

House Amendment #3177-2-28-89 (p. 351)
D passed amendment #3177-2-28-89 (p. 529)

FILED JAN 26 1989

SENATE FILE 105
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 18)

Passed Senate, Date 2/2/89 (p. 260) Passed House, Date 3-1-89 (p. 621)
Vote: Ayes 43 Nays 4 Vote: Ayes 91 Nays 0
Approved 4-3-89 (p. 1148)
Repassed AYES 34 NAYS 12: 3-27-89 (p. 1010-11)

A BILL FOR

3171-
3182, 3177-1 An Act relating to assisting the department of human services in
2 dependent adult abuse investigations.

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

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SENATE FILE 105

H-3233

- 1 Amend amendment, H-3177, to Senate File 105 as
- 2 passed by the Senate as follows:
- 3 1. Page 1, by inserting after line 20 the
- 4 following:
- 5 "____". Page 1, by inserting after line 17 the
- 6 following:
- 7 "Sec. 4. Section 726.6, Code 1989, is amended by
- 8 adding the following new subsection:
- 9 NEW SUBSECTION. 4. A person who commits child
- 10 endangerment resulting in the death of a child or
- 11 minor is guilty of a class "A" felony."
- 12 2. Page 1, line 23, by striking the words
- 13 "reporting of".
- 14 3. Page 1, line 23, by inserting after the word
- 15 "adults" the following: "by amending certain
- 16 reporting provisions and providing a penalty".
- 17 4. By renumbering as necessary.

By CORBETT of Linn

H-3233 FILED FEBRUARY 27, 1989 Not Germane 3-1-89 (p. 620)

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3171-
3182, 3177-

1 Section 1. Section 235B.1, subsection 7, paragraph b, Code
2 1989, is amended to read as follows:

3 b. The department of human services shall inform the
4 appropriate county attorneys of any reports. ~~County~~
5 ~~attorneys, law enforcement agencies, multidisciplinary teams,~~
6 ~~and social services agencies in the state shall cooperate and~~
7 ~~assist in the evaluation upon the request of the department.~~
8 County attorneys and appropriate law enforcement agencies
9 shall ~~also~~ take any other lawful action necessary or advisable
10 for the protection of the dependent adult.

11 The department may request information from any person
12 believed to have knowledge of a case of dependent adult abuse.
13 The person, including but not limited to a county attorney, a
14 law enforcement agency, a multidisciplinary team, a social
15 services agency, or a person required to report suspected
16 abuse under this subsection, shall provide the information and
17 assist in the evaluation upon the request of the department.

18 EXPLANATION

19 This bill amends the provision relating to information
20 collection by the department of human services regarding
21 dependent adult abuse. The department may request information
22 from any person believed to have knowledge of dependent adult
23 abuse. Mandatory reporters of dependent adult abuse are
24 specifically required to provide information to the department
25 and assist in an evaluation.

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HOUSE AMENDMENT TO
SENATE FILE 105

S-3171

1 Amend Senate File 105, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 232.68, subsection 4, Code
6 1989, is amended to read as follows:

7 4. "Health practitioner" includes a licensed
8 physician and surgeon, osteopath, osteopathic
9 physician and surgeon, dentist, optometrist,
10 podiatrist or chiropractor; a resident or intern in
11 any of such professions; a licensed dental hygienist;
12 and any a registered nurse or licensed practical
13 nurse.

14 Sec. 2. Section 235B.1, subsection 7, paragraph a,
15 unnumbered paragraph 3, Code 1989, is amended to read
16 as follows:

17 Any other person, including but not limited to a
18 volunteer, who believes that a dependent adult has
19 suffered abuse may report the suspected abuse to the
20 department of human services."

21 2. Title page, by striking lines 1 and 2 and
22 inserting the following: "An Act relating to the
23 reporting of abuse of children and dependent adults."

24 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3171 FILED MARCH 6, 1989

adopted 3-27-89 (p1010)

H-3177

1 Amend Senate File 105, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 232.68, subsection 4, Code
6 1989, is amended to read as follows:

7 4. "Health practitioner" includes a licensed
8 physician and surgeon, osteopath, osteopathic
9 physician and surgeon, dentist, optometrist,
10 podiatrist or chiropractor; a resident or intern in
11 any of such professions; a licensed dental hygienist;
12 and any a registered nurse or licensed practical
13 nurse.

14 Sec. 2. Section 235B.1, subsection 7, paragraph a,
15 unnumbered paragraph 3, Code 1989, is amended to read
16 as follows:

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18 volunteer, who believes that a dependent adult has
19 suffered abuse may report the suspected abuse to the
20 department of human services."

3033- 21 2. Title page, by striking lines 1 and 2 and
22 inserting the following: "An Act relating to the
3033- 23 reporting of abuse of children and dependent adults."
24 3. By renumbering as necessary.

By COMMITTEE ON HUMAN RESOURCES
FEY of Scott, Chairperson

H-3177 FILED FEBRUARY 21, 1989

ADOPTED 3-1-89 (p. 620)

SENATE FILE 105

H-3182

1 Amend Senate File 105, as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 232.2, subsection 6,
6 paragraphs b, c, and h, Code 1989, are amended to read
7 as follows:

8 b. Whose parent, guardian or, other custodian, or
9 other member of the household in which the child
10 resides has physically abused or neglected the child,
11 or is imminently likely to abuse or neglect the child.

12 c. Who has suffered or is imminently likely to
13 suffer harmful effects as a result of either of the
14 following:

15 (1) Conditions created by the child's parent,
16 guardian, custodian, or.

17 (2) The failure of the child's parent, guardian,
18 or custodian, or other member of the household in
19 which the child resides to exercise a reasonable
20 degree of care in supervising the child.

21 h. Who has committed a delinquent act as a result
22 of pressure, guidance, or approval from a parent,
23 guardian, or custodian, or other member of the
24 household in which the child resides."

25 2. Title page, line 1, by inserting after the
26 word "to" the following: "an adult or a child by".

27 3. Title page, line 2, by inserting after the
28 word "investigations" the following: "and by
29 modifying the definition of a child in need of
30 assistance".

By TYRRELL of Iowa

H-3182 FILED FEBRUARY 22, 1989

NOT CEMONE 3-1-89 (p. 221)

RIOBAN CH.
STURGEON
CORNING

SSB 18
Human Resources
No. 10

SENATE FILE 105

BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to assisting the department of human services in
2 dependent adult abuse investigations.

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

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1 Section 1. Section 235B.1, subsection 7, paragraph b, Code
2 1989, is amended to read as follows:

3 b. The department of human services shall inform the
4 appropriate county attorneys of any reports. ~~County~~
5 ~~attorneys, law enforcement agencies, multidisciplinary teams,~~
6 ~~and social services agencies in the state shall cooperate and~~
7 ~~assist in the evaluation upon the request of the department.~~
8 County attorneys and appropriate law enforcement agencies
9 shall also take any other lawful action necessary or advisable
10 for the protection of the dependent adult.

11 The department may request information from any person
12 believed to have knowledge of a case of dependent adult abuse.
13 The person, including but not limited to a county attorney, a
14 law enforcement agency, a multidisciplinary team, a social
15 services agency, or a person required to report suspected
16 abuse under this subsection, shall provide the information and
17 assist in the evaluation upon the request of the department.

18 EXPLANATION

19 This bill amends the provision relating to information
20 collection by the department of human services regarding
21 dependent adult abuse. The department may request information
22 from any person believed to have knowledge of dependent adult
23 abuse. Mandatory reporters of dependent adult abuse are
24 specifically required to provide information to the department
25 and assist in an evaluation.

26 BACKGROUND STATEMENT

27 SUBMITTED BY THE AGENCY

28 The dependent adult abuse provisions in the Code are
29 similar to the child abuse statute. However, unlike the child
30 abuse statute, the dependent adult abuse statute does not
31 specifically require a mandatory reporter to cooperate and
32 assist in an evaluation upon the request of the department of
33 human services.

34 Some mandatory reporters, such as medical practitioners,
35 have been unwilling to respond to the department's request for

1 information about a person on whom a dependent adult abuse
2 evaluation is being conducted. The reporter refuses to
3 release information without a release of information signed by
4 the dependent adult.

5 Department staff involved in a dependent adult abuse
6 evaluation may need information about a dependent adult to try
7 to determine if the person is dependent and if an abuse
8 evaluation should continue. In other instances, department
9 staff may be requesting mandatory reporters' assistance to
10 determine the best options to offer the dependent adult. Some
11 dependent adults willingly agree to sign a release of
12 information for the department to receive information.
13 However, some dependent adults are not competent or unwilling
14 to sign such a release.

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SENATE FILE 105

AN ACT

RELATING TO THE REPORTING OF ABUSE OF CHILDREN AND DEPENDENT ADULTS.

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

Section 1. Section 232.68, subsection 4, Code 1989, is amended to read as follows:

4. "Health practitioner" includes a licensed physician and surgeon, osteopath, osteopathic physician and surgeon, dentist, optometrist, podiatrist or chiropractor; a resident or intern in any of such professions; a licensed dental hygienist; and any a registered nurse or licensed practical nurse.

Sec. 2. Section 235B.1, subsection 7, paragraph a, unnumbered paragraph 3, Code 1989, is amended to read as follows:

Any other person, including but not limited to a volunteer, who believes that a dependent adult has suffered abuse may report the suspected abuse to the department of human services.

Sec. 3. Section 235B.1, subsection 7, paragraph b, Code 1989, is amended to read as follows:

b. The department of human services shall inform the appropriate county attorneys of any reports. ~~County attorneys, law enforcement agencies, multidisciplinary teams, and social services agencies in the state shall cooperate and assist in the evaluation upon the request of the department.~~ County attorneys and appropriate law enforcement agencies shall also take any other lawful action necessary or advisable for the protection of the dependent adult.

The department may request information from any person believed to have knowledge of a case of dependent adult abuse.

The person, including but not limited to a county attorney, a law enforcement agency, a multidisciplinary team, a social services agency, or a person required to report suspected abuse under this subsection, shall provide the information and assist in the evaluation upon the request of the department.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 105, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved 4/3, 1989

TERRY E. BRANSTAD
Governor

SF 105