of the investigation report. All decisions and
9 orders shall be accompanied by findings of fact, and the
10 registry shall provide the opportunity for a fair hearing when
11 it initially determines that the information should not be
12 corrected or expunged as requested. The department shall
13 provide the person with an opportunity for an evidentiary
14 hearing pursuant to chapter 17A to correct the information or
15 the findings, unless the department corrects the information
16 or findings as requested. The department shall delay the
17 expungement of information which is not determined to be
18 founded until the conclusion of a proceeding to correct the
19 information or findings. The department may defer the hearing
20 until the conclusion of a pending juvenile or district court
21 case relating to the information or findings.

22 3. The registry's decision or order resulting from the
23 hearing may be appealed to the district court of Polk county
24 by the person requesting the correction or expungement or to
25 the district court of the district in which such the person
26 resides. Immediately upon such appeal the court shall order
27 the registry department to file with the court a certified
28 copy of the child abuse information. Appeal shall be taken in
29 accordance with the provisions of the Iowa administrative
30 procedure Act chapter 17A.

31 Sec. 18. Section 237A.1, subsection 7, Code 1985, is
32 amended by adding the following new lettered paragraphs:

33 NEW LETTERED PARAGRAPH. d. Care to children from only one
34 family.

35 NEW LETTERED PARAGRAPH. e. Care to no more than six

1 children for less than ninety days in any period of twelve
2 consecutive months.

3 Sec. 19. Section 237A.1, subsection 9, paragraph a, Code
4 1985, is amended by striking the paragraph and inserting in
5 lieu thereof the following:

6 a. "Family day care home" means a person providing child
7 day care for two to six children at any one time, or for two
8 to six children at any one time and no more than two
9 additional children who each receive care for no more than
10 thirty hours per week.

11 Sec. 20. Section 237A.3, subsection 1, Code 1985, is
12 amended to read as follows:

13 1. A person who operates or establishes a family day care
14 home may shall apply to the department for registration under
15 this chapter. The department shall issue a certificate of
16 registration upon receipt of a statement from the family day
17 care home that the home complies with rules adopted by the
18 department. The registration certificate shall be posted in a
19 conspicuous place in the family day care home, shall state the
20 name of the registrant, the number of individuals who may be
21 received for care at any one time and the address of the home,
22 and shall include a check list of registration compliances.
23 No greater number of children than is authorized by the
24 certificate shall be kept in the family day care home at any
25 one time. The registration process may for a family day care
26 home shall be repeated on an annual basis. A facility which
27 is not a family day care home by reason of the definition of
28 child day care in section 237A.1, subsection 7 or the
29 definition of a family day care home in section 237A.1,
30 subsection 9, but which provides care, supervision or guidance
31 to a child may be issued a certificate of registration under
32 this chapter if the facility complies with rules adopted by
33 the department.

34 Sec. 21. Section 237A.3, Code 1985, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 4. The parent or guardian of a child
2 being provided care at a family day care home for no more than
3 thirty hours per week, pursuant to section 237A.1, subsection
4 9, paragraph "a", shall provide verification to the registrant
5 that the child attends not more than thirty hours per week.

6 Sec. 22. Section 237A.4, Code 1985, is amended to read as
7 follows:

8 237A.4 INSPECTION AND EVALUATION.

9 The local boards of health shall make periodic at least
10 annual inspections of licensed centers to insure compliance
11 with licensing requirements provided in this chapter. ~~In~~
12 ~~those instances where no~~ If a local board of health exists
13 ~~then does not exist~~ the director ~~may~~ shall make periodic at
14 least annual inspections of licensed centers as necessary to
15 ~~carry out the provisions of~~ implement this chapter. The
16 director may inspect records maintained by a licensed center
17 and may inquire into matters concerning these centers and the
18 persons in charge. The director shall require that the center
19 be inspected by the state fire marshal or a designee for
20 compliance with rules relating to fire safety before a license
21 is granted or renewed. The director or a designee ~~may~~ shall
22 periodically visit registered family day care homes and group
23 day care homes for the purpose of evaluation of an inquiry
24 into matters concerning compliance with rules promulgated
25 under section 237A.12. Evaluation of family day care homes
26 and group day care homes under this section may include
27 consultative services provided pursuant to section 237A.6.

28 Sec. 23. Section 237A.19, unnumbered paragraph 2, Code
29 1985, is amended to read as follows:

30 A person who establishes, conducts, manages, or operates a
31 group day care home or family day care home without
32 registering under this chapter is guilty of a simple
33 misdemeanor. Each day of continuing violation after
34 conviction, or notice from the department by certified mail of
35 the violation, is a separate offense. A single charge

1 alleging continuing violation may be made in lieu of filing
2 charges for each day of violation.

3 Sec. 24. Section 237A.19, Code 1985, is amended by adding
4 the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. A person who establishes,
6 conducts, manages, or operates a family day care home without
7 verification from a parent or guardian of a child who attends
8 the home for no more than thirty hours per week as required
9 under section 237A.3, subsection 4, is guilty of a simple
10 misdemeanor.

11 Sec. 25. Section 237A.20, Code 1985, is amended to read as
12 follows:

13 237A.20 INJUNCTION.

14 A person who establishes, conducts, manages, or operates a
15 center without a license or a group day care home or family
16 day care home without a certificate of registration may be
17 restrained by temporary or permanent injunction. The action
18 may be instituted by the state, a political subdivision of the
19 state, or an interested person.

20 Sec. 26. NEW SECTION. 237A.23 LICENSING FEE.

21 A person who applies for a license, renewal of a license, a
22 certificate of registration or a renewal of a certificate to
23 operate a child day care facility shall submit a fee with the
24 application to defray the costs of the inspection or visit. A
25 local board of health shall receive the fee from the
26 department when an inspection or visit is made by the board
27 pursuant to section 237A.4. Otherwise the fees collected
28 shall be deposited in the general fund of the state.

29 The annual fee shall be as follows:

- 30 1. Family day care home \$12.00
- 31 2. Group day care home \$22.00
- 32 3. Child care center \$40.00

33 Sec. 27. NEW SECTION. 237A.24 IMPLEMENTATION.

34 Notwithstanding section 237A.3, a family day care home
35 which provides child day care for five or six children shall

1 be registered by June 30, 1986, a family day care home which
2 provides child day care for three or four children shall be
3 registered by June 30, 1987, and a family day care home which
4 provides child day care for two children shall be registered
5 by June 30, 1988.

6 Until July 1, 1988, the standards adopted by the department
7 of human services for a registered family day care home shall
8 be the same standards adopted by the department for a
9 registered family day care home on July 1, 1985, unless
10 otherwise mandated by the general assembly.

11 Sec. 28. Section 238.33, article II, paragraph d, Code
12 1985, is amended to read as follows:

13 d. "Placement" means the arrangement for the care of a
14 child in a family free or boarding home or in a child-caring
15 agency or institution, but not in an institution caring for
16 the mentally ill, mentally defective, or epileptic, in an
17 institution primarily educational in character, or in a hos-
18 pital or other medical facility.

19 Sec. 29. Section 238.33, article III, paragraph a, Code
20 1985, is amended to read as follows:

21 a. No A sending state agency shall not send, bring, or
22 cause to be sent or brought into any other party state any a
23 child for placement in foster care or as a preliminary to a
24 possible adoption unless the sending agency ~~shall comply~~
25 complies with ~~each-and-every~~ requirement set forth in this
26 article and with the applicable laws of the receiving state
27 governing the placement of children therein in the receiving
28 state.

29 Sec. 30. Section 238.33, article VIII, paragraph a, Code
30 1985, is amended to read as follows:

31 a. The sending or bringing of a child into a receiving
32 state by the child's parent, relative stepparent, grandparent,
33 adult brother or sister, adult uncle or aunt, or the-child's
34 guardian and leaving the child with any such relative or
35 nonagency guardian in the receiving state.

1 Sec. 31. NEW SECTION. 242.16 STANDARDS --

2 MULTIDISCIPLINARY TEAM REVIEW -- ADVISORY COMMITTEE.

3 1. The department of human services shall adopt rules
4 pursuant to chapter 17A establishing standards for services
5 provided by the state training school, which shall address:

6 a. The number, qualifications, and character of staff
7 necessary to assure the health, safety, and welfare of
8 children committed to the state training school.

9 b. Programs for education and in-service training of
10 staff.

11 c. Policies for intake, assessment, admission, and
12 discharge of children committed to the state training school.

13 d. Policies for involvement of the parents of children
14 committed to the state training school.

15 e. The adequacy of programs available to children
16 committed to the state training school, including activity
17 programs, social services, behavior management procedures, and
18 educational programs.

19 f. Health, safety, and medical care policies.

20 2. The department shall establish a multidisciplinary team
21 consisting of representatives of the department of human
22 services, the state department of health, and other persons
23 not employed by the state with expertise in juvenile services
24 and the treatment of youth. The multidisciplinary team shall
25 annually conduct a review of the state training school to
26 determine if the school is in compliance with the established
27 standards. The report shall be submitted to the commissioner
28 of human services, the council on human services, and the
29 general assembly.

30 3. The department shall establish an advisory committee
31 for the state training school consisting of fifteen persons
32 representing the local community, the juvenile court,
33 providers of juvenile services, state agencies concerned with
34 juvenile services, and persons with expertise in the treatment
35 of youth. No more than five members of the advisory committee

1 shall be state employees. The advisory committee shall meet
2 at least three times annually, and shall review and make
3 recommendations to the department regarding the programming
4 and policies of the state training school.

5 Sec. 32. NEW SECTION. 244.15 STANDARDS --

6 MULTIDISCIPLINARY TEAM REVIEW -- ADVISORY COMMITTEE.

7 1. The department of human services shall adopt rules
8 pursuant to chapter 17A establishing standards for services
9 provided by the Iowa juvenile home, which shall address:

10 a. The number, qualifications, and character of staff
11 necessary to assure the health, safety, and welfare of
12 children committed to the home.

13 b. Programs for education and in-service training of staff.

14 c. Policies for intake, assessment, admission, and
15 discharge of children committed to the home.

16 d. Policies for involvement of the parents of children
17 committed to the home.

18 e. The adequacy of programs available to children
19 committed to the home, including activity programs, social
20 services, behavior management procedures, and educational
21 programs.

22 f. Health, safety, and medical care policies.

23 2. The department shall establish a multidisciplinary team
24 consisting of representatives of the department of human
25 services, the state department of health, and other persons
26 not employed by the state with expertise in juvenile services
27 and the treatment of youth. The multidisciplinary team shall
28 annually conduct a review of the home to determine if the home
29 is in compliance with the established standards. The report
30 shall be submitted to the commissioner of human services, the
31 council on human services, and the general assembly.

32 3. The department shall establish an advisory committee
33 for the home consisting of fifteen persons representing the
34 local community, the juvenile court, providers of juvenile
35 services, state agencies concerned with juvenile services, and

1 persons with expertise in the treatment of youth. No more
2 than five members of the advisory committee shall be state
3 employees. The advisory committee shall meet at least three
4 times annually, and shall review and make recommendations to
5 the department regarding the programming and policies of the
6 home.

7 Sec. 33. NEW SECTION. 279.49 CHILD DAY CARE PROGRAMS.

8 The board of directors of a school corporation may operate
9 or contract for the operation of a program to provide child
10 day care to children not enrolled in school or to students en-
11 rolled in kindergarten through grade six before and after
12 school, or to both. The person employed to be responsible for
13 a program or to coordinate a component within a program
14 operated by a board, or the person with whom the board
15 contracts for operation of a program shall be an appropriately
16 certificated teacher under chapter 260 or be licensed to
17 operate a child care center under chapter 237A. The board
18 shall require the employment of adequate personnel for a
19 program to meet the personnel standards adopted by the
20 department of human services pursuant to section 237A.12,
21 subsection 1. A program may be operated for not more than
22 twelve hours per day during school days and days when school
23 is not in session. A program may include designated time for
24 homework, physical exercise, nutritional supplements, and
25 other activities not offered during the regular school day.

26 The board shall establish a fee for the cost of participa-
27 tion in a program. The parent or guardian of a child partici-
28 pating in a program is responsible for payment of the fee and
29 for transportation of the child. The board shall not use
30 moneys from the school district's general fund to pay the
31 operating expenses of a program.

32 Sec. 34. Section 321B.30, Code 1985, is amended to read as
33 follows:

34 321B.30 CIVIL PENALTY -- VICTIM REPARATION FUND.

35 When the department revokes a person's license or operating

1 privilege under this chapter, the department shall assess the
2 person a civil penalty of one hundred dollars. The money
3 collected by the department under this section shall be
4 transmitted to the treasurer of state who shall deposit the
5 money in a separate fund dedicated to and used for the
6 purposes of chapter 912, and for the operation of a missing
7 person clearinghouse and domestic abuse registry by the
8 department of public safety. A temporary restricted license
9 shall not be issued or a license or privilege to drive
10 reinstated until the civil penalty has been paid.

11 Sec. 35. NEW SECTION. 694.10 MISSING PERSON INFORMATION
12 CLEARINGHOUSE.

13 1. As used in this section:

14 a. "Missing person" means a missing person as defined in
15 694.1 whose temporary or permanent residence is in Iowa, or is
16 believed to be in Iowa, whose location has not been
17 determined, and who has been reported as missing to a law
18 enforcement agency.

19 b. "Missing person report" is a report prepared on a form
20 designed by the department of public safety for use by private
21 citizens and law enforcement agencies to report missing person
22 information to the missing person information clearinghouse.

23 2. The department of public safety shall establish a
24 statewide missing person information clearinghouse. In
25 connection with the clearinghouse, the department shall:

26 a. Collect, process, maintain, and disseminate information
27 concerning missing persons in Iowa.

28 b. Develop training programs for local law enforcement
29 personnel concerning appropriate procedures to report missing
30 persons to the clearinghouse and to comply with legal
31 procedures relating to missing person cases.

32 c. Develop training programs to assist parents in avoiding
33 child kidnapping.

34 d. Cooperate with other states and the national crime
35 information center in efforts to locate missing persons.

- 1 e. Maintain a toll-free telephone line, available twenty-
2 four hours a day, seven days a week, to receive and
3 disseminate information related to missing persons.
- 4 f. Distribute monthly bulletins to all local law enforce-
5 ment agencies and to media outlets which request missing
6 person information, containing the names, photos, and
7 descriptions of missing persons, information related to the
8 events surrounding the disappearance of the missing persons,
9 the law enforcement agency or person to contact if missing
10 persons are located or if other relevant information is dis-
11 covered relating to missing persons, and the names of persons
12 reported missing whose locations have been determined and
13 confirmed.
- 14 g. Produce, update at least weekly, and distribute public
15 service announcements to media outlets which request missing
16 person information, containing the same or similar information
17 as contained in the monthly bulletins.
- 18 h. Encourage and seek both financial and in-kind support
19 from private individuals and organizations in the production
20 and distribution of clearinghouse bulletins and public service
21 announcements under paragraphs "f" and "g".
- 22 i. Maintain a registry of approved prevention and
23 education materials and programs regarding missing and runaway
24 children.
- 25 j. Coordinate public and private programs for missing and
26 runaway children.
- 27 3. A law enforcement agency shall submit all missing
28 person reports compiled pursuant to section 694.3 and updated
29 information relating to the reports to the clearinghouse.
- 30 4. Subsequent to the filing of a complaint of a missing
31 person with a law enforcement agency pursuant to section
32 694.2, the person filing the complaint may submit information
33 regarding the missing person to the clearinghouse. If the
34 person reported missing is an unemancipated minor, any person
35 may submit information regarding the missing unemancipated

1 minor to the clearinghouse.

2 5. A person who has filed a missing person complaint with
3 a law enforcement agency shall immediately notify that law
4 enforcement agency when the location of the missing person has
5 been determined.

6 6. After the location of a person reported missing to the
7 clearinghouse has been determined and confirmed, the
8 clearinghouse shall only release information described in
9 subsection 2, paragraphs "f" and "g" concerning the located
10 person. After the location of a missing person has been
11 determined and confirmed, other information concerning the
12 history of the missing person case shall be disclosed only to
13 law enforcement officers of this state and other jurisdictions
14 when necessary for the discharge of their official duties and
15 to the juvenile court in the county of a formerly missing
16 child's residence. All information relating to a missing
17 person in the clearinghouse shall be purged when the person's
18 location has been determined and confirmed, except that
19 information relating to a missing child shall be purged when
20 the child reaches eighteen years of age and the child's
21 location has been determined and confirmed.

22 Sec. 36. The Code editor shall transfer sections 238.33
23 through 238.41 to chapter 232 as a new division before or
24 after division VII.

25 Sec. 37. The amendments to sections 232.71, subsection 6
26 and 235A.19, subsection 2 in this Act apply to information
27 entered in the central registry for child abuse information on
28 or after the effective date of this Act.

29 Sec. 38. The Iowa merit employment department shall
30 conduct a study to develop a model state employment policy for
31 state employees who are parents of young children to be
32 implemented no later than July 1, 1986. The department shall
33 establish an advisory committee, including state employees who
34 would be affected by such a model state employment policy, to
35 assist the department with the study. The study shall include

1 an assessment of the costs and benefits of the implementation
2 of the model state employment policy. The study shall draw on
3 the experiences of other governmental units and private
4 entities and shall review individual state employment policy
5 components including but not limited to flexible working
6 hours, use of sick time for necessary child care, on-site
7 child day care, flexible benefit options, and use of employer
8 and employee economic incentives for the provision of child
9 day care. In developing a realistic model state employment
10 policy, the study shall attempt to combine individual
11 components into an innovative benefit package for state
12 employees who are parents of young children. The study shall
13 include a recommendation concerning the costs and benefits of
14 on-site child day care located at the state capitol complex in
15 Des Moines and other appropriate sites around the state. The
16 Iowa merit employment department shall complete the study and
17 report its findings and recommendations to the legislative
18 council and the general assembly by December 1, 1985.

19

EXPLANATION

20 Section 1 requires the state registrar and local registrars
21 to charge \$10 for the registration of a certificate of birth,
22 unless the expenses of the birth are covered under the medical
23 assistance program or under the state papers program. The
24 fees are to be deposited in the general fund of the state.
25 Intent language that the funds generated should be used for
26 primary child abuse prevention programs is included.

27 Section 2 includes hospitals, health care facilities, and
28 public and nonpublic schools as facilities whose employees and
29 agents are defined as persons responsible for the care of a
30 child under the child abuse law.

31 Section 3 defines foster parents licensed under chapter 237
32 as mandatory child abuse reporters.

33 Section 4 requires mandatory reporters of child abuse to
34 complete two hours of child abuse identification and reporting
35 training within one year of initial employment or self-

1 employment involving children, unless the requirement is
2 waived due to their prior professional training, and requires
3 two additional hours of training every five years. However,
4 physicians whose professional practice does not regularly
5 involve providing primary health care to children are not
6 required to complete the training. Employers of mandatory
7 reporters are responsible for providing the training. Self-
8 employed persons are responsible for obtaining the required
9 training. Mandatory reporters may complete the training as
10 part of their continuing education requirements or as part of
11 a training program offered by a state or local governmental
12 agency.

13 Section 5 eliminates the requirement that the department of
14 human services include an investigation of all other pertinent
15 matters in child abuse investigations.

16 Section 6 provides for a visit to a facility providing care
17 to a child as part of an investigation, and authorizes the use
18 of a multidisciplinary team in the investigation.

19 Section 7 requires the department of human services to
20 notify the licensing authority of a facility providing care
21 for a child, concerning a child abuse investigation of an
22 employee of the facility if the investigation determines that
23 a facility policy or lack thereof contributed to the alleged
24 child abuse.

25 Sections 8 and 37 require the department of human services
26 to notify a subject of a child abuse report of the result of
27 an investigation and of the subject's right to request
28 correction of information gathered in the investigation and
29 entered into the child abuse registry on or after the
30 effective date of the bill.

31 Section 9 authorizes the juvenile court to order ex parte
32 the emergency removal by a peace officer of a child from the
33 child's home or a child day care facility without contacting a
34 parent, guardian, or legal custodian with a prior instance of
35 flight to avoid a child abuse investigation.

1 Sections 10 and 11 authorize the juvenile court to order ex
2 parte the outpatient physical or mental examination of a
3 child, before or after the filing of a petition, if necessary
4 to complete a child abuse investigation if the parent,
5 guardian, or legal custodian does not consent and there is not
6 enough time to file a petition and hold a hearing to determine
7 if the examination is necessary.

8 Section 12 authorizes a disposition appointing the
9 department of human services as the guardian of an
10 unaccompanied refugee minor or of a child without parent or
11 guardian.

12 Section 13 provides that the county where a child resides
13 is responsible under the county-based juvenile reimbursement
14 system for payment for the examination or treatment of the
15 child in a child abuse investigation, if no other provision
16 for payment has been made and the examination or treatment is
17 provided with the consent of a parent, guardian, or legal
18 custodian, but is not made pursuant to court order.

19 Section 14 removes the prohibition on the release of in-
20 formation regarding missing children by criminal justice
21 agencies. Chapter 22, the public records law, will control
22 the release of such information, allowing the release when it
23 will not jeopardize an investigation or pose a clear and
24 present danger to the safety of an individual.

25 Section 15 authorizes access to child abuse information to
26 a licensing authority if a child abuse investigation deter-
27 mines a possible relationship between the alleged child abuse
28 and policies established by a facility regulated by the
29 licensing authority. The section also limits access to
30 unfounded child abuse to employees of the department of human
31 services and the child abuse registry, and to mandatory child
32 abuse reporters and subjects of reports in individual cases.

33 Section 16 requires that unfounded child abuse information
34 not be expunged until six months after the receipt of the
35 initial child abuse report and that child abuse information

1 which cannot be determined to be founded or unfounded not be
2 expunged until one year after the receipt of the initial child
3 abuse report.

4 Sections 17 and 37 require a request to correct child abuse
5 information or findings, which are entered into the child
6 abuse registry on or after the effective date of this Act, to
7 be filed within six months of the date of the notice by the
8 department of human services of the results of a child abuse
9 investigation. The department must correct the information or
10 findings as requested, or offer the person an evidentiary
11 hearing, which may be deferred until the conclusion of a
12 related juvenile or district court case.

13 Sections 18 through 27 mandate registration under chapter
14 237A for all family day care homes providing child day care to
15 two through six children, according to a three-year
16 implementation schedule. However, child day care provided to
17 children from only one family and for no more than six
18 children for less than 90 days in any consecutive twelve-month
19 period are excluded from the registration requirement. In
20 addition, a family day care home is authorized to provide care
21 to two extra part-time children, above the limitation of six
22 children, if verification that the part-time care is not more
23 than 30 hours per week per extra child. Standards for family
24 day care homes are to remain the same until July 1, 1988.
25 Annual inspections of licensed child care centers and periodic
26 inspections of registered group and family day care homes are
27 required. Annual licensing and registration fees are set.
28 Penalties are provided for operating a family day care home
29 without proper registration or without verification of the
30 part-time status of extra children above the limitation of six
31 children, and injunctive relief is provided for failure of a
32 family day care home to register.

33 Sections 28, 29, 30, and 36 relate to the interstate
34 compact on the placement of children. The sections expand on
35 the meaning of the term "placement", correct a reference to a

1 sending "agency", limit an exemption in the compact to close
2 relatives only, and transfer the compact to Code chapter 232.

3 Sections 31 and 32 require the department of human services
4 to adopt standards for services provided to juveniles at the
5 state training school and the Iowa juvenile home. The
6 sections also require the department to establish a multi-
7 disciplinary team and an advisory committee at each of the
8 institutions to review the standards and programming and
9 policies of the institutions.

10 Section 33 permits a school corporation to operate or
11 contract for the operation of full-day child day care programs
12 for children not enrolled in school and for children enrolled
13 in school before and after school. Certain program
14 requirements are included. The costs of the programs are to
15 be paid by participants and cannot be paid from the school
16 district's general fund.

17 Section 34 provides for the use of a portion of the civil
18 penalties, collected from individuals whose motor vehicle
19 licenses are revoked under chapter 321B, to finance a missing
20 person clearinghouse and domestic abuse registry operated by
21 the department of public safety.

22 Section 35 establishes a missing person information clear-
23 ousinghouse within the department of public safety with a toll-
24 free telephone number for receiving missing person reports.
25 Law enforcement agencies are required to submit missing person
26 reports to the clearinghouse. Any person may submit missing
27 person information to the clearinghouse after reporting the
28 person missing to a law enforcement agency. Any person may
29 submit missing person information relating to an unemancipated
30 minor. If a missing person is located the clearinghouse must
31 be notified by the person filing the missing person report
32 with the law enforcement agency, and information concerning
33 the person in the clearinghouse must be purged. However,
34 information regarding a missing child shall be retained until
35 the child reaches age 18.

1 In addition to the collecting and maintaining of missing
2 person reports, the clearinghouse is required to distribute
3 monthly bulletins and weekly public announcements on missing'
4 persons, to develop training programs for law enforcement
5 personnel and parents, and to cooperate with the national
6 crime information center in locating missing persons.

7 Section 38 requires the Iowa merit employment department to
8 study and develop a model state employment policy for state
9 employees who are parents of young children to be implemented
10 no later than July 1, 1986. The study's findings and
11 recommendations are to be reported to the legislative council
12 and the general assembly by December 1, 1985.

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HOUSE FILE 451

H-3239

- 1 Amend House File 451 as follows:
- 2 1. By striking page 9, line 31 through page 13,
- 3 line 10.
- 4 2. By renumbering as necessary.

H-3239 FILED MARCH 5, 1985 BY LONERGAN of Boone

Place 2 out of order 3/6 (p. 676)

HOUSE FILE 451

H-3243

- 1 Amend House File 451 as follows:
- 2 1. Page 19, line 32, by striking the word "department"
- 3 and inserting the word "governor".

H-3243 FILED MARCH 5, 1985 BY SHERZAN of Polk

Adopted 3/6 (p. 679)

HOUSE FILE 451

H-3245

- 1 Amend House File 451 as follows:
- 2 1. Page 4, line 22, by inserting after the word
- 3 "investigation" the following: ", or their is
- 4 reasonable cause to believe that the parent, guardian,
- 5 or custodian will flee to avoid a child abuse
- 6 investigation".

H-3245 FILED MARCH 5, 1985 BY BENNETT of Ida

Lost 3/6 (p. 672)

HOUSE FILE 451

H-3246

- 1 Amend House File 451 as follows:
- 2 1. Page 8, by striking lines 11 through 31 and
- 3 inserting the following:
- 4 "2. Child abuse information shall be expunged one
- 5 year after the receipt of the initial report of such
- 6 abuse if the information cannot be determined by a
- 7 preponderance of the evidence to be founded or
- 8 ~~unfounded.---Child-abuse-information-shall-be-expunged~~
- 9 ~~if-the-information-is-determined-to-be-unfounded~~ as a
- 10 result of any of the following:
- 11 a. The investigation of a report of suspected
- 12 child abuse by the department.
- 13 b. A successful appeal as provided in section
- 14 235A.19.
- 15 c. A court adjudication.
- 16 3. However, if a correction of child abuse
- 17 information is requested under section 235A.19 and the
- 18 issue is not resolved at the end of the one-year
- 19 period, the information shall be retained until the
- 20 issue is resolved."

H-3246 FILED MARCH 5, 1985 BY BENNETT of Ida

Lost 3/6 (p. 674)

HOUSE FILE 451

H-3223

- 1 Amend House File 451 as follows:
- 2 1. Page 1, by striking lines 1 through 14.
- 3 2. By renumbering as necessary.

H-3223 FILED MARCH 4, 1985 BY COREY of Louisa

Adopted 3/6/85 (p. 658)

HOUSE FILE 451

H-3236

- 1 Amend House File 451 as follows:
- 2 1. By striking page 9, line 31 through page 12,
- 3 line 19.
- 4 2. By striking page 12, line 33 through page 13,
- 5 line 10.
- 6 3. By renumbering as necessary.

H-3236 FILED MARCH 5, 1985 BY WELDEN of Hardin

*Adopted as amended by 3267
3/6 (p. 676)*

HOUSE FILE 451

H-3237

- 1 Amend House File 451 as follows:
- 2 1. Page 16, by striking lines 7 through 31.
- 3 2. By renumbering as necessary.

H-3237 FILED MARCH 5, 1985 BY WELDEN of Hardin

Adopted 3/6 (p. 678)

HOUSE FILE 451

H-3231

- 1 Amend House File 451 as follows:
- 2 1. Page 16, by striking lines 12 through 17, and
- 3 inserting the following: "school, or to both. The
- 4 person employed to be responsible for a program or to
- 5 coordinate a component within a program operated by a
- 6 board shall be an appropriately certificated teacher
- 7 under chapter 260 or the program operated by contract
- 8 with the board shall be licensed as a child care
- 9 center under chapter 237A. The board".
- 10 2. Page 16, by striking lines 29 through 31, and
- 11 inserting the following: "for transportation of the
- 12 child. The board may provide in-kind services and
- 13 indirect material support to a program but shall not
- 14 use moneys from the school district's general fund to
- 15 pay the direct operating expenses of a program."

H-3231 FILED MARCH 5, 1985 BY CARL of Poweshiek

*Adopted as amended by 3257 & 3258
3/6 (p. 677)*

HOUSE FILE 451

H-3235

- 1 Amend House File 451 as follows:
- 2 1. By striking page 19, line 29 through page 20,
- 3 line 18.
- 4 2. By renumbering as necessary.

H-3235 FILED MARCH 5, 1985 BY WELDEN of Hardin

Adopted 3/6 (p. 679)

HOUSE FILE 451

H-3250

1 Amend House File 451 as follows:
2 1. Page 1, by striking lines 2 through 14 and
3 inserting the following:
4 "The local registrar and state registrar shall
5 charge the parent a ten dollar fee for the
6 registration of a certificate of birth. If the person
7 responsible for the filing of the certificate of birth
8 under section 144.13 is not the parent, the person
9 shall collect the fee from the parent. The fee shall
10 be remitted to the appropriate registrar. If the
11 expenses of the birth are reimbursed under the medical
12 assistance program established by chapter 249A or paid
13 for under the statewide indigent patient care program
14 established by chapter 249A or paid for under the
15 statewide indigent patient care program established by
16 chapter 255, or if the parent is indigent and unable
17 to pay the expenses of the birth and no other means of
18 payment is available to the parent, the registration
19 fee is waived. If the person responsible for the
20 filing of the certificate is not the parent, the
21 person is discharged from the duty to collect and
22 remit the fee under this section if the person has
23 made a good faith effort to collect the fee from the
24 parent. The fees collected by the local registrar and
25 state registrar shall be remitted to the treasurer of
26 state for deposit in the general fund of the state.
27 It is the intent of the general assembly that the
28 funds generated from the registration fees be
29 appropriated and used for primary and secondary child
30 abuse prevention programs."

BY CARPENTER of Polk

H-3250 FILED MARCH 5, 1985

ARNOULD of Scott

Adopted 3/6/85 (p. 627)

HOUSE FILE 451

H-3251

1 Amend House File 451 as follows:
2 1. Page 2, by striking lines 1 through 7 and
3 inserting the following: "believes a child has
4 suffered abuse. ~~If a person is required to report~~
5 ~~under this section as a member of the staff of a~~
6 ~~public or private institution, agency or facility,~~
7 ~~that person shall immediately notify the person in~~
8 ~~charge of the institution, agency or facility, or that~~
9 ~~person's designated agent, and the person in charge of~~
10 ~~the institution, agency, or facility, or the~~
11 ~~designated agent shall make the report."~~

H-3251 FILED MARCH 5, 1985 BY JOHNSON of Winneshiek

*Adopted as amended by 3-25-85
3/6 (p. 671)*

HOUSE FILE 451

H-3247

- A 1 Amend House File 451 as follows:
2 1. Page 1, by striking lines 21 and 22 and
3 inserting the following: "detention center, or child
4 care facility."
5 d. A noncertificated employee or agent of a public
6 or nonpublic school."
7 2. Page 3, by striking lines 1 through 3, and
B 8 inserting the following:
9 "3. The investigation may with the consent of the
10 parent or guardian include a visit to the home of the
11 child or with the consent of the administrator of a
12 facility include a visit to the facility providing
13 care to the child".

H-3247 FILED MARCH 5, 1985 BY HAMMOND of Story

A. Amended (3254), Adopted 3/6 (p. 670)

B. Adopted as amended (3260) p. 672

HOUSE FILE 451

H-3248

- 1 Amend House File 451 as follows:
2 1. Page 1, line 14, by inserting after the word
3 "primary" the following: "and secondary".

H-3248 FILED MARCH 5, 1985 BY TEAFORD of Black Hawk

Placed out of order 3/6 (p. 667)

HOUSE FILE 451

H-3249

- 1 Amend House File 451 as follows:
2 1. Page 10, by striking line 7 and inserting the
3 following: "day care for four".
4 2. Page 13, by striking lines 2 through 5 and
5 inserting the following: "provides child day care for
6 four children shall be registered by June 30, 1987."

H-3249 FILED MARCH 5, 1985 BY TEAFORD of Black Hawk

Adopted 3/6 (p. 674)

Placed out of order (p. 676)

HOUSE FILE 451

H-3257

1 Amend House amendment, H-3231 to House File 451 as
2 follows:

3 1. Page 1, by inserting after line 15 the
4 following:

5 "_____. Page 17, by inserting after line 31 the
6 following:

7 "_____. Provide specialized training to law
8 enforcement officers, in conjunction with the law
9 enforcement academy, to enable the officers to more
10 efficiently handle the tracking of missing persons and
11 unidentified bodies on the local level.""

12 2. By renumbering as necessary.

H-3257 FILED MARCH 6, 1985 BY HAMMOND of Story

ADOPTED (p. 677)

HOUSE FILE 451

H-3252

1 Amend House File 451 as follows:
2 1. Page 11, by inserting after line 27 the
3 following:
4 "Sec. ____ . Section 237A.12, unnumbered paragraph
5 3, Code 1985, is amended to read as follows:
6 Rules relating to fire safety and sanitation shall
7 be promulgated adopted under this chapter by the state
8 fire marshal and ~~the commissioner of public health~~
9 ~~respectively~~, in consultation with the department, ~~and~~
10 all. Rules relating to sanitation shall be adopted by
11 the department in consultation with the commissioner
12 of public health. All rules shall be developed in
13 consultation with the state day care advisory
14 committee. The state fire marshal shall inspect the
15 facilities."

H-3252 FILED MARCH 5, 1985 BY TEAFORD of Black Hawk

*Adopted 3/6 (p. 675)
Checked out of order (p. 676)*

HOUSE FILE 451

H-3253

1 Amend House File 451 as follows:
2 1. Page 11, by striking lines 9 through 15 and
3 inserting the following:
4 "The department of human services shall make annual
5 inspections of licensed centers to insure compliance
6 with licensing requirements in this chapter, and the
7 local boards of health shall may make periodic
8 inspections of licensed centers to insure compliance
9 with health related licensing requirements provided in
10 this chapter. ~~in those instances where no local board~~
11 of health exists then the director may make periodic
12 inspections of licensed centers as necessary to carry
13 out the provisions of this chapter. The"

H-3253 FILED MARCH 5, 1985 BY TEAFORD of Black Hawk

*Adopted 3/6 (p. 675)
Checked out of order (p. 676)*

HOUSE FILE 451

H-3255

1 Amend House File 451 as follows:
2 1. Page 1, by inserting after line 14 the
3 following:
4 "Sec. ____ . Section 232.2, subsection 6, Code 1985,
5 is amended by adding the following new lettered
6 paragraphs:
7 NEW LETTERED PARAGRAPH. n. Who is a truant as
8 defined in section 299.8 due to the failure of the
9 person having control of the child to cause the child
10 to attend school as provided in section 299.1."
11 NEW LETTERED PARAGRAPH. o. Who is voluntarily
12 absent from the child's residence, without just cause
13 for the absence, without the consent of the child's
14 parent, guardian, or custodian, and where the absence
15 exposes the child to conditions harmful to the child's
16 development or welfare."
17 2. By renumbering as necessary.

BY O'KANE of Woodbury

STURGEON of Woodbury

H-3255 FILED MARCH 5, 1985

Filed with Amendment 3/6 (p. 664)

HOUSE FILE 451

H-3260

Amend the amendment, H-3247, to House File 451 as follows:

1. Page 1, by inserting after line 13 the following:

" . Page 4, by striking lines 28 through 29 and inserting the following: "parte order authorizing a physician or hospital to conduct an outpatient physical examination or authorizing a physician or psychologist certified under section 154B.7 to conduct an outpatient mental examination of a child if"."

2. By renumbering as necessary.

H-3260 FILED MARCH 6, 1985 BY MULLINS of Kossuth

ADOPTED (p. 671)

HOUSE FILE 451

H-3262

Amend amendment H-3246 to House File 451 as follows:

1. Page 1, line 15, by striking the word "adjudication" and inserting the following: "adjudication finding by a juvenile or district court".

H-3262 FILED MARCH 6, 1985 BY ROSENBERG of Story

ADOPTED (p. 673)

HOUSE FILE 451

H-3267

Amend amendment H-3236 to House File 451 as follows:

1. Page 1, by striking lines 2 through 5 and inserting the following:
"1. By striking page 9, line 31, through page 13, line 10.

H-3267 FILED MARCH 6, 1985 BY WELDEN of Hardin

ADOPTED (p. 674)

HOUSE FILE 451

H-3272

Amend amendment H-3245 to House File 451 as follows:

1. Page 1, line 3, by striking the word "their" and inserting the word "there".

H-3272 FILED MARCH 6, 1985 BY BENNETT of Ida

ADOPTED BY UNANIMOUS CONSENT (p. 672)

HOUSE FILE 451

H-3259

1 Amend House amendment H-3251 to House File 451 as
 2 follows:
 3 1. Page 1, by inserting after line 11 the
 4 following:
 5 "_____. Page 4, line 10, by striking the words
 6 "investigation and" and inserting the following:
 7 "investigation,".
 8 _____ . Page 4, line 12, by striking the figure
 9 "235A.19" and inserting the following: "235A.19, and
 10 of the procedures to correct the information".
 11 _____ . By striking page 4, line 35 through page 5,
 12 line 2 and inserting the following: "consent to the
 13 examination.
 14 b. The juvenile court has entered an ex parte
 15 order directing the removal of the child from the
 16 child's home or a child day care facility under this
 17 section.
 18 c. There is not enough time to file a petition and
 19 to hold".
 20 _____ . Page 8, line 24, by striking the word
 21 "adjudication" and inserting the following:
 22 "adjudication finding by a juvenile or district
 23 court."

H-3259 FILED MARCH 6, 1985 BY ROSENBERG of Story
 ADOPTED (p. 671)

HOUSE FILE 451

H-3258

1 Amend the amendment, H-3231, to House File 451 as
 2 follows:
 3 1. Page 1, by striking lines 10 through 15 and
 4 inserting the following:
 5 "2. Page 16, by striking lines 21 through 25 and
 6 inserting the following: "subsection 1."
 7 3. Page 16, by striking lines 29 through 31 and
 8 inserting the following: "for transportation of the
 9 child. The fee shall cover staffing costs and other
 10 necessary expenses as deemed appropriate by the
 11 board."

H-3258 FILED MARCH 6, 1985 BY HAMMOND of Story
 MULLINS of Kossuth
 ADOPTED (p. 677)

HOUSE FILE 451

H-3256

1 Amend amendment H-3247 to House File 451 as follows:
 2 1. Page 1, by striking lines 5 and 6.

H-3256 FILED MARCH 6, 1985 BY HAMMOND of Story
 ADOPTED (p. 669)

HOUSE FILE 451

FISCAL NOTE

REQUESTED BY REPRESENTATIVE ARNOULD

In compliance with a written request received March 1, 1985, a fiscal note for HOUSE FILE 451 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 451 makes several statutory changes and additions to child protection law and provides penalties.

The provisions of House File 451 that are expected to have a fiscal impact are:

BIRTH CERTIFICATE FEES:

Section 1 requires a \$10.00 fee on filing a birth certificate unless the expense of birth was covered under the medical assistance program or the state papers program whereas the fee is waived.

Fiscal Impact:

The number of live births varies between 43,000 to 47,000 per year. Of those, 10% to 15% of the costs of live births are reimbursed under Chapter 249A or Chapter 255. The funds generated by this fee could be expected to produce \$388,000 annually. The cost associated with the collection of this fee is \$13,000 (1.00 FTE) annually at the state level. There would be no impact at the local level.

FOSTER CARE TRAINING:

Section 3 defines foster parents licensed under Chapter 237 as mandatory child abuse reporters and Section 4 requires mandatory reporters to complete two hours of child abuse identification and reporting training.

Fiscal Impact:

Employers of mandatory reporters are responsible for providing training to their staff and self-employed persons are personally responsible for obtaining the required training. Both have no impact on the state general fund. Foster parents are reimbursed for child care and travel expenses which is approximated at \$13,860 annually. The development of training courses would not have a fiscal impact but may divert time and resources away from current curriculum development at the state, intermediate and local level.

NOTIFICATION OF SUBJECT OF INVESTIGATION:

Section 8 requires the Department of Human Services to notify a subject of a child abuse report of the result of the investigation and the subject's right to request correction of the information gathered.

Fiscal Impact:

The cost of serving notice to 17,000 subjects by certified mail is estimated at \$28,390 annually.

Page Two, Fiscal Note, House File 451

EMERGENCY REMOVAL OF A CHILD:

Section 9 authorizes the juvenile court to order, within guidelines, the emergency removal of a child from the home or facility without contacting the parent, guardian, or legal custodian with a prior instance of flight to avoid investigation.

Fiscal Impact: The temporary removal would increase emergency foster care costs. The number of removals, while difficult to estimate, may yield 50 cases per year and cost approximately \$9,000 annually.

RETENTION OF UNFOUNDED CHILD ABUSE INFORMATION:

Section 16 requires that unfounded child abuse information not be expunged until 6 months after receipt of the initial report.

Fiscal Impact: The Department of Human Services would incur a small administration cost due to increasing its retention of unfounded cases from the current 30 days to the required 6 months. This cost is estimated at \$4,290 (30 FTE) annually.

MANDATORY REGISTRATION AND FEES OF FAMILY DAY CARE FACILITIES:

Section 26 and 27 mandates registration under Chapter 237A for all family day care homes over a three year time span within limitations. Annual inspections of licensed child care centers and periodic inspections of registered group and family day care homes are required. Annual registration fees are \$12.00 for Family Day Care Homes, \$22.00 for Group Day Care Homes and \$40.00 for Child Care Centers.

Fiscal Impact: Over the implementation time span the expected revenues are \$118,652 in FY 1986, \$170,756 in FY 1987 and \$223,426 in FY 1988. There after the revenues are expected to increase at a 5% rate which relates to new facilities added in following years. The cost of inspections are estimated to be \$186,279 (9.24 FTE) in FY 1986, \$242,898 (12.05 FTE) in FY 1987 and \$286,182 (14.19 FTE) in FY 1988. The cost of inspections should decline after FY 1988.

MULTIDISCIPLINARY TEAM REVIEW, ADVISORY COMMITTEE:

Sections 31 and 32 require the Department of Human Services to adopt standards for services provided to juveniles at the Toledo and Eldora institutions. Also required is the establishment of an advisory committee at both of the institutions to review the policies of services and standards.

Fiscal Impact: The establishment of two committees is the only part of these sections not currently funded in the regular budget of the institutions. Five of the fifteen members of the advisory committee may be state employees and would represent no fiscal impact. Travel, expenses and per diem of the ten other members is estimated at \$1,050 per committee or \$2,100 annually for both committees.

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MISSING PERSON CLEARINGHOUSE AND DOMESTIC ABUSE REGISTRY:

Section 34 and 35 provides for use of civil penalties, collected from individuals whose motor vehicle licenses are revoked under Chapter 321B, to finance a missing person clearinghouse and a domestic abuse registry operated by the Department of Public Safety.

Fiscal Impact:

The missing person clearinghouse is estimated to cost \$101,000 annually and the domestic abuse registry is approximated at \$19,000 annually. Neither of these costs will be funded by the general fund and have not been included in the overall cost summary. The Department of Human Services will incur administrative costs related to the domestic abuse registry and this cost is estimated at \$2,860 (.20 FTE) annually.

STATE EMPLOYEES DAY CARE STUDY:

Section 38 requires the Iowa Merit Employment Department to study and develop a model state employment policy for state employees who are parents of young children to be implemented no later than July 1, 1986. The study shall include a recommendation concerning the costs and benefits of on-site child day care located at the state capitol complex and other appropriate sites around the state. The Merit Employment Department shall submit the study and its recommendations to the Legislative Council and the General Assembly by December 1, 1985.

Fiscal Impact:

Undertaking the study outlined in this section of the bill would require the full-time services of a Management Analyst III and the full-time services of a Word Processor II for a period of six months. The salary of the Management Analyst III for six months is \$22,214 and the half-year salary of the Word Processor II is \$6,760. Printing and supply costs are estimated to be approximately \$500. The net fiscal effect of this section in FY 1986 would be approximately \$29,474.

	GENERAL FUND	
	Increase/(Decrease)	
	<u>FY 1986</u>	<u>FY 1987</u>
Birth Certificate Fees (Section 1)	\$ 375,000	\$ 375,000
Foster Care Training (Section 3, 4)	(13,860)	(13,860)
Notification of Subject of Investigation (Section 8)	(28,390)	(28,390)
Emergency Removal of Child (Section 9)	(9,000)	(9,000)
Retention of Unfounded Child Abuse Info. (Section 16)	(4,290)	(4,290)
Mandatory Reg. and Fees of Day Care Facilities (Section 26, 27)	(67,627)	(72,142)
Multidisciplinary Team Review, Advisory Comm. (Section 31, 32)	(2,100)	(2,100)
Missing Person Clearinghouse and Abuse Reg. (Section 34, 35)	(2,860)	(2,860)
State Employees Day Care Study (Section 38)	(29,474)	0
Net Effect on General Fund	<u>\$ 217,399</u>	<u>\$ 242,358</u>

Source: Iowa Merit Employment Department
 Department of Human Services
 Department of Health
 Department of Public Safety
 Department of Public Instruction

(LSB 2547H, SJT)

FILED MARCH 6, 1985

BY DENNIS PROUTY, FISCAL DIRECTOR

Gen. Human Resources 3/8/85 Amend (3692), Referred 4/10 (p. 1003)

HOUSE FILE 451

BY COMMITTEE ON HUMAN RESOURCES

(As Amended and Passed by the House March 6, 1985)

Re Passed House, Date 4-26-85 (p. 1999) Passed Senate, Date 4-24-85 (p. 1644)

Vote: Ayes 86 Nays 5 Vote: Ayes 44 Nays 3

Approved: May 23, 1985
Re passed Senate 4-30-85 (p. 1796)
48-0

A BILL FOR

1 An Act relating to child protection and providing penalties.

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

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House Amendments _____

Deleted Language *

1 Section 1. NEW SECTION. 144.13A REGISTRATION FEE.
2 The local registrar and state registrar shall charge the
3 parent a ten dollar fee for the registration of a certificate
4 of birth. If the person responsible for the filing of the
5 certificate of birth under section 144.13 is not the parent,
6 the person shall collect the fee from the parent. The fee
7 shall be remitted to the appropriate registrar. If the
8 expenses of the birth are reimbursed under the medical
9 assistance program established by chapter 249A or paid for
10 under the statewide indigent patient care program established
11 by chapter 249A or paid for under the statewide indigent
12 patient care program established by chapter 255, or if the
13 parent is indigent and unable to pay the expenses of the birth
14 and no other means of payment is available to the parent, the
15 registration fee is waived. If the person responsible for the
16 filing of the certificate is not the parent, the person is
17 discharged from the duty to collect and remit the fee under
18 this section if the person has made a good faith effort to
19 collect the fee from the parent. The fees collected by the
20 local registrar and state registrar shall be remitted to the
21 treasurer of state for deposit in the general fund of the
22 state. It is the intent of the general assembly that the
23 funds generated from the registration fees be appropriated and
24 used for primary and secondary child abuse prevention
25 programs.

26 Sec. 2. Section 232.68, subsection 6, paragraph c, Code
27 1985, is amended to read as follows:

28 c. An employee or agent of any public or private facility
29 providing care for a child, including an institution,
30 hospital, health care facility, group home, mental health
31 center, residential treatment center, shelter care facility,
32 detention center, or child care facility.

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33 Sec. 3. Section 232.69, subsection 1, paragraph b, Code
34 1985 is amended to read as follows:

382135 b. Every self-employed social worker, every social worker

1 under the jurisdiction of the department of human services,
2 any social worker employed by a public or private agency or
3 institution, public or private health care facility as defined
4 in section 135C.1, certified psychologist, certificated school
5 employee, employee or operator of a licensed child care center
6 or registered group day care home or registered family day
7 care home, individual licensee under chapter 237, member of
8 the staff of a mental health center, or peace officer, who, in
9 the course of employment or in providing child foster care,
10 examines, attends, counsels or treats a child and reasonably
11 believes a child has suffered abuse. If a person is required
12 to report under this section as a member of the staff of a
13 public or private institution, agency or facility, that person
14 shall immediately notify the person in charge of the
15 institution, agency or facility, or that person's designated
16 agent, and the person in charge of the institution, agency, or
17 facility, or the designated agent shall make the report.

18 Sec. 4. Section 232.69, Code 1985, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 3. A person required to make a report
21 under subsection 1, other than a physician whose professional
22 practice does not regularly involve providing primary health
23 care to children, shall complete two hours of training
24 relating to the identification and reporting of child abuse
25 within one year of initial employment or self-employment
26 involving the examination, attending, counseling, or treatment
27 of children. The person shall complete at least two hours of
28 additional child abuse identification and reporting training
29 every five years. If the person is an employee of a hospital
30 or similar institution, or of a public or private institution,
31 agency, or facility, the employer shall be responsible for
32 providing the child abuse identification and reporting
33 training. If the person is self-employed, the person shall be
34 responsible for obtaining the child abuse identification and
35 reporting training. The person may complete the initial or

1 additional training as part of a continuing education program
2 required under chapter 258A or may complete the training as
3 part of a training program offered by the department of human
4 services, the department of public instruction, an area
5 education agency, a school district, the Iowa law enforcement
6 academy, or a similar public agency.

7 Sec. 5. Section 232.71, subsection 2, paragraph e, Code
8 1985, is amended by striking the paragraph.

9 Sec. 6. Section 232.71, subsection 3, Code 1985, is
10 amended to read as follows:

11 3. The investigation may with the consent of the parent or
12 guardian include a visit to the home of the child or with the
13 consent of the administrator of a facility include a visit to
14 the facility providing care to the child named in the report
15 and examination of such the child. If permission to enter the
16 home or facility and to examine the child is refused, the
17 juvenile court or district court upon a showing of probable
18 cause may authorize the person making the investigation to
19 enter the home or facility and examine the child. The
20 department may utilize a multidisciplinary team in
21 investigations of child abuse involving employees or agents of
22 a facility providing care for a child.

23 Sec. 7. Section 232.71, Code 1985, is amended by adding
24 the following new subsection after subsection 3 and
25 renumbering the subsequent subsections:

26 NEW SUBSECTION. 4. Based on an investigation of alleged
27 child abuse by an employee of a facility providing care to a
28 child, the department shall notify the licensing authority for
29 the facility, the governing body of the facility, and the
30 administrator in charge of the facility of any of the
31 following:

32 a. A violation of facility policy noted in the
33 investigation.

34 b. An instance in which facility policy or lack of
35 facility policy may have contributed to the alleged child

1 abuse.

2 c. An instance in which general practice in the facility
3 appears to differ from the facility's written policy.

4 The licensing authority, the governing body, and the
5 administrator in charge of the facility shall take any lawful
6 action which may be necessary or advisable to protect children
7 residing in the facility.

3811 > 8 Sec. 8. Section 232.71, subsection 6, Code 1985, is
9 amended to read as follows:

10 6. The department ~~of-human-services~~, upon completion of
11 its investigation, shall make a preliminary report of its
12 investigation as required by subsection 2. A copy of this
13 report shall be transmitted to juvenile court within ninety-
14 six hours after the department ~~of-human-services~~ initially
15 receives the abuse report unless the juvenile court grants an
16 extension of time for good cause shown. If the preliminary
17 report is not a complete report, a complete report shall be
18 filed within ten working days of the receipt of the abuse
19 report, unless the juvenile court grants an extension of time
20 for good cause shown. The department shall notify a subject
21 of the report of the result of the investigation, of the
22 subject's right to correct the information pursuant to section
23 235A.19, and of the procedures to correct the information.
24 The juvenile court shall notify the registry of any action it
25 takes with respect to a suspected case of child abuse.

26 Sec. 9. Section 232.78, subsection 1, paragraph a, Code
27 1985, is amended to read as follows:

28 a. The parent, guardian, legal custodian, or employee of
29 the child day care facility is absent, or though present, was
30 asked and refused to consent to the removal of the child and
31 was informed of an intent to apply for an order under this
32 section, or the parent, guardian, or legal custodian has a
33 prior instance of flight to avoid a child abuse investigation.

34 Sec. 10. Section 232.78, Code 1985, is amended by adding
35 the following new subsection as subsection 4 and renumbering

1 as necessary:

3783 2 NEW SUBSECTION. 4. The juvenile court, before or after
3 the filing of a petition under this chapter, may enter an ex
4 parte order authorizing a physician or hospital to conduct an
5 outpatient physical examination or authorizing a physician or
3722 6 psychologist certified under section 154B.7 to conduct an
7 outpatient mental examination of a child if necessary to
8 identify the nature, extent, and cause of injuries to the
9 child as required by section 232.71, subsection 2, provided
10 all of the following apply:

11 a. The parent, guardian, or legal custodian is absent, or
12 though present, was asked and refused to provide written
13 consent to the examination.

14 b. The juvenile court has entered an ex parte order
15 directing the removal of the child from the child's home or a
16 child day care facility under this section.

17 c. There is not enough time to file a petition and to hold
18 a hearing as provided in section 232.98.

19 Sec. 11. Section 232.98, subsection 1, unnumbered
20 paragraph 1, Code 1985, is amended to read as follows:

21 A Except as provided in section 232.78, subsection 4, a
22 physical or mental examination of the child may be ordered
23 only after the filing of a petition pursuant to section 232.87
24 and after a hearing to determine whether an examination is
25 necessary to determine the child's physical or mental
26 condition.

27 Sec. 12. Section 232.102, Code 1985, is amended by adding
28 the following new subsection as subsection 2 and renumbering
29 as necessary:

30 NEW SUBSECTION. 2. After a dispositional hearing and upon
31 the request of the department, the court may enter an order
32 appointing the department as the guardian of an unaccompanied
33 refugee minor or of a child without parent or guardian.

34 Sec. 13. Section 232.141, subsection 2, Code 1985, is
35 amended to read as follows:

1 2. Whenever if legal custody of a minor is transferred by
2 the court or-whenver, if the minor is placed by the court
3 with someone other than the parents, or whenever if a minor is
4 given physical or mental examinations or treatment under order
5 of the court and no provision is otherwise made by law for
6 payment for the care, examination, or treatment of the minor,
7 the costs shall be charged upon the funds of the county in
8 which the proceedings are held upon certification of the judge
9 to the board of supervisors. If a minor is given physical or
10 mental examinations or treatment with the consent of the
11 parent, guardian, or legal custodian relating to a child abuse
12 investigation and no other provision is otherwise made by law
13 for payment for the examination or treatment of the minor, the
14 costs shall be charged upon the funds of the county in which
15 the child resides upon certification of the department to the
16 board of supervisors. Except where the parent-child
17 relationship is terminated, the court may inquire into the
18 ability of the parents to support the minor and after giving
19 the parents a reasonable opportunity to be heard may order the
20 parents to pay in the manner and to whom the court may direct,
21 such sums as will cover in whole or in part the cost of care,
22 examination, or treatment of the minor. An order entered
23 under this section shall not obligate a parent paying child
24 support under a custody decree, except that any part of such a
25 monthly support payment may be used to satisfy the obligations
26 imposed by an order entered under this section. If the
27 parents fail to pay the sum without good reason, the parents
28 may be proceeded against for contempt or the court may inform
29 the county attorney who shall proceed against the parents to
30 collect the unpaid sums or both. Any such sums ordered by the
31 court shall be a judgment against each of the parents and a
32 lien as provided in section 624.23. If all or any part of the
33 sums that the parents are ordered to pay is subsequently paid
34 by the county, the judgment and lien shall thereafter be
35 against each of the parents in favor of the county to the

1 extent of ~~such~~ the county's payments.

2 Sec. 14. Section 232.149, Code 1985, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 5. This section does not prohibit a
5 criminal justice agency from disclosing or releasing pursuant
6 to chapter 694 the identity of a missing child or information
7 useful in the recovery of a missing child.

8 Sec. 15. Section 235A.15, Code 1985, is amended to read as
9 follows:

10 235A.15 AUTHORIZED ACCESS.

11 1. Notwithstanding chapter 22, the confidentiality of all
12 child abuse information shall be maintained, except as
13 specifically provided by subsection 2 and subsection 3.

14 2. Access to child abuse information other than unfounded
15 child abuse information is authorized only:

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

19 b. To employees of the department of human services having
20 responsibility for the investigation of a child abuse report.

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

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

29 e. To an authorized person or agency having responsibility
30 for the care or supervision of a child named in a report as a
31 victim of abuse or a person named in a report as having abused
32 a child, if the juvenile court or the registry deems access to
33 child abuse information by such person or agency to be
34 necessary.

35 f. To a person conducting bona fide research on child

1 abuse, if the details identifying any subject of a child abuse
2 report are deleted.

3 g. To a person who is the subject of any report as
4 provided in section 235A.19.

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

7 i. To a court hearing an appeal for correction or
8 expungement of registry information as provided in section
9 235A.19.

10 j. In an individual case, to the mandatory reporter who
11 reported the child abuse.

12 k. To a multidisciplinary team, if the department of human
13 services approves the composition of the multidisciplinary
14 team and determines that access to the team is necessary to
15 assist the department in the diagnosis, assessment, and
16 disposition of a child abuse case.

17 1. To a licensing authority for a facility providing care
18 for a child named in a report, if the licensing authority is
19 notified of a relationship between facility policy and the
20 child abuse under section 232.71, subsection 4.

381 21 3. Access to unfounded child abuse information is
22 authorized only to those persons identified in subsection 2,
381 23 paragraphs "b", "g", "h", and "j".

382 24 Sec. 16. Section 235A.18, subsection 2, Code 1985, is
25 amended to read as follows:

26 2. Child abuse information which cannot be determined by a
27 preponderance of the evidence to be founded or unfounded shall
28 be expunged one year after the receipt of the initial report
29 of such abuse if-the-information-cannot-be-determined-by-a
30 preponderance-of-the-evidence-to-be-founded-or-unfounded-
31 Child and child abuse information which is determined by a
32 preponderance of the evidence to be unfounded shall be
33 expunged if-the-information-is-determined-to-be-unfounded six
34 months after the receipt of the initial report of abuse, as a
35 result of any of the following:

1 a. The investigation of a report of suspected child abuse
2 by the department.

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

4 c. A court adjudication finding by a juvenile or district
5 court.

6 3. However, if a correction of child abuse information is
7 requested under section 235A.19 and the issue is not resolved
8 at the end of the one-year or six-month period, the
9 information shall be retained until the issue is resolved and
10 if the child abuse information is not determined to be
11 founded, the information shall be expunged at the appropriate
12 time under subsection 2.

13 Sec. 17. Section 235A.19, subsections 2 and 3, Code 1985,
14 are amended to read as follows:

15 2. Any A person who files may file with the registry
16 department within six months of the date of the notice of the
17 results of an investigation required by section 232.71,
18 subsection 6, a written statement to the effect that child
19 abuse information referring to such the person is in whole or
20 in part erroneous, and requests may request a correction or
21 expungement of that information, shall be notified within
22 sixty days by the registry, in writing, of its decision or
23 order regarding the correction or elimination or of the
24 findings of the investigation report. All decisions and
25 orders shall be accompanied by findings of fact, and the
26 registry shall provide the opportunity for a fair hearing when
27 it initially determines that the information should not be
28 corrected or expunged as requested. The department shall
29 provide the person with an opportunity for an evidentiary
30 hearing pursuant to chapter 17A to correct the information or
31 the findings, unless the department corrects the information
32 or findings as requested. The department shall delay the
33 expungement of information which is not determined to be
34 founded until the conclusion of a proceeding to correct the
35 information or findings. The department may defer the hearing

1 until the conclusion of a pending juvenile or district court
2 case relating to the information or findings.

3 3. The registry's decision or order resulting from the
4 hearing may be appealed to the district court of Polk county
5 by the person requesting the correction or expungement or to
6 the district court of the district in which such the person
7 resides. Immediately upon such appeal the court shall order
8 the registry department to file with the court a certified
9 copy of the child abuse information. Appeal shall be taken in
10 accordance with ~~the provisions of the Iowa administrative~~
11 ~~procedure Act~~ chapter 17A.

* 12 Sec. 18. Section 238.33, article II, paragraph d, Code
13 1985, is amended to read as follows:

14 d. "Placement" means the arrangement for the care of a
15 child in a family free or boarding home or in a child-caring
16 agency or institution, but not in an institution caring for
17 the mentally ill, mentally defective, or epileptic, in an
18 institution primarily educational in character, or in a
19 hospital or other medical facility.

20 Sec. 19. Section 238.33, article III, paragraph a, Code
21 1985, is amended to read as follows:

22 a. No A sending state agency shall not send, bring, or
23 cause to be sent or brought into any other party state any a
24 child for placement in foster care or as a preliminary to a
25 possible adoption unless the sending agency ~~shall comply~~
26 complies with each-and every requirement set forth in this
27 article and with the applicable laws of the receiving state
28 governing the placement of children therein in the receiving
29 state.

30 Sec. 20. Section 238.33, article VIII, paragraph a, Code
31 1985, is amended to read as follows:

32 a. The sending or bringing of a child into a receiving
33 state by the child's parent, relative stepparent, grandparent,
34 adult brother or sister, adult uncle or aunt, or the child's
35 guardian and leaving the child with any such relative or

1 nonagency guardian in the receiving state.

3774 2 Sec. 21. NEW SECTION. 242.16 STANDARDS --

3 MULTIDISCIPLINARY TEAM REVIEW -- ADVISORY COMMITTEE.

4 1. The department of human services shall adopt rules
5 pursuant to chapter 17A establishing standards for services
6 provided by the state training school, which shall address:

7 a. The number, qualifications, and character of staff
8 necessary to assure the health, safety, and welfare of
9 children committed to the state training school.

10 b. Programs for education and in-service training of
11 staff.

12 c. Policies for intake, assessment, admission, and
13 discharge of children committed to the state training school.

14 d. Policies for involvement of the parents of children
15 committed to the state training school.

16 e. The adequacy of programs available to children
17 committed to the state training school, including activity
18 programs, social services, behavior management procedures, and
19 educational programs.

20 f. Health, safety, and medical care policies.

3774 21 2. The department shall establish a multidisciplinary team
22 consisting of representatives of the department of human
23 services, the state department of health, and other persons
24 not employed by the state with expertise in juvenile services
25 and the treatment of youth. The multidisciplinary team shall
26 annually conduct a review of the state training school to
27 determine if the school is in compliance with the established
28 standards. The report shall be submitted to the commissioner
29 of human services, the council on human services, and the
30 general assembly.

3774 31 3. The department shall establish an advisory committee
32 for the state training school consisting of fifteen persons
33 representing the local community, the juvenile court,
34 providers of juvenile services, state agencies concerned with
35 juvenile services, and persons with expertise in the treatment

1 of youth. No more than five members of the advisory committee
2 shall be state employees. The advisory committee shall meet
3 at least three times annually, and shall review and make
4 recommendations to the department regarding the programming
5 and policies of the state training school.

3774 6 Sec. 22. NEW SECTION. 244.15 STANDARDS --

7 MULTIDISCIPLINARY TEAM REVIEW -- ADVISORY COMMITTEE.

8 1. The department of human services shall adopt rules
9 pursuant to chapter 17A establishing standards for services
10 provided by the Iowa juvenile home, which shall address:

11 a. The number, qualifications, and character of staff
12 necessary to assure the health, safety, and welfare of
13 children committed to the home.

14 b. Programs for education and in-service training of
15 staff.

16 c. Policies for intake, assessment, admission, and
17 discharge of children committed to the home.

18 d. Policies for involvement of the parents of children
19 committed to the home.

20 e. The adequacy of programs available to children
21 committed to the home, including activity programs, social
22 services, behavior management procedures, and educational
23 programs.

24 f. Health, safety, and medical care policies.

3774 25 2. The department shall establish a multidisciplinary team
26 consisting of representatives of the department of human
27 services, the state department of health, and other persons
28 not employed by the state with expertise in juvenile services
29 and the treatment of youth. The multidisciplinary team shall
30 annually conduct a review of the home to determine if the home
31 is in compliance with the established standards. The report
32 shall be submitted to the commissioner of human services, the
33 council on human services, and the general assembly.

3774 34 3. The department shall establish an advisory committee
35 for the home consisting of fifteen persons representing the

1 local community, the juvenile court, providers of juvenile
2 services, state agencies concerned with juvenile services, and
3 persons with expertise in the treatment of youth. No more
4 than five members of the advisory committee shall be state
5 employees. The advisory committee shall meet at least three
6 times annually, and shall review and make recommendations to
7 the department regarding the programming and policies of the
8 home.

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9 Sec. 23. NEW SECTION. 279.49 CHILD DAY CARE PROGRAMS.

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10 The board of directors of a school corporation may operate
11 or contract for the operation of a program to provide child
12 day care to children not enrolled in school or to students
13 enrolled in kindergarten through grade six before and after
14 school, or to both. The person employed to be responsible for
15 a program or to coordinate a component within a program
16 operated by a board shall be an appropriately certificated
17 teacher under chapter 260 or the program operated by contract
18 with the board shall be licensed as a child care center under
19 chapter 237A. The board shall require the employment of
20 adequate personnel for a program to meet the personnel
21 standards adopted by the department of human services pursuant
22 to section 237A.12, subsection 1.

23 The board shall establish a fee for the cost of
24 participation in a program. The parent or guardian of a child
25 participating in a program is responsible for payment of the
26 fee and for transportation of the child. The fee shall cover
27 staffing costs and other necessary expenses as deemed
28 appropriate by the board.

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29 Sec. 24. Section 321B.30, Code 1985, is amended to read as
30 follows:

31 321B.30 CIVIL PENALTY -- VICTIM REPARATION FUND.

32 When the department revokes a person's license or operating
33 privilege under this chapter, the department shall assess the
34 person a civil penalty of one hundred dollars. The money
35 collected by the department under this section shall be

1 transmitted to the treasurer of state who shall deposit the
2 money in a separate fund dedicated to and used for the
3 purposes of chapter 912, and for the operation of a missing
4 person clearinghouse and domestic abuse registry by the
5 department of public safety. A temporary restricted license
6 shall not be issued or a license or privilege to drive
7 reinstated until the civil penalty has been paid.

8 Sec. 25. NEW SECTION. 694.10 MISSING PERSON INFORMATION
9 CLEARINGHOUSE.

10 1. As used in this section:

11 a. "Missing person" means a missing person as defined in
12 694.1 whose temporary or permanent residence is in Iowa, or is
13 believed to be in Iowa, whose location has not been
14 determined, and who has been reported as missing to a law
15 enforcement agency.

16 b. "Missing person report" is a report prepared on a form
17 designed by the department of public safety for use by private
18 citizens and law enforcement agencies to report missing person
19 information to the missing person information clearinghouse.

20 2. The department of public safety shall establish a
21 statewide missing person information clearinghouse. In
22 connection with the clearinghouse, the department shall:

23 a. Collect, process, maintain, and disseminate information
24 concerning missing persons in Iowa.

25 b. Develop training programs for local law enforcement
26 personnel concerning appropriate procedures to report missing
27 persons to the clearinghouse and to comply with legal
28 procedures relating to missing person cases.

29 c. Provide specialized training to law enforcement
30 officers, in conjunction with the law enforcement academy, to
31 enable the officers to more efficiently handle the tracking of
32 missing persons and unidentified bodies on the local level.

33 d. Develop training programs to assist parents in avoiding
34 child kidnapping.

35 e. Cooperate with other states and the national crime

- 1 information center in efforts to locate missing persons.
- 2 f. Maintain a toll-free telephone line, available twenty-
3 four hours a day, seven days a week, to receive and
4 disseminate information related to missing persons.
- 5 g. Distribute monthly bulletins to all local law
6 enforcement agencies and to media outlets which request
7 missing person information, containing the names, photos, and
8 descriptions of missing persons, information related to the
9 events surrounding the disappearance of the missing persons,
10 the law enforcement agency or person to contact if missing
11 persons are located or if other relevant information is
12 discovered relating to missing persons, and the names of
13 persons reported missing whose locations have been determined
14 and confirmed.
- 15 h. Produce, update at least weekly, and distribute public
16 service announcements to media outlets which request missing
17 person information, containing the same or similar information
18 as contained in the monthly bulletins.
- 19 i. Encourage and seek both financial and in-kind support
20 from private individuals and organizations in the production
21 and distribution of clearinghouse bulletins and public service
22 announcements under paragraphs "g" and "h".
- 23 j. Maintain a registry of approved prevention and
24 education materials and programs regarding missing and runaway
25 children.
- 26 k. Coordinate public and private programs for missing and
27 runaway children.
- 28 3. A law enforcement agency shall submit all missing
29 person reports compiled pursuant to section 694.3 and updated
30 information relating to the reports to the clearinghouse.
- 31 4. Subsequent to the filing of a complaint of a missing
32 person with a law enforcement agency pursuant to section
33 694.2, the person filing the complaint may submit information
34 regarding the missing person to the clearinghouse. If the
35 person reported missing is an unemancipated minor, any person

1 may submit information regarding the missing unemancipated
2 minor to the clearinghouse.

3 5. A person who has filed a missing person complaint with
4 a law enforcement agency shall immediately notify that law
5 enforcement agency when the location of the missing person has
6 been determined.

7 6. After the location of a person reported missing to the
8 clearinghouse has been determined and confirmed, the
9 clearinghouse shall only release information described in
10 subsection 2, paragraphs "g" and "h" concerning the located
11 person. After the location of a missing person has been
12 determined and confirmed, other information concerning the
13 history of the missing person case shall be disclosed only to
14 law enforcement officers of this state and other jurisdictions
15 when necessary for the discharge of their official duties and
16 to the juvenile court in the county of a formerly missing
17 child's residence. All information relating to a missing
18 person in the clearinghouse shall be purged when the person's
19 location has been determined and confirmed, except that
20 information relating to a missing child shall be purged when
21 the child reaches eighteen years of age and the child's
22 location has been determined and confirmed.

23 Sec. 26. The Code editor shall transfer sections 238.33
24 through 238.41 to chapter 232 as a new division before or
25 after division VII.

26 Sec. 27. The amendments to sections 232.71, subsection 6
27 and 235A.19, subsection 2 in this Act apply to information
28 entered in the central registry for child abuse information on
29 or after the effective date of this Act.

30 ^{38a3}₃₈₁₅ Sec. 28. The Iowa merit employment department shall
31 conduct a study to develop a model state employment policy for
32 state employees who are parents of young children to be
33 implemented no later than July 1, 1986. The governor shall
34 establish an advisory committee, including state employees who
35 would be affected by such a model state employment policy, to

1 assist the department with the study. The study shall include
2 an assessment of the costs and benefits of the implementation
3 of the model state employment policy. The study shall draw on
4 the experiences of other governmental units and private
5 entities and shall review individual state employment policy
6 components including but not limited to flexible working
7 hours, use of sick time for necessary child care, on-site
8 child day care, flexible benefit options, and use of employer
9 and employee economic incentives for the provision of child
10 day care. In developing a realistic model state employment
11 policy, the study shall attempt to combine individual
12 components into an innovative benefit package for state
13 employees who are parents of young children. The study shall
14 include a recommendation concerning the costs and benefits of
15 on-site child day care located at the state capitol complex in
16 Des Moines and other appropriate sites around the state. The
17 Iowa merit employment department shall complete the study and
18 report its findings and recommendations to the legislative
19 council and the general assembly by December 1, 1985.

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- 1 Amend the amendment, S-3811, to House File 451, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 1, line 9, by striking the words "or
5 nonpublic".
 - 6 2. Page 1, lines 20 and 21, by striking the words
7 "or the authorities in charge of,".
 - 8 3. Page 1, line 22, by striking the words "or
9 nonpublic".
 - 10 4. Page 1, line 30, by striking the words "or
11 nonpublic".
 - 12 5. Page 1, by striking line 32.
 - 13 6. Page 1, line 35, by striking the words "or
14 nonpublic".
 - 15 7. Page 2, by striking lines 23 and 24 and
16 inserting the following:
17 "The board of directors of a public school shall".
 - 18 8. Page 2, lines 28 and 29, by striking the words
19 "or nonpublic".
 - 20 9. Page 2, line 36, by striking the words "or the
21 authorities in charge".
 - 22 10. Page 2, lines 42 and 43, by striking the
23 words "or authorities in charge".

S-3984 Filed April 24, 1985

By LIND

Adopted 4/24/85 (p. 1643)

FISCAL NOTEHOUSE FILE 451

In compliance with a written request received April 10, 1985, a fiscal note for House File 451 as amended and passed by the House is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 451 makes several statutory changes and additions to child protection law and provides penalties.

The provisions of House File 451 that are expected to have a fiscal impact are:

BIRTH CERTIFICATE FEES:

Section 1 requires a \$10.00 fee on filing a birth certificate unless the expense of birth was covered under the medical assistance program or the state papers program whereas the fee is waived.

Fiscal Impact:

The number of live births varies between 43,000 to 47,000 per year. Of those, 10% to 15% of the costs of live births are reimbursed under Chapter 249A or Chapter 255. The funds generated by this fee could be expected to produce \$388,000 annually. The cost associated with the collection of this fee is \$13,000 (1.00 FTE) annually at the state level. There would be no impact at the local level.

FOSTER CARE TRAINING:

Section 3 defines foster parents licensed under Chapter 237 as mandatory child abuse reporters and Section 4 requires mandatory reporters to complete two hours of child abuse certification and reporting training.

Fiscal Impact:

Employers of mandatory reporters are responsible for providing training to their staff and self-employed persons are personally responsible for obtaining the required training. Both have no impact on the state general fund. Foster parents are reimbursed for child care and travel expenses which is approximated at \$13,860 annually. The development of training courses would not have a fiscal impact but may divert time and resources away from current curriculum development at the state, intermediate and local level.

NOTIFICATION OF SUBJECT OF INVESTIGATION:

Section 8 requires the Department of Human Services to notify a subject of a child abuse report of the result of the investigation and the subject's right to request correction of the information gathered.

Fiscal Impact:

The cost of serving notice to 17,000 subjects by certified mail is estimated at \$28,390 annually.

FISCAL NOTE
HOUSE FILE 451 cont.

ISB No. 254.H.2
Staff ID. SJT

EMERGENCY REMOVAL OF A CHILD:

Section 9 authorizes the juvenile court to order, within guidelines, the emergency removal of a child from the home or facility without contacting the parent, guardian or legal custodian with a prior instance of flight to avoid investigation.

Fiscal Impact: The temporary removal would increase emergency foster care costs. The number of removals, while difficult to estimate, may yield 50 cases per year and cost approximately \$9,000 annually.

RETENTION OF UNFOUNDED CHILD ABUSE INFORMATION:

Section 16 requires that unfounded child abuse information not be expunged until 6 months after receipt of the initial report.

Fiscal Impact: The Department of Human Services would incur a small administration cost due to increasing its retention of unfounded cases from the current 30 days to the required 6 months. This cost is estimated at \$4,290 (.30 FTE) annually.

MULTIDISCIPLINARY TEAM REVIEW, ADVISORY COMMITTEE:

Sections 31 and 32 require the Department of Human Services to adopt standards for services provided to juveniles at the Toledo and Eldora institutions. Also required is the establishment of an advisory committee at both of the institutions to review the policies of services and standards.

Fiscal Impact: The establishment of two committees is the only part of these sections not currently funded in the regular budget of the institutions. Five of the fifteen members of the advisory committee may be state employees and would represent no fiscal impact. Travel, expenses and per diem of the ten other members is estimated at \$1,050 per committee or \$2,100 annually for both committees.

MISSING PERSON CLEARINGHOUSE AND DOMESTIC ABUSE REGISTRY:

Section 34 and 35 provides for use of civil penalties, collected from individuals whose motor vehicle licenses are revoked under Chapter 321B, to finance a missing person clearinghouse and a domestic abuse registry operated by the Department of Public Safety

Fiscal Impact: The missing person clearinghouse is estimated to cost \$101,000 annually and the domestic abuse registry is approximated at \$19,000 annually. Neither of these costs will be funded by the general fund and have not been included in the overall cost summary. The Department of Human Services will incur administrative costs related to the domestic abuse registry and this cost is estimated at \$2,860 (.20 FTE) annually.

FISCAL NOTE

HOUSE FILE 451 cont.

STATE EMPLOYEES DAY CARE STUDY:

Section 38 requires the Iowa Merit Employment Department to study and develop a model state employment policy for state employees who are parents of young children to be implemented no later than July 1, 1986. The study shall include a recommendation concerning the costs and benefits of on-site child day care located at the state capitol complex and other appropriate sites around the state. The Merit Employment Department shall submit the study and its recommendations to the Legislative Council and the General Assembly by December 1, 1985.

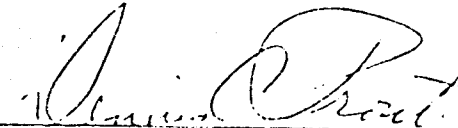
Fiscal Impact: The Iowa Merit Employment Department will incur printing and supply costs of approximately \$500.

RECAP

	GENERAL FUND	
	Increase/(Decrease)	
	<u>FY 1986</u>	<u>FY 1987</u>
Birth Certificate Fees (Section 1)	\$ 375.000	\$ 375.000
Foster Care Training (Section 3, 4)	(13.860)	(13.860)
Notification of Subject of Investigation (Section 8)	(28.390)	(28.390)
Emergency Removal of Child (Section 9)	(9.000)	(9.000)
Retention of Unfounded Child Abuse Info. (Section 16)	(4.290)	(4.290)
Multidisciplinary Team Review, Advisory Comm. (Section 31, 32)	(2.100)	(2.100)
Missing Person Clearinghouse and Abuse Reg. (Section 34, 35)	(2.860)	(2.860)
State Employees Day Care Study (Section 38)	(500)	0
Net Effect on General Fund	<u>\$ 314.000</u>	<u>\$ 314.500</u>

Source: Iowa Merit Employment Department
 Department of Human Services
 Department of Health
 Department of Public Safety
 Department of Public Instruction

(LSB 2547H.2, SJT)


 Fiscal Director
 Legislative Fiscal Bureau
 Date: 4/17/85

HOUSE FILE 451

H-4094

1 Amend the amendment, H-4041, to House File 451, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 3 through 12.
5 2. Page 1, by striking lines 30 through 42.
6 3. By striking page 1, line 49 through page 2,
7 line 10.

8 4. Page 3, by striking lines 3 through 30.
9 5. By striking page 3, line 37 through page 4,
10 line 16 and inserting the following:

11 "Sec. 100. NEW SECTION. 280.16 PROCEDURES FOR
12 HANDLING CHILD ABUSE REPORTS.

13 The board of directors of a public school and the
14 authorities in control of a nonpublic school shall
15 prescribe procedures, in accordance with the
16 guidelines contained in the model policy developed by
17 the department of public instruction in consultation
18 with the department of human services, and adopted by
19 the department of public instruction pursuant to
20 chapter 17A, for the handling of reports of child
21 abuse, as defined in section 232.68, subsection 2,
22 paragraph "a", "b", or "d", alleged to have been
23 committed by an employee or agent of the public or
24 nonpublic school."

25 6. Page 4, by inserting after line 18 the
26 following:

27 "Sec. ____ . EFFECTIVE DATE. Section 100 of this
28 Act takes effect January 1, 1987."

29 7. Page 4, by striking lines 34 through 41 and
30 inserting the following:

31 "The department of public instruction, in
32 consultation with the department of human services,
33 shall develop a model policy for public and nonpublic
34 schools, as defined in section 280.2, for the handling
35 of reports of child abuse, as defined in section
36 232.68, subsection 2, paragraph "a", "b", or "d",
37 alleged to have been committed by employees or agents
38 of public or nonpublic schools. The departments shall
39 jointly report the model policy to the general
40 assembly by January 1, 1986. The department of public
41 instruction shall adopt rules pursuant to chapter 17A
42 to implement the model policy, and the rules shall be
43 effective by January 1, 1987. The department of
44 public instruction shall distribute the model policy
45 to the public and nonpublic schools."

BY OLLIE of Clinton
ARNOULD of Scott
HAMMOND of Story

H-4094 FILED APRIL 26, 1985
ADOPTED (p. 1998)

SENATE AMENDMENT TO HOUSE FILE 451

H-4041

1 Amend House File 451, as amended, passed, and
2 reprinted by the House, as follows:

4094 3 1. Page 1, by inserting after line 32 the
4 following:

5 "Sec. _____. Section 232.68, subsection 6, Code
6 1985, is amended by adding the following lettered
7 paragraph:

8 NEW LETTERED PARAGRAPH. d. An employee or agent
9 of a public school, as defined in section 280.2, but
10 only with respect to acts defined as child abuse in
11 section 232.68, subsection 2, paragraph "a", "b", or
12 "d".

13 2. Page 2, by inserting after line 17 the
14 following:

15 "Sec. _____. Section 232.69, subsection 1, paragraph
16 a, Code 1985, is amended to read as follows:

17 a. Every health practitioner who examines,
18 attends, or treats a child and who reasonably believes
19 the child has been abused. ~~If, however, the health~~
20 ~~practitioner examines, attends, or treats the child as~~
21 ~~a member of the staff of a hospital or similar~~
22 ~~institution, the examining health practitioner shall~~
23 ~~immediately notify and give complete information to~~
24 ~~the person in charge of the institution or the health~~
25 ~~practitioner's designated agent and the person in~~
26 ~~charge of the institution or designated agent shall~~
27 ~~make the report."~~

28 3. Page 2, line 27, by inserting after the word
29 "children" the following: "on a regular basis".

4094 30 4. Page 4, by inserting after line 7 the
31 following:

32 "Sec. _____. Section 232.71, Code 1985, is amended
33 by adding the following new subsection after
34 subsection 5 and renumbering the subsequent
35 subsections:

36 NEW LETTERED PARAGRAPH. 5A. Departmental
37 investigators shall notify the board of directors or
38 the administrator, of a public school, as defined in
39 section 280.2, before visiting the school to
40 investigate a report of child abuse, as defined in
41 section 232.68, subsection 2, paragraph "a", "b", or
42 "d", against a school employee or agent."

43 5. Page 5, by striking lines 5 and 6 and
44 inserting the following: "outpatient physical
45 examination or authorizing a physician, a psychologist
46 certified under section 154B.7, or a community mental
47 health center accredited pursuant to chapter 230A to
48 conduct an".

4094 49 6. Page 8, by inserting after line 20 the
50 following:

H-4041

Page Two

1 "m. In an individual case involving an employee or
2 agent of a public school, as defined in section 280.2,
3 to the board of directors of the public school.

4 n. In an individual case involving a certificated
5 employee or agent of a public school, as defined in
6 section 280.2, where the child abuse report is
7 founded, to the professional teaching practices
8 commission established in chapter 272A."

4094 9 7. Page 8, line 23, by striking the words "and
10 "j" and inserting the following: "'j", and "m"."

11 8. Page 10, by inserting after line 11, the
12 following:

13 "Sec. ____ . Section 237A.4, Code 1985, is amended
14 to read as follows:

15 237A.4 INSPECTION AND EVALUATION.

16 The department shall make periodic inspections of
17 licensed centers to insure compliance with licensing
18 requirements provided in this chapter, and the local
19 boards of health shall may make periodic inspections
20 of licensed centers to insure compliance with health-
21 related licensing requirements provided in this
22 chapter. ~~In those instances where no local board of~~
23 ~~health exists then the director may make periodic~~
24 ~~inspections of licensed centers as necessary to carry~~
25 ~~out the provisions of this chapter.~~ The director may
26 inspect records maintained by a licensed center and
27 may inquire into matters concerning these centers and
28 the persons in charge. The director shall require
29 that the center be inspected by the state fire marshal
30 or a designee for compliance with rules relating to
31 fire safety before a license is granted or renewed.
32 The director or a designee may periodically visit
33 registered family day care homes for the purpose of
34 evaluation of an inquiry into matters concerning
35 compliance with rules promulgated adopted under
36 section 237A.12. Evaluation of family day care homes
37 under this section may include consultative services
38 provided pursuant to section 237A.6.

39 Sec. ____ . Section 237A.12, unnumbered paragraph 3,
40 Code 1985, is amended to read as follows:

41 Rules relating to fire safety ~~and sanitation~~ shall
42 be promulgated adopted under this chapter by the state
43 fire marshal ~~and the commissioner of public health~~
44 respectively, in consultation with the department, ~~and~~
45 all. Rules relating to sanitation shall be adopted by
46 the department in consultation with the commissioner
47 of public health. All rules shall be developed in
48 consultation with the state day care advisory
49 committee. The state fire marshal shall inspect the
50 facilities."

H-4041
Page Three

1 9. Page 11, by striking lines 21 through 30.

2 10. Page 12, by striking lines 25 through 33.

3 11. Page 13, by inserting after line 8 the

4 following:

5 "Sec. _____. Section 260.23, Code 1985, is amended

6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. In a case involving a

8 report alleging the commission of child abuse, as

9 defined in section 232.68, subsection 2, paragraph

10 "a", "b", or "d", by a certificated school employee or

11 agent, the board shall notify the child abuse registry

12 created in chapter 235A and the appropriate county

13 attorney within one hundred twenty days of the receipt

14 of a recommendation from the professional teaching

15 practices commission to initiate certification

16 suspension or revocation proceedings, of its actions

17 and if its actions are not yet final, of its final

18 actions when completed.

19 Sec. _____. Section 272A.6, Code 1985, is amended by

20 adding the following new unnumbered paragraph:

21 NEW UNNUMBERED PARAGRAPH. In a case involving a

22 report alleging the commission of child abuse, as

23 defined in section 232.68, subsection 2, paragraph

24 "a", "b", or "d", by a certificated school employee or

25 agent, the commission shall notify the child abuse

26 registry created in chapter 235A and the appropriate

27 county attorney within one hundred twenty days of the

28 receipt of a complaint, of its actions, and if its

29 actions are not yet final, of its final actions when

30 completed."

31 12. Page 13, by striking lines 15 and 16 and

32 inserting the following: "coordinating a program

33 operated by a board shall be an appropriately

34 certificated".

35 13. Page 13, by inserting after line 28 the

36 following:

37 "Sec. _____. NEW SECTION. 280.16 PROCEDURES FOR

38 HANDLING CHILD ABUSE REPORTS.

39 The board of directors of a public school shall

40 prescribe procedures for the handling of reports of

41 child abuse, as defined in section 232.68, subsection

42 2, paragraph "a", "b", or "d", alleged to have been

43 committed by an employee or agent of the public

44 school. The procedures shall include provisions for

45 notifying the employee or agent named as the alleged

46 child abuser of the report and for providing the

47 employee or agent, upon request, with the opportunity

48 for an informal investigation of the allegations in

49 the report and for a private hearing on the

50 allegations in the report before the board of

H-4041

Page Four

1 directors. With respect to the private hearing, the
2 board of directors of a public school is not subject
3 to chapter 21, and information and records of the
4 board compiled pursuant to the hearing are
5 confidential records under section 22.7, subsection
6 11, and are not subject to public examination.
7 However, final action by the board of directors
8 involving discipline, suspension, or discharge of the
9 employee or agent shall be taken as provided in
10 section 21.5, subsection 3. The board of directors
11 shall notify the child abuse registry created in
12 chapter 235A and the appropriate county attorney
13 within one hundred twenty days of the receipt of a
14 report of child abuse, of its actions, and if its
15 actions are not yet final, of its final actions when
16 completed."

17 14. Page 16, by inserting after line 29 the
18 following:

40-49 19 "Sec. ____ . PROSPECTIVE REPEAL. Sections 242.16
20 and 244.15 contained in sections 21 and 22 of this Act
21 are repealed July 1, 1988. The advisory committees
22 established in those sections shall report to the
23 general assembly by January 1, 1988 their
24 recommendations relating to the prospective repeal of
25 sections 242.16 and 244.15."

26 15. By striking page 16, line 33 through page 17,
27 line 1 and inserting in lieu thereof the words "imple-
28 mented no later than July 1, 1986. The study shall
29 include".

30 16. Page 17, by inserting after line 19 the
31 following:

32 "Sec. ____ . MODEL POLICY FOR THE HANDLING OF CHILD
33 ABUSE REPORTS.

40-49 34 The department of public instruction and the
35 department of human services shall develop a model
36 policy for schools for the handling of reports of
37 child abuse, as defined in section 232.68, subsection
38 2, paragraph "a", or "b", or "d", alleged to have been
39 committed by employees or agents of public schools.
40 The department of public instruction shall distribute
41 the model policy to the schools."

42 17. By renumbering, relettering, or redesignating
43 and correcting internal references as necessary.

H-4041 FILED APRIL 24, 1985

RECEIVED FROM THE SENATE

House amended (4094) & concurred 4/26 (p. 1998)

S-4113

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 451

1 Amend the amendment, H-4041, to House File 451, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 3 through 12.

5 2. Page 1, by striking lines 30 through 42.

6 3. By striking page 1, line 49 through page 2,
7 line 10.

8 4. Page 3, by striking lines 3 through 30.

9 5. By striking page 3, line 37 through page 4,
10 line 16 and inserting the following:

11 "Sec. 100. NEW SECTION. 280.16 PROCEDURES FOR
12 HANDLING CHILD ABUSE REPORTS.

13 The board of directors of a public school and the
14 authorities in control of a nonpublic school shall
15 prescribe procedures, in accordance with the
16 guidelines contained in the model policy developed by
17 the department of public instruction in consultation
18 with the department of human services, and adopted by
19 the department of public instruction pursuant to
20 chapter 17A, for the handling of reports of child
21 abuse, as defined in section 232.68, subsection 2,
22 paragraph "a", "b", or "d", alleged to have been
23 committed by an employee or agent of the public or
24 nonpublic school."

25 6. Page 4, by inserting after line 18 the
26 following:

27 "Sec. ____ . EFFECTIVE DATE. Section 100 of this
28 Act takes effect January 1, 1987."

29 7. Page 4, by striking lines 34 through 41 and
30 inserting the following:

31 "The department of public instruction, in
32 consultation with the department of human services,
33 shall develop a model policy for public and nonpublic
34 schools, as defined in section 280.2, for the handling
35 of reports of child abuse, as defined in section
36 232.68, subsection 2, paragraph "a", "b", or "d",
37 alleged to have been committed by employees or agents
38 of public or nonpublic schools. The departments shall
39 jointly report the model policy to the general
40 assembly by January 1, 1986. The department of public
41 instruction shall adopt rules pursuant to chapter 17A
42 to implement the model policy, and the rules shall be
43 effective by January 1, 1987. The department of
44 public instruction shall distribute the model policy
45 to the public and nonpublic schools."

1 Amend House File 451, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 11, by striking lines 2 and 3 and
4 inserting the following:

5 "Sec. 21. NEW SECTION. 242.16 STANDARDS."

6 2. Page 11, by striking lines 21 through 30.

7 3. By striking page 11, line 31 through page 12,
8 line 5.

9 4. Page 12, by striking lines 6 and 7 and
10 inserting the following:

11 "Sec. 22. NEW SECTION. 244.15 STANDARDS."

12 5. Page 12, by striking lines 25 through 33.

13 6. By striking page 12, line 34 through page 13,
14 line 8.

S-3774 Filed April 17, 1985

By RITSEMA

B-Adopted, A-Long 4/24/85 (p. 1641)

S-3783

HOUSE FILE 451

1 Amend House File 451, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 5, by striking lines 5 and 6 and

4 inserting the following: "outpatient physical
5 examination or authorizing a physician, a psychologist
6 , certified under section 154B.7, or a community mental
7 health center accredited pursuant to chapter 230A to
8 conduct an".

S-3783 Filed April 17, 1985

By MURPHY

Adopted 4/24 (p. 1640)

S-3848

HOUSE FILE 451

Amend the amendment, S-3811, to House File 451, as amended, passed, and reprinted by the House, as follows:

1. Page 2, by inserting after line 48 the following:

"_____. Page 17, by inserting after line 19 the following:

"Sec. _____. MODEL POLICY FOR THE HANDLING OF CHILD ABUSE REPORTS.

The department of public instruction and the department of human services shall develop a model policy for schools for the handling of reports of child abuse, as defined in section 232.68, subsection 2, paragraph "a", or "b", or "d", alleged to have been committed by employees or agents of public or nonpublic schools. The department of public instruction shall distribute the model policy to the schools."

S-3848 Filed April 18, 1985

By GRATIAS & MURPHY

Placed o/o 4/24/85 (p. 1639)

S-3891

HOUSE FILE 451

Amend House File 451 as amended, passed and reprinted by the House as follows:

1. Page 13, by striking lines 9 through 28.

S-3891 Filed April 19, 1985

By VANDE HOEF

Loose 4/24 (p. 1641)

S-3981

HOUSE FILE 451

Amend House File 451, as amended, passed, and reprinted by the House, as follows:

1. Page 17, by inserting after line 19 the following:

"Sec. _____. MODEL POLICY FOR THE HANDLING OF CHILD ABUSE REPORTS.

The department of public instruction and the department of human services shall develop a model policy for schools for the handling of reports of child abuse, as defined in section 232.68, subsection 2, paragraph "a", or "b", or "d", alleged to have been committed by employees or agents of public schools. The department of public instruction shall distribute the model policy to the schools."

S-3981 Filed April 24, 1985

By GRATIAS & MURPHY

Adopted 4/24 (p. 1642)

- 1 Amend the amendment, S-3811, to House File 451, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
- 4 1. Page 1, line 9, by striking the words "or
 5 nonpublic school".
 - 6 2. Page 1, lines 20 and 21, by striking the words
 7 "or the authorities in charge of,".
 - 8 3. Page 1, line 22, by striking the words "or
 9 nonpublic school".
 - 10 4. Page 1, line 30, by striking the words "or
 11 nonpublic school".
 - 12 5. Page 1, by striking line 32.
 - 13 6. Page 1, line 35, by striking the words "or
 14 nonpublic school".
 - 15 7. Page 2, by striking lines 23 and 24 and
 16 inserting the following:
 17 "The board of directors of a public school shall".
 - 18 8. Page 2, lines 28 and 29, by striking the words
 19 "or nonpublic school".
 - 20 9. Page 2, line 36, by striking the words "or the
 21 authorities in charge".
 - 22 10. Page 2, lines 42 and 43, by striking the
 23 words "or authorities in charge".

S-3840 Filed April 18, 1985

By LIND

Adopted 4/24/85 (p. 1639)
Reconsidered w/d 4/24 (p. 1643)

S-3845

HOUSE FILE 451

- 1 Amend the amendment, S-3811, to House File 451 as
 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 2, line 42, by inserting after the word
 4 "examination." the following: "However, final action
 5 by the board of directors involving discipline,
 6 suspension, or discharge of the employee or agent
 7 shall be taken as provided in section 21.5, subsection
 8 3."

S-3845 Filed April 18, 1985

By MURPHY & HANNON

Adopted 4/24 (p. 1639)

1 Amend House File 451, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 32 the
4 following:

5 "Sec. _____. Section 232.68, subsection 6, Code
6 1985, is amended by adding the following lettered
7 paragraph:

8 NEW LETTERED PARAGRAPH. d. An employee or agent
9 of a public or nonpublic school, as defined in section
10 280.2, but only with respect to acts defined as child
11 abuse in section 232.68, subsection 2, paragraph "a",
12 "b", or "d".

13 2. Page 4, by inserting after line 7 the
14 following:

15 "Sec. _____. Section 232.71, Code 1985, is amended
16 by adding the following new subsection after
17 subsection 5 and renumbering the subsequent
18 subsections:

19 NEW LETTERED PARAGRAPH. 5A. Departmental
20 investigators shall notify the board of directors or
21 the authorities in charge of, or the administrator, of
22 a public or nonpublic school, as defined in section
23 280.2, before visiting the school to investigate a
24 report of child abuse, as defined in section 232.68,
25 subsection 2, paragraph "a", "b", or "d", against a
26 school employee or agent."

27 3. Page 8, by inserting after line 20 the
28 following:

29 "m. In an individual case involving an employee or
30 agent of a public or nonpublic school, as defined in
31 section 280.2, to the board of directors of the public
32 school or the authorities in charge of the nonpublic
33 school.

34 n. In an individual case involving a certificated
35 employee or agent of a public or nonpublic school, as
36 defined in section 280.2, where the child abuse report
37 is founded, to the professional teaching practices
38 commission established in chapter 272A."

39 4. Page 8, line 23, by striking the words "and
40 "j" and inserting the following: "'j", and "m"."

41 5. Page 13, by inserting after line 8 the
42 following:

43 "Sec. _____. Section 250.23, Code 1985, is amended
44 by adding the following new unnumbered paragraph:

45 NEW UNNUMBERED PARAGRAPH. In a case involving a
46 report alleging the commission of child abuse, as
47 defined in section 232.68, subsection 2, paragraph
48 "a", "b", or "d", by a certificated school employee or
49 agent, the board shall notify the child abuse registry
50 created in chapter 235A and the appropriate county

S-3811 page 2

1 attorney within one hundred twenty days of the receipt
2 of a recommendation from the professional teaching
3 practices commission to initiate certification
4 suspension or revocation proceedings, of its actions
5 and if its actions are not yet final, of its final
6 actions when completed.

7 Sec. _____. Section 272A.6, Code 1985, is amended by
8 adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. In a case involving a
10 report alleging the commission of child abuse, as
11 defined in section 232.68, subsection 2, paragraph
12 "a", "b", or "d", by a certificated school employee or
13 agent, the commission shall notify the child abuse
14 registry created in chapter 235A and the appropriate
15 county attorney within one hundred twenty days of the
16 receipt of a complaint, of its actions, and if its
17 actions are not yet final, of its final actions when
18 completed.

19 6. Page 13, by inserting after line 28 the
20 following:

21 "Sec. _____. NEW SECTION. 280.16 PROCEDURES FOR
22 HANDLING CHILD ABUSE REPORTS.

23 The board of directors of a public school and the
24 authorities in charge of a nonpublic school shall
25 prescribe procedures for the handling of reports of
26 child abuse, as defined in section 232.68, subsection
27 2, paragraph "a", "b", or "d", alleged to have been
28 committed by an employee or agent of the public or
29 nonpublic school. The procedures shall include
30 provisions for notifying the employee or agent named
31 as the alleged child abuser of the report and for
32 providing the employee or agent, upon request, with
33 the opportunity for an informal investigation of the
34 allegations in the report and for a private hearing on
35 the allegations in the report before the board of
36 directors or the authorities in charge. With respect
37 to the private hearing, the board of directors of a
38 public school is not subject to chapter 21, and
39 information and records of the board compiled pursuant
40 to the hearing are confidential records under section
41 22.7, subsection 11, and are not subject to public
3845 42 examination. The board of directors or authorities in
43 charge shall notify the child abuse registry created
44 in chapter 235A and the appropriate county attorney
45 within one hundred twenty days of the receipt of a
46 report of child abuse, of its actions, and if its
47 actions are not yet final, of its final actions when
48 completed."

49 7. By renumbering as necessary.

50

S-3677

HOUSE FILE 451

- 1 Amend House File 451 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 32, by striking the words "or
- 4 child care facility" and inserting the following: "or
- 5 child care facility, or public or nonpublic school".

S-3677 Filed April 9, 1985

By HANNON

W/A 4/24/85 (p. 1643)

S-3692

HOUSE FILE 451

- 1 Amend House File 451, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 17 the
- 4 following:
- 5 "Sec. ____ . Section 232.69, subsection 1, paragraph
- 6 a, Code 1985, is amended to read as follows:
- 7 a. Every health practitioner who examines,
- 8 attends, or treats a child and who reasonably believes
- 9 the child has been abused. ~~if, however, the health~~
- 10 ~~practitioner examines, attends, or treats the child as~~
- 11 ~~a member of the staff of a hospital or similar~~
- 12 ~~institution, the examining health practitioner shall~~
- 13 ~~immediately notify and give complete information to~~
- 14 ~~the person in charge of the institution or the health~~
- 15 ~~practitioner's designated agent and the person in~~
- 16 ~~charge of the institution or designated agent shall~~
- 17 ~~make the report."~~
- 18 2. Page 13, by striking lines 15 and 16 and
- 19 inserting the following: "coordinating a program
- 20 operated by a board shall be an appropriately
- 21 certificated".
- 22 3. By renumbering as necessary.

S-3692 Filed April 10, 1985

By COM. ON HUMAN RESOURCES

Adopted 4/18/85 (p. 1482)

S-3722

HOUSE FILE 451

- 1 Amend House File 451, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, line 6, by striking the words
- 4 "psychologist certified under section 154B.7" and
- 5 inserting the following: "mental health professional
- 6 as defined in section 622.10".

S-3722 Filed April 12, 1985

By MURPHY

Placed o/s 4/24 (p. 1640)

1 Amend House File 451, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 10, by inserting after line 11, the
4 following:

5 "Sec. ____ . Section 237A.4, Code 1985, is amended
6 to read as follows:

7 237A.4 INSPECTION AND EVALUATION.

8 The department shall make periodic inspections of
9 licensed centers to insure compliance with licensing
10 requirements provided in this chapter, and the local
11 boards of health shall may make periodic inspections
12 of licensed centers to insure compliance with health-
13 related licensing requirements provided in this
14 chapter. In those instances where no local board of
15 health exists then the director may make periodic
16 inspections of licensed centers as necessary to carry
17 out the provisions of this chapter. The director may
18 inspect records maintained by a licensed center and
19 may inquire into matters concerning these centers and
20 the persons in charge. The director shall require
21 that the center be inspected by the state fire marshal
22 or a designee for compliance with rules relating to
23 fire safety before a license is granted or renewed.
24 The director or a designee may periodically visit
25 registered family day care homes for the purpose of
26 evaluation of an inquiry into matters concerning
27 compliance with rules promulgated adopted under
28 section 237A.12. Evaluation of family day care homes
29 under this section may include consultative services
30 provided pursuant to section 237A.6.

31 Sec. ____ . Section 237A.12, unnumbered paragraph 3,
32 Code 1985, is amended to read as follows:

33 Rules relating to fire safety ~~and sanitation~~ shall
34 be ~~promulgated~~ adopted under this chapter by the state
35 fire marshal ~~and the commissioner of public health~~
36 ~~respectively~~, in consultation with the department, ~~and~~
37 ~~all~~. Rules relating to sanitation shall be adopted by
38 the department in consultation with the commissioner
39 of public health. All rules shall be developed in
40 consultation with the state day care advisory
41 committee. The state fire marshal shall inspect the
42 facilities."

43 2. By renumbering as necessary.

S-3818

HOUSE FILE 451

- 1 Amend House File 451, as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. By striking page 16, line 33 through page 17,
- 4 line 1 and inserting in lieu thereof the words "imple-
- 5 mented no later than July 1, 1986. The study shall
- 6 include".

S-3818 Filed April 18, 1985

By RITSEMA

Adopted 4/24/85 (p. 1642)

S-3819

HOUSE FILE 451

- 1 Amend House File 451 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 27, by inserting after the word
- 4 "children" the following: "on a regular basis".

S-3819 Filed April 18, 1985

By SMALL

Adopted 4/24 (p. 1640)

S-3827

HOUSE FILE 451

- 1 Amend House File 451 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, lines 4 and 5, by striking the words
- 4 "certificated school employee," and inserting the
- 5 following: "~~certificated-school-employee~~".
- 6 2. By striking page 8, line 24 through page 9,
- 7 line 12.
- 8 3. By renumbering as necessary.

S-3827 Filed April 18, 1985

By LIND

Lost 4/24 (p. 1646)

S-3803

HOUSE FILE 451

- 1 Amend House File 451, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 12, line 5, by striking the word "school"
4 and inserting the following: "school, the rules
5 adopted pursuant to subsection 1, and the review of
6 compliance with the standards conducted pursuant to
7 subsection 2".
8 2. Page 13, line 8, by striking the word "home"
9 and inserting the following: "home, the rules adopted
10 pursuant to subsection 1, and the review of compliance
11 with the standards conducted pursuant to subsection
12 2".
13 3. Page 16, by inserting after line 29 the
14 following:
15 "Sec. ____ . PROSPECTIVE REPEAL. Sections 242.16
16 and 244.15 contained in sections 21 and 22 of this Act
17 are repealed July 1, 1988. The advisory committees
18 established in those sections shall report to the
19 general assembly by January 1, 1988 their
20 recommendations relating to the prospective repeal of
21 sections 242.16 and 244.15."
22 4. By renumbering as necessary.

S-3803 Filed April 18, 1985

By BRUNER

B-Adopted 4/24/85 (p. 1641)
A-WTD (p. 1642)

S-3808

HOUSE FILE 451

- 1 . Amend House File 451 as amended, passed and
2 reprinted by the House as follows:
3 1. By striking page 2, line 18 through page 3,
4 line 6.

S-3808 Filed April 18, 1985

By GENTLEMAN

Lost 4/18 (p. 1482)

S-3814

HOUSE FILE 451

- 1 Amend House File 451, as passed and reprinted by
2 the House as follows:
3 1. Page 13, by striking line 29 through page 14,
4 line 7.

S-3814 Filed April 18, 1985

By RITSEMA

Lost 4/24 (p. 1641)

S-3815

HOUSE FILE 451

- 1 Amend House File 451 as amended, passed and
2 reprinted by the House as follows:
3 1. By striking page 16, line 30 through page 17,
4 line 19.

S-3815 Filed April 18, 1985

By VANDE HOEF

Lost 4/24 (p. 1642)

HOUSE FILE 451

AN ACT

RELATING TO CHILD PROTECTION AND PROVIDING PENALTIES.

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

Section 1. NEW SECTION. 144.13A REGISTRATION FEE.

The local registrar and state registrar shall charge the parent a ten dollar fee for the registration of a certificate of birth. If the person responsible for the filing of the certificate of birth under section 144.13 is not the parent, the person shall collect the fee from the parent. The fee shall be remitted to the appropriate registrar. If the expenses of the birth are reimbursed under the medical assistance program established by chapter 249A or paid for under the statewide indigent patient care program established by chapter 249A or paid for under the statewide indigent patient care program established by chapter 255, or if the parent is indigent and unable to pay the expenses of the birth and no other means of payment is available to the parent, the registration fee is waived. If the person responsible for the filing of the certificate is not the parent, the person is discharged from the duty to collect and remit the fee under this section if the person has made a good faith effort to collect the fee from the parent. The fees collected by the local registrar and state registrar shall be remitted to the treasurer of state for deposit in the general fund of the state. It is the intent of the general assembly that the

funds generated from the registration fees be appropriated and used for primary and secondary child abuse prevention programs.

Sec. 2. Section 232.68, subsection 6, paragraph c, Code 1985, is amended to read as follows:

c. An employee or agent of any public or private facility providing care for a child, including an institution, hospital, health care facility, group home, mental health center, residential treatment center, shelter care facility, detention center, or child care facility.

Sec. 3. Section 232.69, subsection 1, paragraph b, Code 1985 is amended to read as follows:

b. Every self-employed social worker, every social worker under the jurisdiction of the department of human services, any social worker employed by a public or private agency or institution, public or private health care facility as defined in section 135C.1, certified psychologist, certificated school employee, employee or operator of a licensed child care center or registered group day care home or registered family day care home, individual licensee under chapter 237, member of the staff of a mental health center, or peace officer, who, in the course of employment or in providing child foster care, examines, attends, counsels or treats a child and reasonably believes a child has suffered abuse. ~~If a person is required to report under this section as a member of the staff of a public or private institution, agency or facility, that person shall immediately notify the person in charge of the institution, agency or facility, or that person's designated agent, and the person in charge of the institution, agency, or facility, or the designated agent shall make the report.~~

Sec. 4. Section 232.69, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. Every health practitioner who examines, attends, or treats a child and who reasonably believes the child has been abused. ~~If, however, the health practitioner examines, attends, or treats the child as a member of the staff of a~~

~~hospital or similar institution, the examining health practitioner shall immediately notify and give complete information to the person in charge of the institution or the health practitioner's designated agent and the person in charge of the institution or designated agent shall make the report:~~

Sec. 5. Section 232.69, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A person required to make a report under subsection 1, other than a physician whose professional practice does not regularly involve providing primary health care to children, shall complete two hours of training relating to the identification and reporting of child abuse within one year of initial employment or self-employment involving the examination, attending, counseling, or treatment of children on a regular basis. The person shall complete at least two hours of additional child abuse identification and reporting training every five years. If the person is an employee of a hospital or similar institution, or of a public or private institution, agency, or facility, the employer shall be responsible for providing the child abuse identification and reporting training. If the person is self-employed, the person shall be responsible for obtaining the child abuse identification and reporting training. The person may complete the initial or additional training as part of a continuing education program required under chapter 258A or may complete the training as part of a training program offered by the department of human services, the department of public instruction, an area education agency, a school district, the Iowa law enforcement academy, or a similar public agency.

Sec. 6. Section 232.71, subsection 2, paragraph e, Code 1985, is amended by striking the paragraph.

Sec. 7. Section 232.71, subsection 3, Code 1985, is amended to read as follows:

3. The investigation may with the consent of the parent or guardian include a visit to the home of the child or with the consent of the administrator of a facility include a visit to the facility providing care to the child named in the report and examination of such the child. If permission to enter the home or facility and to examine the child is refused, the juvenile court or district court upon a showing of probable cause may authorize the person making the investigation to enter the home or facility and examine the child. The department may utilize a multidisciplinary team in investigations of child abuse involving employees or agents of a facility providing care for a child.

Sec. 8. Section 232.71, Code 1985, is amended by adding the following new subsection after subsection 3 and renumbering the subsequent subsections:

NEW SUBSECTION. 4. Based on an investigation of alleged child abuse by an employee of a facility providing care to a child, the department shall notify the licensing authority for the facility, the governing body of the facility, and the administrator in charge of the facility of any of the following:

- a. A violation of facility policy noted in the investigation.
 - b. An instance in which facility policy or lack of facility policy may have contributed to the alleged child abuse.
 - c. An instance in which general practice in the facility appears to differ from the facility's written policy.
- The licensing authority, the governing body, and the administrator in charge of the facility shall take any lawful action which may be necessary or advisable to protect children residing in the facility.

Sec. 9. Section 232.71, subsection 6, Code 1985, is amended to read as follows:

6. The department ~~of human services~~, upon completion of its investigation, shall make a preliminary report of its

investigation as required by subsection 2. A copy of this report shall be transmitted to juvenile court within ninety-six hours after the department of human services initially receives the abuse report unless the juvenile court grants an extension of time for good cause shown. If the preliminary report is not a complete report, a complete report shall be filed within ten working days of the receipt of the abuse report, unless the juvenile court grants an extension of time for good cause shown. The department shall notify a subject of the report of the result of the investigation, of the subject's right to correct the information pursuant to section 235A.19, and of the procedures to correct the information. The juvenile court shall notify the registry of any action it takes with respect to a suspected case of child abuse.

Sec. 10. Section 232.78, subsection 1, paragraph a, Code 1985, is amended to read as follows:

a. The parent, guardian, legal custodian, or employee of the child day care facility is absent, or though present, was asked and refused to consent to the removal of the child and was informed of an intent to apply for an order under this section, or the parent, guardian, or legal custodian has a prior instance of flight to avoid a child abuse investigation.

Sec. 11. Section 232.78, Code 1985, is amended by adding the following new subsection as subsection 4 and renumbering as necessary:

NEW SUBSECTION. 4. The juvenile court, before or after the filing of a petition under this chapter, may enter an ex parte order authorizing a physician or hospital to conduct an outpatient physical examination or authorizing a physician, a psychologist certified under section 154B.7, or a community mental health center accredited pursuant to chapter 230A to conduct an outpatient mental examination of a child if necessary to identify the nature, extent, and cause of injuries to the child as required by section 232.71, subsection 2, provided all of the following apply:

a. The parent, guardian, or legal custodian is absent, or though present, was asked and refused to provide written consent to the examination.

b. The juvenile court has entered an ex parte order directing the removal of the child from the child's home or a child day care facility under this section.

c. There is not enough time to file a petition and to hold a hearing as provided in section 232.98.

Sec. 12. Section 232.98, subsection 1, unnumbered paragraph 1, Code 1985, is amended to read as follows:

A Except as provided in section 232.78, subsection 4, a physical or mental examination of the child may be ordered only after the filing of a petition pursuant to section 232.87 and after a hearing to determine whether an examination is necessary to determine the child's physical or mental condition.

Sec. 13. Section 232.102, Code 1985, is amended by adding the following new subsection as subsection 2 and renumbering as necessary:

NEW SUBSECTION. 2. After a dispositional hearing and upon the request of the department, the court may enter an order appointing the department as the guardian of an unaccompanied refugee minor or of a child without parent or guardian.

Sec. 14. Section 232.141, subsection 2, Code 1985, is amended to read as follows:

2. Whenever if legal custody of a minor is transferred by the court or whenever, if the minor is placed by the court with someone other than the parents, or whenever if a minor is given physical or mental examinations or treatment under order of the court and no provision is otherwise made by law for payment for the care, examination, or treatment of the minor, the costs shall be charged upon the funds of the county in which the proceedings are held upon certification of the judge to the board of supervisors. If a minor is given physical or mental examinations or treatment with the consent of the parent, guardian, or legal custodian relating to a child abuse

investigation and no other provision is otherwise made by law for payment for the examination or treatment of the minor, the costs shall be charged upon the funds of the county in which the child resides upon certification of the department to the board of supervisors. Except where the parent-child relationship is terminated, the court may inquire into the ability of the parents to support the minor and after giving the parents a reasonable opportunity to be heard may order the parents to pay in the manner and to whom the court may direct, such sums as will cover in whole or in part the cost of care, examination, or treatment of the minor. An order entered under this section shall not obligate a parent paying child support under a custody decree, except that any part of such a monthly support payment may be used to satisfy the obligations imposed by an order entered under this section. If the parents fail to pay the sum without good reason, the parents may be proceeded against for contempt or the court may inform the county attorney who shall proceed against the parents to collect the unpaid sums or both. Any such sums ordered by the court shall be a judgment against each of the parents and a lien as provided in section 624.23. If all or any part of the sums that the parents are ordered to pay is subsequently paid by the county, the judgment and lien shall thereafter be against each of the parents in favor of the county to the extent of such the county's payments.

Sec. 15. Section 232.149, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 5. This section does not prohibit a criminal justice agency from disclosing or releasing pursuant to chapter 694 the identity of a missing child or information useful in the recovery of a missing child.

Sec. 16. Section 235A.15, Code 1985, is amended to read as follows:

235A.15 AUTHORIZED ACCESS.

1. Notwithstanding chapter 22, the confidentiality of all child abuse information shall be maintained, except as specifically provided by subsection 2 and subsection 3.

2. Access to child abuse information other than unfounded child abuse information is authorized only:

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

b. To employees of the department of human services having responsibility for the investigation of a child abuse report.

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

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

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

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

g. To a person who is the subject of any report as provided in section 235A.19.

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

i. To a court hearing an appeal for correction or expungement of registry information as provided in section 235A.19.

j. In an individual case, to the mandatory reporter who reported the child abuse.

k. To a multidisciplinary team, if the department of human services approves the composition of the multidisciplinary team and determines that access to the team is necessary to

assist the department in the diagnosis, assessment, and disposition of a child abuse case.

1. To a licensing authority for a facility providing care for a child named in a report, if the licensing authority is notified of a relationship between facility policy and the child abuse under section 232.71, subsection 4.

3. Access to unfounded child abuse information is authorized only to those persons identified in subsection 2, paragraphs "b", "g", "h", and "j".

Sec. 17. Section 235A.18, subsection 2, Code 1985, is amended to read as follows:

2. Child abuse information which cannot be determined by a preponderance of the evidence to be founded or unfounded shall be expunged one year after the receipt of the initial report of such abuse if the information cannot be determined by a preponderance of the evidence to be founded or unfounded. Child and child abuse information which is determined by a preponderance of the evidence to be unfounded shall be expunged if the information is determined to be unfounded six months after the receipt of the initial report of abuse, as a result of any of the following:

- a. The investigation of a report of suspected child abuse by the department.
- b. A successful appeal as provided in section 235A.19.
- c. A court adjudication finding by a juvenile or district court.

3. However, if a correction of child abuse information is requested under section 235A.19 and the issue is not resolved at the end of the one-year or six-month period, the information shall be retained until the issue is resolved and if the child abuse information is not determined to be founded, the information shall be expunged at the appropriate time under subsection 2.

Sec. 18. Section 235A.19, subsections 2 and 3, Code 1985, are amended to read as follows:

2. Any A person who files may file with the registry department within six months of the date of the notice of the results of an investigation required by section 232.71, subsection 6, a written statement to the effect that child abuse information referring to such the person is in whole or in part erroneous, and requests may request a correction or expungement of that information, shall be notified within sixty days by the registry, in writing, of its decision or order regarding the correction or elimination or of the findings of the investigation report. All decisions and orders shall be accompanied by findings of fact, and the registry shall provide the opportunity for a fair hearing when it initially determines that the information should not be corrected or expunged as requested. The department shall provide the person with an opportunity for an evidentiary hearing pursuant to chapter 17A to correct the information or the findings, unless the department corrects the information or findings as requested. The department shall delay the expungement of information which is not determined to be founded until the conclusion of a proceeding to correct the information or findings. The department may defer the hearing until the conclusion of a pending juvenile or district court case relating to the information or findings.

3. The registry's decision or order resulting from the hearing may be appealed to the district court of Polk county by the person requesting the correction or expungement or to the district court of the district in which such the person resides. Immediately upon such appeal the court shall order the registry department to file with the court a certified copy of the child abuse information. Appeal shall be taken in accordance with the provisions of the Iowa administrative procedure Act chapter 17A.

Sec. 19. Section 237A.4, Code 1985, is amended to read as follows:

237A.4 INSPECTION AND EVALUATION.

The department shall make periodic inspections of licensed centers to insure compliance with licensing requirements provided in this chapter, and the local boards of health shall may make periodic inspections of licensed centers to insure compliance with health-related licensing requirements provided in this chapter. ~~In those instances where no local board of health exists then the director may make periodic inspections of licensed centers as necessary to carry out the provisions of this chapter.~~ The director may inspect records maintained by a licensed center and may inquire into matters concerning these centers and the persons in charge. The director shall require that the center be inspected by the state fire marshal or a designee for compliance with rules relating to fire safety before a license is granted or renewed. The director or a designee may periodically visit registered family day care homes for the purpose of evaluation of an inquiry into matters concerning compliance with rules promulgated adopted under section 237A.12. Evaluation of family day care homes under this section may include consultative services provided pursuant to section 237A.6.

Sec. 20. Section 237A.12, unnumbered paragraph 3, Code 1985, is amended to read as follows:

Rules relating to fire safety ~~and sanitation~~ shall be promulgated adopted under this chapter by the state fire marshal ~~and the commissioner of public health respectively,~~ in consultation with the department, ~~and all.~~ Rules relating to sanitation shall be adopted by the department in consultation with the commissioner of public health. All rules shall be developed in consultation with the state day care advisory committee. The state fire marshal shall inspect the facilities.

Sec. 21. Section 238.33, article II, paragraph d, Code 1985, is amended to read as follows:

d. "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution, but not in an institution caring for

the mentally ill, mentally defective, or epileptic, in an institution primarily educational in character, or in a hospital or other medical facility.

Sec. 22. Section 238.33, article III, paragraph a, Code 1985, is amended to read as follows:

a. No A sending state agency shall not send, bring, or cause to be sent or brought into any other party state any a child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply complies with each-and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein in the receiving state.

Sec. 23. Section 238.33, article VIII, paragraph a, Code 1985, is amended to read as follows:

a. The sending or bringing of a child into a receiving state by the child's parent, relative stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child's guardian and leaving the child with any such relative or nonagency guardian in the receiving state.

Sec. 24. NEW SECTION. 242.16 STANDARDS -- MULTIDISCIPLINARY TEAM REVIEW -- ADVISORY COMMITTEE.

1. The department of human services shall adopt rules pursuant to chapter 17A establishing standards for services provided by the state training school, which shall address:

- a. The number, qualifications, and character of staff necessary to assure the health, safety, and welfare of children committed to the state training school.
- b. Programs for education and in-service training of staff.
- c. Policies for intake, assessment, admission, and discharge of children committed to the state training school.
- d. Policies for involvement of the parents of children committed to the state training school.
- e. The adequacy of programs available to children committed to the state training school, including activity

programs, social services, behavior management procedures, and educational programs.

f. Health, safety, and medical care policies.

2. The department shall establish an advisory committee for the state training school consisting of fifteen persons representing the local community, the juvenile court, providers of juvenile services, state agencies concerned with juvenile services, and persons with expertise in the treatment of youth. No more than five members of the advisory committee shall be state employees. The advisory committee shall meet at least three times annually, and shall review and make recommendations to the department regarding the programming and policies of the state training school.

Sec. 25. NEW SECTION. 244.15 STANDARDS -- MULTIDISCIPLINARY TEAM REVIEW -- ADVISORY COMMITTEE.

1. The department of human services shall adopt rules pursuant to chapter 17A establishing standards for services provided by the Iowa juvenile home, which shall address:

a. The number, qualifications, and character of staff necessary to assure the health, safety, and welfare of children committed to the home.

b. Programs for education and in-service training of staff.

c. Policies for intake, assessment, admission, and discharge of children committed to the home.

d. Policies for involvement of the parents of children committed to the home.

e. The adequacy of programs available to children committed to the home, including activity programs, social services, behavior management procedures, and educational programs.

f. Health, safety, and medical care policies.

2. The department shall establish an advisory committee for the home consisting of fifteen persons representing the local community, the juvenile court, providers of juvenile services, state agencies concerned with juvenile services, and

persons with expertise in the treatment of youth. No more than five members of the advisory committee shall be state employees. The advisory committee shall meet at least three times annually, and shall review and make recommendations to the department regarding the programming and policies of the home.

Sec. 26. NEW SECTION. 279.49 CHILD DAY CARE PROGRAMS.

The board of directors of a school corporation may operate or contract for the operation of a program to provide child day care to children not enrolled in school or to students enrolled in kindergarten through grade six before and after school, or to both. The person employed to be responsible for coordinating a program operated by a board shall be an appropriately certificated teacher under chapter 260 or the program operated by contract with the board shall be licensed as a child care center under chapter 237A. The board shall require the employment of adequate personnel for a program to meet the personnel standards adopted by the department of human services pursuant to section 237A.12, subsection 1.

The board shall establish a fee for the cost of participation in a program. The parent or guardian of a child participating in a program is responsible for payment of the fee and for transportation of the child. The fee shall cover staffing costs and other necessary expenses as deemed appropriate by the board.

Sec. 27. NEW SECTION. 280.16 PROCEDURES FOR HANDLING CHILD ABUSE REPORTS.

The board of directors of a public school and the authorities in control of a nonpublic school shall prescribe procedures, in accordance with the guidelines contained in the model policy developed by the department of public instruction in consultation with the department of human services, and adopted by the department of public instruction pursuant to chapter 17A, for the handling of reports of child abuse, as defined in section 232.68, subsection 2, paragraph "a", "b", or "d", alleged to have been committed by an employee or agent of the public or nonpublic school.

Sec. 28. Section 321B.30, Code 1985, is amended to read as follows:

321B.30 CIVIL PENALTY -- VICTIM REPARATION FUND.

When the department revokes a person's license or operating privilege under this chapter, the department shall assess the person a civil penalty of one hundred dollars. The money collected by the department under this section shall be transmitted to the treasurer of state who shall deposit the money in a separate fund dedicated to and used for the purposes of chapter 912, and for the operation of a missing person clearinghouse and domestic abuse registry by the department of public safety. A temporary restricted license shall not be issued or a license or privilege to drive reinstated until the civil penalty has been paid.

Sec. 29. NEW SECTION. 694.10 MISSING PERSON INFORMATION CLEARINGHOUSE.

1. As used in this section:

a. "Missing person" means a missing person as defined in 694.1 whose temporary or permanent residence is in Iowa, or is believed to be in Iowa, whose location has not been determined, and who has been reported as missing to a law enforcement agency.

b. "Missing person report" is a report prepared on a form designed by the department of public safety for use by private citizens and law enforcement agencies to report missing person information to the missing person information clearinghouse.

2. The department of public safety shall establish a statewide missing person information clearinghouse. In connection with the clearinghouse, the department shall:

a. Collect, process, maintain, and disseminate information concerning missing persons in Iowa.

b. Develop training programs for local law enforcement personnel concerning appropriate procedures to report missing persons to the clearinghouse and to comply with legal procedures relating to missing person cases.

c. Provide specialized training to law enforcement officers, in conjunction with the law enforcement academy, to enable the officers to more efficiently handle the tracking of missing persons and unidentified bodies on the local level.

d. Develop training programs to assist parents in avoiding child kidnapping.

e. Cooperate with other states and the national crime information center in efforts to locate missing persons.

f. Maintain a toll-free telephone line, available twenty-four hours a day, seven days a week, to receive and disseminate information related to missing persons.

g. Distribute monthly bulletins to all local law enforcement agencies and to media outlets which request missing person information, containing the names, photos, and descriptions of missing persons, information related to the events surrounding the disappearance of the missing persons, the law enforcement agency or person to contact if missing persons are located or if other relevant information is discovered relating to missing persons, and the names of persons reported missing whose locations have been determined and confirmed.

h. Produce, update at least weekly, and distribute public service announcements to media outlets which request missing person information, containing the same or similar information as contained in the monthly bulletins.

i. Encourage and seek both financial and in-kind support from private individuals and organizations in the production and distribution of clearinghouse bulletins and public service announcements under paragraphs "g" and "h".

j. Maintain a registry of approved prevention and education materials and programs regarding missing and runaway children.

k. Coordinate public and private programs for missing and runaway children.

3. A law enforcement agency shall submit all missing person reports compiled pursuant to section 694.3 and updated information relating to the reports to the clearinghouse.

4. Subsequent to the filing of a complaint of a missing person with a law enforcement agency pursuant to section 694.2, the person filing the complaint may submit information regarding the missing person to the clearinghouse. If the person reported missing is an unemancipated minor, any person may submit information regarding the missing unemancipated minor to the clearinghouse.

5. A person who has filed a missing person complaint with a law enforcement agency shall immediately notify that law enforcement agency when the location of the missing person has been determined.

6. After the location of a person reported missing to the clearinghouse has been determined and confirmed, the clearinghouse shall only release information described in subsection 2, paragraphs "g" and "h" concerning the located person. After the location of a missing person has been determined and confirmed, other information concerning the history of the missing person case shall be disclosed only to law enforcement officers of this state and other jurisdictions when necessary for the discharge of their official duties and to the juvenile court in the county of a formerly missing child's residence. All information relating to a missing person in the clearinghouse shall be purged when the person's location has been determined and confirmed, except that information relating to a missing child shall be purged when the child reaches eighteen years of age and the child's location has been determined and confirmed.

Sec. 30. The Code editor shall transfer sections 238.33 through 238.41 to chapter 232 as a new division before or after division VII.

Sec. 31. The amendments to sections 232.71, subsection 6 and 235A.19, subsection 2 in this Act apply to information entered in the central registry for child abuse information on or after the effective date of this Act.

Sec. 32. EFFECTIVE DATE. Section 27 of this Act takes effect January 1, 1987.

Sec. 33. PROSPECTIVE REPEAL. Sections 242.16 and 244.15 contained in sections 24 and 25 of this Act are repealed July 1, 1988. The advisory committees established in those sections shall report to the general assembly by January 1, 1988 their recommendations relating to the prospective repeal of sections 242.16 and 244.15.

Sec. 34. The Iowa merit employment department shall conduct a study to develop a model state employment policy for state employees who are parents of young children to be implemented no later than July 1, 1986. The study shall include an assessment of the costs and benefits of the implementation of the model state employment policy. The study shall draw on the experiences of other governmental units and private entities and shall review individual state employment policy components including but not limited to flexible working hours, use of sick time for necessary child care, on-site child day care, flexible benefit options, and use of employer and employee economic incentives for the provision of child day care. In developing a realistic model state employment policy, the study shall attempt to combine individual components into an innovative benefit package for state employees who are parents of young children. The study shall include a recommendation concerning the costs and benefits of on-site child day care located at the state capitol complex in Des Moines and other appropriate sites around the state. The Iowa merit employment department shall complete the study and report its findings and recommendations to the legislative council and the general assembly by December 1, 1985.

Sec. 35. MODEL POLICY FOR THE HANDLING OF CHILD ABUSE REPORTS.

The department of public instruction, in consultation with the department of human services, shall develop a model policy for public and nonpublic schools, as defined in section 280.2, for the handling of reports of child abuse, as defined in section 232.68, subsection 2, paragraph "a", "b", or "d", alleged to have been committed by employees or agents of

public or nonpublic schools. The departments shall jointly report the model policy to the general assembly by January 1, 1986. The department of public instruction shall adopt rules pursuant to chapter 17A to implement the model policy, and the rules shall be effective by January 1, 1987. The department of public instruction shall distribute the model policy to the public and nonpublic schools.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 451, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 23, 1985

TERRY E. BRANSTAD
Governor