

Reprinted

FILED FEB 23 1995

SENATE FILE 208
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 185)

Passed Senate, ^(p. 899) Date 3-28-99 Passed House, ^(p. 1723) Date 4/19/95
Vote: Ayes 49 Nays 0 Vote: Ayes 99 Nays 0
Approved May 3, 1995

A BILL FOR

1 An Act relating to child abuse and termination of parental rights
2 provisions, and providing an effective date.

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

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S.F. 208

1 Section 1. IOWA CHILD DEATH REVIEW TEAM -- FINDINGS AND
2 PURPOSE.

3 1. The general assembly finds the following:

4 a. Protection of the health and welfare of the children of
5 this state is a goal of its people and the death of children
6 is an important public health concern that requires
7 legislative action.

8 b. Collecting accurate data on the cause and manner of
9 deaths will better enable the state to identify preventable
10 deaths, and thus help reduce the incidence of such deaths.

11 c. Multidisciplinary review of child deaths is a mechanism
12 to assist the state in developing a greater understanding of
13 the incidence and causes of child deaths and the methods for
14 prevention of such deaths.

15 2. The purpose of the child death review team is to aid in
16 the reduction of the incidence of serious injury and death to
17 children by accurately identifying the cause and manner of
18 death of children.

19 Sec. 2. NEW SECTION. 144D.1 IOWA CHILD DEATH REVIEW TEAM
20 -- ESTABLISHED DUTIES.

21 1. An Iowa child death review team is established as an
22 independent agency of state government. The Iowa department
23 of public health and the department of human services shall
24 provide staffing and administrative support to the team.

25 2. The membership of the review team is subject to the
26 provisions of sections 69.16 and 69.16A, relating to political
27 affiliation and gender balance. Review team members who are
28 not designated by another appointing authority shall be
29 appointed by the director of public health and the director of
30 human services. Membership terms shall be for three years. A
31 membership vacancy shall be filled in the same manner as the
32 original appointment. The review team shall elect a
33 chairperson and other officers as deemed necessary by the
34 review team. The review team shall meet upon the call of the
35 chairperson, upon the request of a state agency, or as

1 determined by the review team. The members of the team are
2 eligible for reimbursement of actual and necessary expenses
3 incurred in the performance of their official duties.

4 The review team shall include the following:

- 5 a. The state medical examiner or the state medical
6 examiner's designee.
- 7 b. A designee of the director of public health.
- 8 c. A designee of the director of human services.
- 9 d. A designee of the commissioner of public safety.
- 10 e. A designee of the administrator of the division of
11 vital records of the Iowa department of public health.
- 12 f. A designee of the attorney general.
- 13 g. A designee of the director of transportation.
- 14 h. A designee of the director of the department of
15 education.
- 16 i. A certified or licensed professional who is
17 knowledgeable concerning sudden infant death syndrome.
- 18 j. Two pediatricians who are knowledgeable concerning
19 deaths of children.
- 20 k. Two mental health professionals who are knowledgeable
21 concerning deaths of children.
- 22 l. Two social workers who are knowledgeable concerning
23 deaths of children.
- 24 m. A certified or licensed professional who is
25 knowledgeable concerning domestic violence.
- 26 n. A professional who is knowledgeable concerning
27 substance abuse.
- 28 o. A local law enforcement official.
- 29 p. A county attorney.
- 30 q. A nurse who is knowledgeable concerning the deaths of
31 children.
- 32 r. A perinatal expert.
- 33 s. A representative of the health insurance industry.
- 34 t. Three others appointed at large.
- 35 3. The review team shall perform the following duties:

1 a. Collect, review, and analyze child death certificates
2 and child death data, including patient records or other
3 pertinent confidential information concerning the deaths of
4 children age six or younger, and other information as the
5 review team deems appropriate for use in preparing an annual
6 report to the governor and the general assembly concerning the
7 causes and manner of child deaths. The report shall include
8 analysis of factual information obtained through review and
9 recommendations regarding prevention of child deaths.

10 b. Recommend to the governor and the general assembly
11 interventions to prevent deaths of children based on an
12 analysis of the cause and manner of such deaths.

13 c. Recommend to the agencies represented on the review
14 team changes which may prevent child deaths.

15 d. Maintain the confidentiality of any patient records or
16 other confidential information reviewed.

17 e. Review the conduct of any child abuse investigation
18 upon the request of the department of human services,
19 including but not limited to the case files, methodology, and
20 conclusions.

21 4. The review team may establish subcommittees to which
22 the team may delegate some or all of the team's
23 responsibilities under subsection 3.

24 5. The Iowa department of public health and the department
25 of human services shall adopt rules providing for disclosure
26 of information which is confidential under chapter 22 or any
27 other provision of state law, to the review team for purposes
28 of performing its child death and child abuse review
29 responsibilities.

30 Sec. 3. Section 232.2, subsection 22, unnumbered paragraph
31 1, Code 1995, is amended to read as follows:

32 "Guardian ad litem" means a person appointed by the court
33 to represent the interests of a child in any judicial
34 proceeding to which the child is a party, and includes a court
35 appointed special advocate, except that a court appointed

1 special advocate shall not file motions or petitions pursuant
2 to section 232.54, subsections 1 and 4, and section 232.103,
3 subsection 2, paragraph "c", and section 232.111.

4 Sec. 4. NEW SECTION. 232.71A CHILD ABUSE ASSESSMENT
5 PILOT PROJECTS.

6 1. The department shall develop an assessment-based
7 approach to respond to child abuse reports in accordance with
8 the provisions of this section. The assessment-based approach
9 shall be utilized on a pilot project basis in not more than
10 five areas of the state selected by the department. The pilot
11 projects shall be selected in a manner so the pilot projects
12 are in both rural and urban areas.

13 2. Notwithstanding the provisions of sections 232.70 and
14 232.71, in the pilot project areas, the department's
15 responsibilities in responding to a child abuse report shall
16 be in accordance with this section.

17 3. Upon receipt of a child abuse report in a pilot project
18 area, the department shall perform an assessment. The primary
19 purpose of the assessment shall be to protect the safety of
20 the child named in the report. The secondary purpose of the
21 assessment shall be to engage the child's family in services
22 to enhance family strengths and to address needs.

23 4. An assessment is subject to the provisions of section
24 232.71 as though the department is performing an investigation
25 under that section for all of the following:

26 a. Notification of a child's parents in accordance with
27 section 232.71, subsection 1.

28 b. Interview of a person alleged to have committed the
29 child abuse in accordance with section 232.71, subsection 2,
30 paragraph "e".

31 c. Notification of a facility providing care to a child in
32 accordance with section 232.71, subsection 4.

33 d. Request for information from any person believed to
34 have knowledge of a child abuse case and referral of a child
35 to a physician in accordance with section 232.71, subsection

1 5.

2 e. Confidential access to a child in accordance with
3 section 232.71, subsection 6.

4 f. Requests for information from the department of public
5 safety in accordance with section 232.71, subsection 16.

6 g. Establishment and usage of a multidisciplinary team in
7 accordance with section 232.71, subsection 17.

8 5. A child abuse assessment shall be completed in writing
9 and shall include a description of the child's condition,
10 identification of the injury or risk to which the child was
11 exposed, the circumstances which led to the injury or risk to
12 the child, and the identity of any person alleged to be
13 responsible for the injury or risk to the child. In addition,
14 the assessment shall identify the strengths and needs of the
15 child, and of the child's parent, home, family, and community.
16 Upon completion of the assessment, the department shall
17 consult with the child's family in offering services to the
18 child and the child's family to address strengths and needs
19 identified in the assessment.

20 6. If the department believes that court action may be
21 required to appropriately respond to a child abuse report
22 received in a pilot project area or believes that the best
23 interest of the child may require juvenile or criminal court
24 action or the assistance of the county attorney, the
25 department shall notify the county attorney of the receipt of
26 the child abuse report and provide the court or county
27 attorney with the written assessment. The court and the
28 county attorney shall notify the department of any action
29 taken concerning a report or assessment provided by the
30 department.

31 7. Notwithstanding contrary provisions of sections 235A.13
32 to 235A.23, the following requirements shall apply to child
33 abuse information in an assessment performed in accordance
34 with this section:

35 a. If the department determines the child suffered

1 significant injury or was placed in great risk of injury, the
2 name of the child and the alleged perpetrator of the child
3 abuse shall be placed in the central registry as a case of
4 founded child abuse. Any of the following shall be considered
5 to be an indicator that the child suffered significant injury
6 or was placed in great risk of injury:

7 (1) The case was referred for juvenile or criminal court
8 action as a result of the acts or omissions of the alleged
9 perpetrator.

10 (2) The injury to the child as a result of the acts or
11 omission of the alleged perpetrator required or should have
12 required medical or mental health treatment.

13 (3) The department determines in a subsequent assessment
14 that the child suffered significant injury or was placed in
15 great risk of injury due to the acts or omissions of the same
16 alleged perpetrator.

17 b. In any other case, the child abuse information in an
18 assessment shall not be placed in the central registry and
19 notwithstanding chapter 22, the confidentiality of the
20 information shall be maintained.

21 8. The department shall report to the governor and the
22 general assembly concerning the pilot projects established
23 pursuant to this section, on or before December 15 of each
24 year. A report shall include evaluation findings,
25 recommendations for revisions in the requirements for pilot
26 projects, and a time line for expanding the pilot projects
27 statewide.

28 Sec. 5. Section 232.111, subsection 1, Code 1995, is
29 amended to read as follows:

30 1. A child's guardian, guardian ad litem, or custodian,
31 the department of human services, a juvenile court officer, or
32 the county attorney may file a petition for termination of the
33 parent-child relationship and parental rights with respect to
34 a child.

35 Sec. 6. MULTIDISCIPLINARY CHILD ABUSE INTERVENTION AND

1 PROSECUTION TEAMS. The attorney general is requested to form
2 a multidisciplinary committee to develop a proposal for the
3 establishment of regional multidisciplinary teams to focus
4 upon child abuse prosecution and intervention needs. The
5 attorney general is requested to submit a report of the
6 committee findings to the governor and the general assembly
7 prior to the 1996 legislative session. The committee should
8 consider other state statutory schemes for multidisciplinary
9 teams, provide options for regional groupings, review options
10 for special focus teams such as sexual abuse, and recommend
11 possible funding mechanisms.

12 Sec. 7. REPEAL. 1994 Iowa Acts, chapter 1130, sections 9
13 and 20, are repealed.

14 Sec. 8. EFFECTIVE DATE. Section 7 of this Act, providing
15 a repeal, being deemed of immediate importance, takes effect
16 upon enactment.

17 EXPLANATION

18 This bill relates to child abuse and termination of
19 parental rights provisions.

20 New section 144D.1 constitutes a new chapter creating an
21 Iowa child death review team as an independent agency of state
22 government. Legislative findings and purposes are outlined in
23 a session law provision. Administrative and staffing support
24 for the team is to be provided by the Iowa department of
25 public health and the department of human services. The
26 review team is to review information concerning the death of
27 children age six and younger and to review child abuse
28 investigations at the request of the department of human
29 services. The review team is to include representatives of
30 various state agencies with most appointments made by the
31 directors of public health and human services. The review
32 team is authorized to appoint subcommittees to which its
33 responsibilities may be delegated.

34 New section 232.71A directs the department of human
35 services to establish child abuse assessment pilot projects in

1 up to five areas of the state. The child abuse assessment
2 approach would be used in the pilot project areas instead of
3 the various provisions under current law for investigating a
4 child abuse report and for maintaining information concerning
5 certain investigations in the central child abuse registry.

6 The primary purpose of an assessment is to ensure the
7 safety of a child named in a report and the secondary purpose
8 is to engage the child's family in services to enhance family
9 strengths and address weaknesses identified in the assessment.
10 Various provisions of section 232.71 which outline
11 requirements and responsibilities during a child abuse
12 investigation apply to an assessment. However, under the
13 assessment-based pilot projects, only information from serious
14 cases of child abuse is placed in the central child abuse
15 registry, including cases referred to the court or for which
16 medical or mental health treatment was provided or should have
17 been provided. Otherwise, assessments are not public records
18 and are to remain confidential. The department is to make an
19 initial report concerning the assessment pilot projects on or
20 before December 15, 1995, and thereafter annually on or before
21 December 15.

22 Section 232.111 is amended to authorize a child's guardian
23 ad litem to file a petition for termination of the parent-
24 child relationship and parental rights with respect to a child
25 under chapter 232. A guardian ad litem is appointed by the
26 court to represent a child's interest in court proceedings. A
27 corresponding amendment is made to the section 232.2
28 definition of guardian ad litem. A court-appointed special
29 advocate can fulfill the functions of a guardian ad litem
30 except those functions which generally are performed by a
31 licensed attorney which would include filing a petition for
32 termination of parental rights.

33 The attorney general is requested to establish a
34 multidisciplinary committee to review and make recommendations
35 concerning establishment of regional multidisciplinary teams

1 to focus upon child abuse prosecution and intervention needs.
2 If a committee is established, a report is to be submitted by
3 the attorney general to the governor and the general assembly
4 prior to the 1996 legislative session.

5 Section 9 of 1994 Iowa Acts, chapter 1130, would amend
6 current law so that child abuse information which a department
7 of human services' investigation determines to be unfounded is
8 to be expunged six months after it is determined to be
9 unfounded. During that six-month period, the information is
10 to be sealed and accessible only through a court order.

11 Section 9 was enacted with a delayed effective date of July 1,
12 1995. This bill repeals both the substantive amendment
13 relating to expungement and the delayed effective date.
14 Repealing the two provisions will maintain current law which
15 requires that unfounded child abuse information is to be
16 expunged when it is determined to be unfounded.

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SENATE FILE 208

S-3106

1 Amend Senate File 208 as follows:
2 1. Page 1, by striking lines 19 and 20 and
3 inserting the following:
4 "Sec. ____ . NEW SECTION. 135.43 IOWA CHILD DEATH
5 REVIEW TEAM ESTABLISHED -- DUTIES."
6 2. Page 1, line 23, by striking the words "and
7 the department of human services".
8 3. Page 1, line 29, by striking the word "and"
9 and inserting the following: "in consultation with".
10 4. Page 2, by striking lines 18 and 19 and
11 inserting the following:
12 "____. A pediatrician who is knowledgeable
13 concerning deaths of children.
14 _____. A family practice physician who is
15 knowledgeable concerning deaths of children."
16 5. Page 2, line 30, by striking the words "A
17 nurse" and inserting the following: "An emergency
18 room nurse".
19 6. Page 3, by striking lines 17 and 18 and
20 inserting the following:
21 "____. Develop protocols for and establish a
22 subcommittee to review child abuse investigations,".
23 7. Page 4, by inserting after line 3 the
24 following:
25 "Sec. ____ . Section 232.71, subsection 1, Code
26 1995, is amended to read as follows:
27 1. If a report is determined to constitute a child
28 abuse allegation, the department of human services
29 shall promptly commence an appropriate investigation.
30 The primary purpose of this investigation shall be the
31 protection of the child named in the report. The
32 department, within five working days of commencing the
33 investigation, shall provide written notification of
34 the investigation to the child's parents. However, if
35 the department shows the court to the court's
36 satisfaction that notification is likely to endanger
37 the child or other persons, the court shall orally
38 direct the department to withhold notification.
39 Within one working day of issuing an oral directive,
40 the court shall issue a written order restraining the
41 notification. The department shall not reveal in the
42 written notification to the parents or otherwise the
43 identity of the reporter of child abuse during an
44 investigation to a subject of a child abuse report
45 listed in section 235A.15, subsection 2, paragraph
46 "a". If a report is determined not to constitute a
47 child abuse allegation, but a criminal act harming a
48 child is alleged, the department shall immediately
49 refer the matter to the appropriate law enforcement
50 agency."

S-3106

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S-3106

Page 2

1 8. Page 6, by striking lines 21 through 27 and
 2 inserting the following:
 3 "____. The department shall implement the pilot
 4 projects by January 15, 1996. The department shall
 5 report to the governor and the general assembly
 6 concerning the pilot projects on or before February
 7 29, 1996. The report shall include a description of
 8 successes and problems encountered in implementing the
 9 pilot projects. It is the intent of the general
 10 assembly to implement statewide an assessment-based
 11 approach to respond to child abuse reports commencing
 12 with the fiscal year beginning July 1, 1995."

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

15 "Sec. ____ EMERGENCY RULES. The department of
 16 human services may adopt emergency rules under section
 17 17A.4, subsection 2, and section 17A.5, subsection 2,
 18 paragraph "b", to implement the provisions of section
 19 4 of this Act, relating to child abuse assessment
 20 pilot projects, and the rules shall be effective
 21 immediately upon filing unless a later date is
 22 specified in the rules. Any rules adopted in
 23 accordance with this section shall also be published
 24 as a notice of intended action as provided in section
 25 17A.4."

26 10. By renumbering as necessary.

By ELAINE SZYMONIAK

S 3106

Adopted
 3-28-95
 (p. 899)

SENATE FILE 208

S-3192

1 Amend the amendment, S-3106, to Senate File 208 as
 2 follows:
 3 1. Page 2, line 12, by striking the figure "1995"
 4 and inserting the following: "1996".

By ELAINE SZYMONIAK

S-3192 FILED MARCH 22, 1995

3/28/95 adopted
 (p. 899)

H. 3/29/95 Human Resources
H. 4/10/95 Amend/Do Pass
W/H. 3815
H. 4/13/95 Unfinished Business
Calendar

SENATE FILE 208
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 185)

(AS AMENDED AND PASSED BY THE SENATE MARCH 28, 1995)

- - New Language by the Senate
- * - Language Stricken by the Senate

Re- Passed Senate, Date 4/26/95 (p. 1425) Passed House, ^(P. 1723) Date 4/19/95
 Vote: Ayes 49 Nays 0 Vote: Ayes 99 Nays 0
 Approved May 3, 1995 Repassed 4/26/95
 Vote 98-0
 (p. 1462)

A BILL FOR

1 An Act relating to child abuse and termination of parental rights
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S.F. 208

1 Section 1. IOWA CHILD DEATH REVIEW TEAM -- FINDINGS AND
2 PURPOSE.

3 1. The general assembly finds the following:

4 a. Protection of the health and welfare of the children of
5 this state is a goal of its people and the death of children
6 is an important public health concern that requires
7 legislative action.

8 b. Collecting accurate data on the cause and manner of
9 deaths will better enable the state to identify preventable
10 deaths, and thus help reduce the incidence of such deaths.

11 c. Multidisciplinary review of child deaths is a mechanism
12 to assist the state in developing a greater understanding of
13 the incidence and causes of child deaths and the methods for
14 prevention of such deaths.

15 2. The purpose of the child death review team is to aid in
16 the reduction of the incidence of serious injury and death to
17 children by accurately identifying the cause and manner of
18 death of children.

19 Sec. 2. NEW SECTION. 135.43 IOWA CHILD DEATH REVIEW TEAM
20 ESTABLISHED -- DUTIES.

21 1. An Iowa child death review team is established as an
22 independent agency of state government. The Iowa department
*23 of public health shall provide staffing and administrative
24 support to the team.

25 2. The membership of the review team is subject to the
26 provisions of sections 69.16 and 69.16A, relating to political
27 affiliation and gender balance. Review team members who are
28 not designated by another appointing authority shall be
29 appointed by the director of public health in consultation
30 with the director of human services. Membership terms shall
31 be for three years. A membership vacancy shall be filled in
32 the same manner as the original appointment. The review team
33 shall elect a chairperson and other officers as deemed
34 necessary by the review team. The review team shall meet upon
35 the call of the chairperson, upon the request of a state

1 agency, or as determined by the review team. The members of
2 the team are eligible for reimbursement of actual and
3 necessary expenses incurred in the performance of their
4 official duties.

5 The review team shall include the following:

- 6 a. The state medical examiner or the state medical
7 examiner's designee.
- 8 b. A designee of the director of public health.
- 9 c. A designee of the director of human services.
- 10 d. A designee of the commissioner of public safety.
- 11 e. A designee of the administrator of the division of
12 vital records of the Iowa department of public health.
- 13 f. A designee of the attorney general.
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- 15 h. A designee of the director of the department of
16 education.
- 17 i. A certified or licensed professional who is
18 knowledgeable concerning sudden infant death syndrome.
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20 of children.
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22 concerning deaths of children.
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24 concerning deaths of children.
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26 deaths of children.
- 27 n. A certified or licensed professional who is
28 knowledgeable concerning domestic violence.
- 29 o. A professional who is knowledgeable concerning
30 substance abuse.
- 31 p. A local law enforcement official.
- 32 q. A county attorney.
- 33 r. An emergency room nurse who is knowledgeable concerning
34 the deaths of children.
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2 u. Three others appointed at large.
3 3. The review team shall perform the following duties:
4 a. Collect, review, and analyze child death certificates
5 and child death data, including patient records or other
6 pertinent confidential information concerning the deaths of
7 children age six or younger, and other information as the
8 review team deems appropriate for use in preparing an annual
9 report to the governor and the general assembly concerning the
10 causes and manner of child deaths. The report shall include
11 analysis of factual information obtained through review and
12 recommendations regarding prevention of child deaths.
13 b. Recommend to the governor and the general assembly
14 interventions to prevent deaths of children based on an
15 analysis of the cause and manner of such deaths.
16 c. Recommend to the agencies represented on the review
17 team changes which may prevent child deaths.
18 d. Maintain the confidentiality of any patient records or
19 other confidential information reviewed.
20 e. Develop protocols for and establish a subcommittee to
21 review child abuse investigations, including but not limited
22 to the case files, methodology, and conclusions.
23 4. The review team may establish subcommittees to which
24 the team may delegate some or all of the team's
25 responsibilities under subsection 3.
26 5. The Iowa department of public health and the department
27 of human services shall adopt rules providing for disclosure
28 of information which is confidential under chapter 22 or any
29 other provision of state law, to the review team for purposes
30 of performing its child death and child abuse review
31 responsibilities.
32 Sec. 3. Section 232.2, subsection 22, unnumbered paragraph
33 1, Code 1995, is amended to read as follows:
34 "Guardian ad litem" means a person appointed by the court
35 to represent the interests of a child in any judicial

1 proceeding to which the child is a party, and includes a court
2 appointed special advocate, except that a court appointed
3 special advocate shall not file motions or petitions pursuant
4 to section 232.54, subsections 1 and 4, and section 232.103,
5 subsection 2, paragraph "c", and section 232.111.

6 Sec. 4. Section 232.71, subsection 1, Code 1995, is
7 amended to read as follows:

8 1. If a report is determined to constitute a child abuse
9 allegation, the department of human services shall promptly
10 commence an appropriate investigation. The primary purpose of
11 this investigation shall be the protection of the child named
12 in the report. The department, within five working days of
13 commencing the investigation, shall provide written
14 notification of the investigation to the child's parents.
15 However, if the department shows the court to the court's
16 satisfaction that notification is likely to endanger the child
17 or other persons, the court shall orally direct the department
18 to withhold notification. Within one working day of issuing
19 an oral directive, the court shall issue a written order
20 restraining the notification. The department shall not reveal
21 in the written notification to the parents or otherwise the
22 identity of the reporter of child abuse during an
23 investigation to a subject of a child abuse report listed in
24 section 235A.15, subsection 2, paragraph "a". If a report is
25 determined not to constitute a child abuse allegation, but a
26 criminal act harming a child is alleged, the department shall
27 immediately refer the matter to the appropriate law
28 enforcement agency.

29 Sec. 5. NEW SECTION. 232.71A CHILD ABUSE ASSESSMENT
30 PILOT PROJECTS.

31 1. The department shall develop an assessment-based
32 approach to respond to child abuse reports in accordance with
33 the provisions of this section. The assessment-based approach
34 shall be utilized on a pilot project basis in not more than
35 five areas of the state selected by the department. The pilot

1 projects shall be selected in a manner so the pilot projects
2 are in both rural and urban areas.

3 2. Notwithstanding the provisions of sections 232.70 and
4 232.71, in the pilot project areas, the department's
5 responsibilities in responding to a child abuse report shall
6 be in accordance with this section.

7 3. Upon receipt of a child abuse report in a pilot project
8 area, the department shall perform an assessment. The primary
9 purpose of the assessment shall be to protect the safety of
10 the child named in the report. The secondary purpose of the
11 assessment shall be to engage the child's family in services
12 to enhance family strengths and to address needs.

13 4. An assessment is subject to the provisions of section
14 232.71 as though the department is performing an investigation
15 under that section for all of the following:

16 a. Notification of a child's parents in accordance with
17 section 232.71, subsection 1.

18 b. Interview of a person alleged to have committed the
19 child abuse in accordance with section 232.71, subsection 2,
20 paragraph "e".

21 c. Notification of a facility providing care to a child in
22 accordance with section 232.71, subsection 4.

23 d. Request for information from any person believed to
24 have knowledge of a child abuse case and referral of a child
25 to a physician in accordance with section 232.71, subsection
26 5.

27 e. Confidential access to a child in accordance with
28 section 232.71, subsection 6.

29 f. Requests for information from the department of public
30 safety in accordance with section 232.71, subsection 16.

31 g. Establishment and usage of a multidisciplinary team in
32 accordance with section 232.71, subsection 17.

33 5. A child abuse assessment shall be completed in writing
34 and shall include a description of the child's condition,
35 identification of the injury or risk to which the child was

1 exposed, the circumstances which led to the injury or risk to
2 the child, and the identity of any person alleged to be
3 responsible for the injury or risk to the child. In addition,
4 the assessment shall identify the strengths and needs of the
5 child, and of the child's parent, home, family, and community.
6 Upon completion of the assessment, the department shall
7 consult with the child's family in offering services to the
8 child and the child's family to address strengths and needs
9 identified in the assessment.

10 6. If the department believes that court action may be
11 required to appropriately respond to a child abuse report
12 received in a pilot project area or believes that the best
13 interest of the child may require juvenile or criminal court
14 action or the assistance of the county attorney, the
15 department shall notify the county attorney of the receipt of
16 the child abuse report and provide the court or county
17 attorney with the written assessment. The court and the
18 county attorney shall notify the department of any action
19 taken concerning a report or assessment provided by the
20 department.

21 7. Notwithstanding contrary provisions of sections 235A.13
22 to 235A.23, the following requirements shall apply to child
23 abuse information in an assessment performed in accordance
24 with this section:

25 a. If the department determines the child suffered
26 significant injury or was placed in great risk of injury, the
27 name of the child and the alleged perpetrator of the child
28 abuse shall be placed in the central registry as a case of
29 founded child abuse. Any of the following shall be considered
30 to be an indicator that the child suffered significant injury
31 or was placed in great risk of injury:

32 (1) The case was referred for juvenile or criminal court
33 action as a result of the acts or omissions of the alleged
34 perpetrator.

35 (2) The injury to the child as a result of the acts or

1 omission of the alleged perpetrator required or should have
2 required medical or mental health treatment.

3 (3) The department determines in a subsequent assessment
4 that the child suffered significant injury or was placed in
5 great risk of injury due to the acts or omissions of the same
6 alleged perpetrator.

7 b. In any other case, the child abuse information in an
8 assessment shall not be placed in the central registry and
9 notwithstanding chapter 22, the confidentiality of the
10 information shall be maintained.

11 8. The department shall implement the pilot projects by
12 January 15, 1996. The department shall report to the governor
13 and the general assembly concerning the pilot projects on or
14 before February 29, 1996. The report shall include a
15 description of successes and problems encountered in
16 implementing the pilot projects. It is the intent of the
17 general assembly to implement statewide an assessment-based
18 approach to respond to child abuse reports commencing with the
19 fiscal year beginning July 1, 1996.

20 Sec. 6. Section 232.111, subsection 1, Code 1995, is
21 amended to read as follows:

22 1. A child's guardian, guardian ad litem, or custodian,
23 the department of human services, a juvenile court officer, or
24 the county attorney may file a petition for termination of the
25 parent-child relationship and parental rights with respect to
26 a child.

27 Sec. 7. MULTIDISCIPLINARY CHILD ABUSE INTERVENTION AND
28 PROSECUTION TEAMS. The attorney general is requested to form
29 a multidisciplinary committee to develop a proposal for the
30 establishment of regional multidisciplinary teams to focus
31 upon child abuse prosecution and intervention needs. The
32 attorney general is requested to submit a report of the
33 committee findings to the governor and the general assembly
34 prior to the 1996 legislative session. The committee should
35 consider other state statutory schemes for multidisciplinary

1 teams, provide options for regional groupings, review options
2 for special focus teams such as sexual abuse, and recommend
3 possible funding mechanisms.

4 Sec. 8. REPEAL. 1994 Iowa Acts, chapter 1130, sections 9
5 and 20, are repealed.

6 Sec. 9. EMERGENCY RULES. The department of human services
7 may adopt emergency rules under section 17A.4, subsection 2,
8 and section 17A.5, subsection 2, paragraph "b", to implement
9 the provisions of section 5 of this Act, relating to child
10 abuse assessment pilot projects, and the rules shall be
11 effective immediately upon filing unless a later date is
12 specified in the rules. Any rules adopted in accordance with
13 this section shall also be published as a notice of intended
14 action as provided in section 17A.4.

15 Sec. 10. EFFECTIVE DATE. Section 8 of this Act, providing
16 a repeal, being deemed of immediate importance, takes effect
17 upon enactment.

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SENATE FILE 208
FISCAL NOTE

A fiscal note for Senate File 208 as passed by the Senate is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 208 as passed by the Senate makes several changes in statutes pertaining to child abuse investigations and termination of parental rights. The section that has a significant fiscal effect establishes an Iowa Child Death Review Team as an independent agency, with staffing and administrative support from the Department of Public Health. The membership and duties of the Team are specified.

FISCAL EFFECT:

The estimated support costs of the Child Death Review Team are \$10,000 in FY 1996 and \$5,200 in FY 1997. Cost of additional staff to assist the Team is an estimated \$56,000 annually.

Sources: Department of Public Health
Department of Human Services

(LSB 2215sv, JMN)

FILED MARCH 30, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 208

H-3948

1 Amend the amendment, H-3815, to Senate File 208, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. By striking page 1, line 50, through page 2,
5 line 16, and inserting the following: "as enacted by
6 this Act, the department may apply a special protocol
7 for conducting an assessment in response to a child
8 abuse report to which all of the following
9 circumstances apply:

10 1. Three previous child abuse reports have been
11 made involving the same alleged perpetrator or a
12 family member of the alleged perpetrator.

13 2. The three previous reports were made within a
14 period of two years prior to the date of the latest
15 report.

16 3. The assessments resulting from the previous
17 three reports did not identify any child protection
18 concerns.

19 The special protocol may involve an abbreviated
20 assessment process, such as a telephone contact or
21 other means, to address the abuse allegation without
22 subjecting the family of the alleged perpetrator to
23 repeated or extensive assessments regarding abuse
24 allegations which have no basis."

By MURPHY of Dubuque

H-3948 FILED APRIL 17, 1995

adopted
4-19-95
(p. 1723)

SENATE FILE 208

H-3815

1 Amend Senate File 208, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by striking lines 8 through 16.
4 2. Page 2, line 23, by striking the words "Two
5 mental health professionals who are" and inserting the
6 following: "One mental health professional who is".
7 3. Page 2, line 25, by striking the words "Two
8 social workers who are" and inserting the following:
9 "One social worker who is".
10 4. Page 3, line 2, by striking the words "Three
11 others" and inserting the following: "One other".
12 5. Page 4, line 35, by striking the words "areas
13 of the state" and inserting the following: "of the
14 department's county clusters".
15 6. Page 5, line 8, by inserting after the word
16 "assessment." the following: "The department shall
17 commence the assessment within seventy-two hours of
18 the receipt of the report."
19 7. Page 5, line 34, by striking the words "and
20 shall" and inserting the following: "within twenty-
21 one calendar days of the receipt of the report. The
22 assessment shall".
23 8. Page 6, by striking lines 10 through 20 and
24 inserting the following:
25 "6. The department shall provide the county
26 attorney with a written copy of any assessment which
27 includes a recommendation for a juvenile or criminal
28 court action or petition. The county attorney shall
29 notify the department of any action taken concerning
30 an assessment provided by the department."
31 9. Page 6, line 32, by striking the words "The
32 case was referred for" and inserting the following:
33 "A petition was filed requesting".
34 10. Page 6, line 35, by striking the word "The"
35 and inserting the following: "In the opinion of a
36 health practitioner or mental health professional,
37 the".
38 11. Page 7, by inserting after line 10 the
39 following:
40 "c. If information is placed in the central
41 registry as a case of founded child abuse, all of the
42 provisions of sections 235A.13 to 235A.23 which apply
43 to a case of founded child abuse shall apply to a case
44 of founded child abuse under this section."
45 12. Page 8, by inserting after line 5 the
46 following:
47 "Sec. ____ . DEPARTMENT OF HUMAN SERVICES PILOT
48 PROJECTS. In implementing the pilot projects for
49 child abuse assessment required under section 232.71A,
50 as enacted by this Act, the department shall apply a

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1 special protocol for investigating those child abuse
2 reports in which previous reports involving the same
3 family have been determined to be unfounded and the
4 alleged perpetrator does not have a record of founded
5 child abuse. If an intake worker or other child abuse
6 investigation worker has knowledge that five or more
7 reports determined to be unfounded have been made in
8 the two-year period preceding the report concerning
9 the same alleged perpetrator or family member of the
10 alleged perpetrator, a special protocol may be
11 applied. Under the special protocol, an assessment
12 may be made by telephone contact or other means to
13 shorten the assessment process concerning reports in
14 which there has been a previous investigation or
15 assessment and the worker has past experience which
16 suggests the report may be unfounded."
17 13. Page 8, by striking lines 6 through 14.
18 14. By renumbering, relettering, or redesignating
19 and correcting internal references as necessary.

By COMMITTEE ON HUMAN RESOURCES
DAGGETT of Union, Chairperson

H-3815 FILED APRIL 10, 1995

SENATE FILE 208

H-3918

1 Amend the amendment, H-3815, to Senate File 208, as
2 amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 2, line 6, by striking the word "five"
5 and inserting the following: "three".

By MURPHY of Dubuque

H-3918 FILED APRIL 12, 1995

WITHDRAWN
4-19-95

SENATE FILE 208

H-3967

1 Amend the amendment, H-3815, to Senate File 208, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 31 through 33.
5 2. By renumbering as necessary.

By BODDICKER of Cedar

H-3967 FILED APRIL 18, 1995

Adopted
4-19-95
(P. 1722)

SENATE FILE 208

S-3509

1 Amend the House amendment, S-3501, to Senate File
2 208, as amended, passed, and reprinted by the Senate,
3 as follows:

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

6 "____. Page 4, by inserting after line 5 the
7 following:

8 "Sec. ____ . Section 232.69, subsection 1,
9 unnumbered paragraph 1, Code 1995, is amended to read
10 as follows:

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

23 ____ . Page 4, by inserting after line 28 the
24 following:

25 "Sec. ____ . Section 232.71, Code 1995, is amended
26 by adding the following new subsection:

27 NEW SUBSECTION. 1A. If a report would be
28 determined to constitute an allegation of child abuse
29 as defined under section 232.68, subsection 2,
30 paragraph "c" or "e", except that the suspected abuse
31 resulted from the acts or omissions of a person other
32 than a person responsible for the care of the child,
33 the department shall refer the report to the
34 appropriate law enforcement agency having jurisdiction
35 to investigate the allegation. The department shall
36 refer the report orally as soon as practicable and in
37 writing within seventy-two hours of receiving the
38 report."

39 2. Page 1, by inserting after line 41 the
40 following:

41 "____. Page 7, by inserting after line 19 the
42 following:

43 "Sec. ____ . Section 232.75, subsection 1, Code
44 1995, is amended to read as follows:

45 1. Any A person, official, agency, or institution,
46 required by this chapter to report a suspected case of
47 child abuse and suspected abuse of a child who is
48 thirteen years of age or younger which would be
49 defined as child abuse under section 232.68,
50 subsection 2, paragraph "c" or "e", except that the

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1 abuse resulted from the acts or omissions of a person
2 other than a person responsible for the care of the
3 child, who knowingly and willfully fails to do so is
4 guilty-of commits a simple serious misdemeanor."

By JOHNIE HAMMOND

S-3509 FILED APRIL 20, 1995

WITHDRAWN 4/24/95 (p.1371)

SENATE FILE 208

S-3534

1 Amend the House amendment, S-3501, to Senate File
2 208, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 12 through 14 and
5 inserting the following:

6 "____. Page 4, line 35, by inserting after the
7 word "state" the following: ", each of which is at
8 least the size of a departmental county cluster,"."

9 2. By renumbering as necessary.

By ELAINE SZYMONIAK

S-3534 FILED APRIL 20, 1995

Adopted 4/24/95 (p.1371)

HOUSE AMENDMENT TO
SENATE FILE 208

S-3501

1 Amend Senate File 208, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by striking lines 8 through 16.
4 2. Page 2, line 23, by striking the words "Two
5 mental health professionals who are" and inserting the
6 following: "One mental health professional who is".
7 3. Page 2, line 25, by striking the words "Two
8 social workers who are" and inserting the following:
9 "One social worker who is".
10 4. Page 3, line 2, by striking the words "Three
11 others" and inserting the following: "One other".
12 5. Page 4, line 35, by striking the words "areas
13 of the state" and inserting the following: "of the
14 department's county clusters".
15 6. Page 5, line 8, by inserting after the word
16 "assessment." the following: "The department shall
17 commence the assessment within seventy-two hours of
18 the receipt of the report."
19 7. Page 5, line 34, by striking the words "and
20 shall" and inserting the following: "within twenty-
21 one calendar days of the receipt of the report. The
22 assessment shall".
23 8. Page 6, by striking lines 10 through 20 and
24 inserting the following:
25 "6. The department shall provide the county
26 attorney with a written copy of any assessment which
27 includes a recommendation for a juvenile or criminal
28 court action or petition. The county attorney shall
29 notify the department of any action taken concerning
30 an assessment provided by the department."
31 9. Page 6, line 35, by striking the word "The"
32 and inserting the following: "In the opinion of a
33 health practitioner or mental health professional,
34 the".
35 10. Page 7, by inserting after line 10 the
36 following:
37 "c. If information is placed in the central
38 registry as a case of founded child abuse, all of the
39 provisions of sections 235A.13 to 235A.23 which apply
40 to a case of founded child abuse shall apply to a case
41 of founded child abuse under this section."
42 11. Page 8, by inserting after line 5 the
43 following:
44 "Sec. ____ . DEPARTMENT OF HUMAN SERVICES PILOT
45 PROJECTS. In implementing the pilot projects for
46 child abuse assessment required under section 232.71A,
47 as enacted by this Act, the department may apply a
48 special protocol for conducting an assessment in
49 response to a child abuse report to which all of the
50 following circumstances apply:

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1 1. Three previous child abuse reports have been
2 made involving the same alleged perpetrator or a
3 family member of the alleged perpetrator.

4 2. The three previous reports were made within a
5 period of two years prior to the date of the latest
6 report.

7 3. The assessments resulting from the previous
8 three reports did not identify any child protection
9 concerns.

10 The special protocol may involve an abbreviated
11 assessment process, such as a telephone contact or
12 other means, to address the abuse allegation without
13 subjecting the family of the alleged perpetrator to
14 repeated or extensive assessments regarding abuse
15 allegations which have no basis."

16 12. Page 8, by striking lines 6 through 14.

17 13. By renumbering, relettering, or redesignating
18 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3501 FILED APRIL 19, 1995

Senate concurred in as amended
4/26/95 (p. 1425)

SENATE FILE 208

S-3558

1 Amend the House amendment, S-3501, to Senate File
2 208, as amended, passed, and reprinted by the Senate,
3 as follows:

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

6 "____. Page 1, by inserting after line 18 the
7 following:

8 "Sec. ____ . Section 80B.11, subsection 1, Code
9 1995, is amended to read as follows:

10 1. a. Minimum entrance requirements, course of
11 study, attendance requirements, and equipment and
12 facilities required at approved law enforcement
13 training schools. Minimum age requirements for
14 entrance to approved law enforcement training schools
15 shall be eighteen years of age.

16 b. Minimum course of study requirements shall
17 include a separate domestic abuse curriculum, which
18 ~~may shall include, but is not limited to,~~ a minimum of
19 twelve hours of instruction on domestic abuse dynamics
20 and domestic abuse law which may include outside
21 speakers from domestic abuse shelters and crime victim
22 assistance organizations.

23 Sec. ____ . Section 80B.11, subsection 3, Code 1995,
24 is amended by adding the following new unnumbered
25 paragraph:

26 NEW UNNUMBERED PARAGRAPH. In-service training
27 under this subsection shall also include at least four
28 hours of instruction per year on domestic abuse
29 dynamics and domestic abuse law.""

30 2. Page 1, by inserting after line 11 the
31 following:

32 "____. Page 4, by inserting after line 5 the
33 following:

34 "Sec. ____ . Section 232.8, subsection 1, Code 1995,
35 is amended by adding the following new paragraph:

36 NEW PARAGRAPH. c. The juvenile court shall have
37 jurisdiction in proceedings commenced against a child
38 pursuant to section 236.3 over which the district
39 court has waived its jurisdiction. The juvenile court
40 shall hear the action in the manner of an adjudicatory
41 hearing under section 232.47, subject to the
42 following:

43 (1) The juvenile court shall abide by the
44 provisions of sections 236.4 and 236.6 in holding
45 hearings and making a disposition.

46 (2) The plaintiff is entitled to proceed pro se
47 under sections 236.3A and 236.3B.

48 Sec. ____ . Section 232.22, subsection 1, Code 1995,
49 is amended by adding the following new paragraph:

50 NEW PARAGRAPH. f. There is probable cause to

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1 believe that the child has committed a delinquent act
2 which would be domestic abuse under chapter 236 or a
3 domestic abuse assault under section 708.2A if
4 committed by an adult.

5 Sec. _____. Section 232.29, Code 1995, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 3. An informal adjustment
8 agreement regarding a child who has been placed in
9 detention under section 232.22, subsection 1,
10 paragraph "f", may include a provision that the child
11 voluntarily participate in a batterers' treatment
12 program under section 708.2B.

13 Sec. _____. Section 232.46, Code 1995, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 1A. A consent decree entered
16 regarding a child placed in detention under section
17 232.22, subsection 1, paragraph "f", shall require the
18 child to attend a batterers' treatment program under
19 section 708.2B. The second time the child fails to
20 attend the batterers' treatment as required by the
21 consent decree shall result in the decree being
22 vacated and proceedings commenced under section
23 232.47.

24 Sec. _____. Section 232.52, subsection 2, Code 1995,
25 is amended by adding the following new paragraph:

26 NEW PARAGRAPH. g. In the case of a child
27 adjudicated delinquent for an act which would be a
28 violation of chapter 236 or section 708.2A if
29 committed by an adult, an order requiring the child to
30 attend a batterers' treatment program under section
31 708.2B."

32 3. Page 1, by inserting after line 41 the
33 following:

34 "_____. Page 7, by inserting after line 26 the
35 following:

36 "Sec. _____. Section 236.2, subsection 4, Code 1995,
37 is amended to read as follows:

38 4. a. "Family or household members" means
39 spouses, persons cohabiting, parents, or other persons
40 related by consanguinity or affinity, ~~except children~~
41 ~~under eighteen.~~

42 b. "Family or household members" does not include
43 children under age eighteen of persons listed in
44 paragraph "a".

45 Sec. _____. Section 236.3, Code 1995, is amended by
46 adding the following new unnumbered paragraph:

47 NEW UNNUMBERED PARAGRAPH. If the person against
48 whom relief from domestic abuse is being sought is
49 seventeen years of age or younger, the district court
50 shall waive its jurisdiction over the action to the

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1 juvenile court.

2 Sec. _____. Section 236.3B, Code 1995, is amended by
3 adding the following new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. The county attorney may
5 use the fees distributed to the county treasurer in
6 section 602.8105, subsection 2, paragraph "a", to
7 defray the costs of the assistance authorized in this
8 section.

9 Sec. _____. Section 236.5, Code 1995, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 2A. The court may order that the
12 defendant pay the plaintiff's attorneys fees and court
13 costs.

14 Sec. 101. Section 236.5, subsection 4, Code 1995,
15 is amended to read as follows:

16 4. A certified copy of any order or approved
17 consent agreement shall be issued to the plaintiff,
18 the defendant, and the county sheriff having
19 jurisdiction to enforce the order or consent
20 agreement, and the twenty-four hour dispatcher for the
21 county sheriff, and the statewide protective order
22 registry established in section 236.19. Any
23 subsequent amendment or revocation of an order or
24 consent agreement shall be forwarded by the clerk to
25 all individuals, and the county sheriff, and the
26 statewide registry previously notified. The clerk
27 shall notify the county sheriff and the twenty-four
28 hour dispatcher for the county sheriff in writing so
29 that the county sheriff and the county sheriff's
30 dispatcher receive written notice within six hours of
31 filing the order, approved consent agreement,
32 amendment, or revocation. The clerk may fulfill this
33 requirement by sending the notice by facsimile or
34 other electronic transmission which reproduces the
35 notice in writing within six hours of filing the
36 order. The county sheriff's dispatcher shall notify
37 all law enforcement agencies having jurisdiction over
38 the matter and the twenty-four hour dispatcher for the
39 law enforcement agencies upon notification by the
40 clerk. The clerk shall send or deliver a written copy
41 of any such document to the law enforcement agencies
42 and the twenty-four hour dispatcher within twenty-four
43 hours of filing the document.

44 Sec. _____. Section 236.8, Code 1995, is amended to
45 read as follows:

46 236.8 CONTEMPT -- HEARINGS.

47 The A person commits a simple misdemeanor or the
48 court may hold a party person in contempt for a
49 violation of an order or court-approved consent
50 agreement entered under this chapter, for violation of

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1 a temporary or permanent protective order or order to
2 vacate the homestead under chapter 598, or for
3 violation of any order that establishes conditions of
4 release or is a protective order or sentencing order
5 in a criminal prosecution arising from a domestic
6 abuse assault. If convicted or held in contempt, the
7 defendant shall serve a jail sentence. Any jail
8 sentence of more than one day imposed under this
9 section shall be served on consecutive days. A
10 defendant who is held in contempt or convicted may be
11 ordered by the court to pay the plaintiff's attorneys
12 fees and court costs incurred in the proceedings under
13 this section.

14 A hearing in a contempt proceeding brought pursuant
15 to this section shall be held not less than five and
16 not more than fifteen days after the issuance of a
17 rule to show cause, as set by the court.

18 A person shall not be convicted of and held in
19 contempt for the same violation of an order or court-
20 approved consent agreement entered under this chapter,
21 for the same violation of a temporary or permanent
22 protective order or order to vacate the homestead
23 under chapter 598, or for violation of any order that
24 establishes conditions of release or is a protective
25 order or sentencing order in a criminal prosecution
26 arising from a domestic abuse assault.

27 Sec. ____ . Section 236.10, Code 1995, is amended to
28 read as follows:

29 236.10 CONFIDENTIALITY OF RECORDS.

30 The file in a domestic abuse case shall be sealed
31 by the clerk of court only upon the application of the
32 petitioner when it is complete and after the time for
33 appeal has expired. However, the clerk shall open the
34 file upon application to and order of the court for
35 good cause shown.

36 Sec. ____ . Section 236.12, Code 1995, is amended by
37 adding the following new subsection:

38 NEW SUBSECTION. 2A. A peace officer shall seize a
39 dangerous weapon displayed or used in an assault when
40 arresting a person under subsection 2, paragraph "d",
41 and any firearms owned or possessed by the person. A
42 law enforcement agency or peace officer shall not
43 return possession of the dangerous weapon or firearms
44 to the person arrested if the person is subject to an
45 order or approved consent agreement entered under this
46 chapter, a temporary or permanent protective order or
47 order to vacate the homestead under chapter 598, or an
48 order establishing conditions of release or a
49 protective or sentencing order in a criminal
50 prosecution arising from a domestic abuse assault.

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1 Sec. 102. Section 236.14, subsection 2, unnumbered
2 paragraph 4, Code 1995, is amended to read as follows:
3 The clerk of the district court shall also provide
4 notice and copies of the no-contact order to the
5 applicable law enforcement agencies and the twenty-
6 four hour dispatcher for the law enforcement agencies,
7 and the statewide protective order registry
8 established in section 236.19, in the manner provided
9 for protective orders under section 236.5. The clerk
10 shall provide notice and copies of modifications or
11 vacations of these orders in the same manner.

12 Sec. 103. NEW SECTION. 236.19 STATEWIDE
13 PROTECTIVE ORDER REGISTRY.

14 A central registry of protective orders is
15 established in the department of public safety. The
16 registry shall be staffed and accessible on a
17 continuous basis for use by law enforcement agencies
18 and peace officers. The registry shall contain the
19 following:

20 1. Orders and court-approved consent agreements
21 entered under this chapter.

22 2. Temporary and permanent protective orders and
23 orders to vacate the homestead entered under chapter
24 598.

25 3. Orders establishing conditions of release,
26 protective orders, and sentencing orders in criminal
27 prosecutions arising from a domestic abuse assault.

28 The registry may be colocated with another
29 department of public safety facility which operates
30 twenty-four hours a day on a year-round basis.

31 Sec. . NEW SECTION. 236.20 FOREIGN PROTECTIVE
32 ORDERS -- REGISTRATION -- ENFORCEMENT.

33 1. As used in this section, "foreign protective
34 order" means a protective order entered in a state
35 other than Iowa which would be an order or court-
36 approved consent agreement entered under this chapter,
37 a temporary or permanent protective order or order to
38 vacate the homestead under chapter 598, or an order
39 that establishes conditions of release or is a
40 protective order or sentencing order in a criminal
41 prosecution arising from a domestic abuse assault if
42 it had been entered in Iowa.

43 2. A copy of a foreign protective order
44 authenticated in accordance with the statutes of this
45 state may be filed with the clerk of the district
46 court of the county in which the person in whose favor
47 the order was entered resides. The clerk shall
48 provide copies of the order as required by section
49 236.5.

50 3. A foreign protective order so filed has the

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1 same effect and shall be enforced in the same manner
2 as a protective order issued in this state.

3 Sec. _____. NEW SECTION. 236.21 MUTUAL PROTECTIVE
4 ORDERS PROHIBITED -- EXCEPTIONS.

5 A court in an action under this chapter shall not
6 issue mutual protective orders against the victim and
7 the abuser unless both file a petition requesting a
8 protective order.

9 Sec. _____. Section 331.756, subsection 4, Code
10 1995, is amended to read as follows:

11 4. Prosecute misdemeanors when not otherwise
12 engaged in the performance of other official duties.
13 However, the county attorney shall not decline to
14 prosecute misdemeanors under chapter 236.

15 Sec. _____. Section 331.756, Code 1995, is amended
16 by adding the following new subsection:

17 NEW SUBSECTION. 48A. Develop written procedures
18 and policies to be followed in the prosecution of
19 domestic abuse cases under chapters 236 and 708.

20 Sec. 104. Section 598.42, Code 1995, is amended to
21 read as follows:

22 598.42 NOTICE OF CERTAIN ORDERS BY CLERK OF COURT.

23 The clerk of the district court shall provide
24 notice and copies of temporary or permanent protective
25 orders and orders to vacate the homestead entered
26 pursuant to this chapter to the applicable law
27 enforcement agencies, and the twenty-four hour
28 dispatcher for the law enforcement agencies, and the
29 statewide protective order registry established in
30 section 236.19 in the manner provided for protective
31 orders under section 236.5. The clerk shall provide
32 notice and copies of modifications or vacations of
33 these orders in the same manner.

34 Sec. _____. Section 602.6306, subsection 2, Code
35 1995, is amended to read as follows:

36 2. District associate judges also have
37 jurisdiction in civil actions for money judgment where
38 the amount in controversy does not exceed ten thousand
39 dollars, jurisdiction over involuntary commitment,
40 treatment, or hospitalization proceedings under
41 chapters 125 and 229, jurisdiction of indictable
42 misdemeanors, and felony violations of section 321J.2,
43 jurisdiction to enter a temporary or emergency order
44 of protection under chapter 236, and to make court
45 appointments and set hearings in criminal matters,
46 jurisdiction to enter orders in probate which do not
47 require notice and hearing and to set hearings in
48 actions under chapter 633, and the jurisdiction
49 provided in section 602.7101 when designated as a
50 judge of the juvenile court. While presiding in these

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1 subject matters a district associate judge shall
2 employ district judges' practice and procedure.
3 Sec. _____. Section 602.8105, subsection 1,
4 paragraph c, Code 1995, is amended to read as follows:
5 c. For entering a final decree of dissolution of
6 marriage, ~~thirty~~ forty dollars. It is the intent of
7 the general assembly that the ~~funds-generated-from~~
8 thirty dollars of the dissolution fees ~~fee~~ be
9 appropriated and used for sexual assault and domestic
10 violence centers.

11 Notwithstanding section 602.8108 or any other
12 provision of law to the contrary, ten dollars of the
13 dissolution fee shall be distributed by the clerk of
14 the district court to the county treasurer for use by
15 the county attorney in providing legal assistance to
16 pro se plaintiffs in domestic abuse actions under
17 section 236.3 or in contempt actions under section
18 236.8.

19 Sec. 105. Section 708.2A, subsection 6, Code 1995,
20 is amended to read as follows:

21 6. The clerk of the district court shall provide
22 notice and copies of a judgment entered under this
23 section to the applicable law enforcement agencies,
24 ~~and~~ the twenty-four hour dispatcher for the law
25 enforcement agencies, and the statewide protective
26 order registry established in section 236.19 in the
27 manner provided for protective orders under section
28 236.5. The clerk shall provide notice and copies of
29 modifications of the judgment in the same manner.

30 Sec. _____. Section 708.2B, Code 1995, is amended by
31 adding the following new unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. District departments or
33 contract service providers shall receive upon request
34 peace officers' investigative reports regarding
35 persons participating in programs under this section.
36 The receipt of reports under this section shall not
37 waive the confidentiality of the reports under section
38 22.7.

39 Sec. _____. Section 907.3, subsection, 1, paragraph
40 i, Code 1995, is amended to read as follows:

41 i. The offense is a conviction for or plea of
42 guilty to a violation of section 236.8 or a finding of
43 contempt pursuant to section 236.8 or 236.14.

44 Sec. _____. Section 907.3, subsection 2, Code 1995,
45 is amended to read as follows:

46 2. At the time of or after pronouncing judgment
47 and with the consent of the defendant, the court may
48 defer the sentence and assign the defendant to the
49 judicial district department of correctional services.
50 However, the court shall not defer the sentence for a

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1 violation of section 708.2A if the defendant has
2 previously received a deferred judgment or sentence
3 for a violation of section 708.2 or 708.2A which was
4 issued on a domestic abuse assault, or if similar
5 relief was granted anywhere in the United States
6 concerning that jurisdiction's statutes which
7 substantially correspond to domestic abuse assault as
8 provided in section 708.2A. In addition, the court
9 shall not defer a sentence if it is imposed for a
10 conviction for or plea of guilty to a violation of
11 section 236.8 or for contempt pursuant to section
12 236.8 or 236.14. Upon a showing that the defendant is
13 not fulfilling the conditions of probation, the court
14 may revoke probation and impose any sentence
15 authorized by law. Before taking such action, the
16 court shall give the defendant an opportunity to be
17 heard on any matter relevant to the proposed action.
18 Upon violation of the conditions of probation, the
19 court may proceed as provided in chapter 908.

20 Sec. 106. Section 910A.11, subsection 5, Code
21 1995, is amended to read as follows:

22 5. The clerk of the district court shall provide
23 notice and copies of restraining orders issued
24 pursuant to this section in a criminal case involving
25 an alleged violation of section 708.2A to the
26 applicable law enforcement agencies, and the twenty-
27 four hour dispatcher for the law enforcement agencies,
28 and the statewide protective order registry
29 established in section 236.19, in the manner provided
30 for protective orders under section 236.5. The clerk
31 shall provide notice and copies of modifications or
32 vacations of these orders in the same manner.

33 Sec. _____. The commissioner of insurance shall
34 evaluate model legislation which will be proposed by
35 the national association of insurance commissioners
36 regarding using domestic abuse as a factor in
37 determining whether a person shall be offered
38 insurance coverage and make recommendations to the
39 general assembly regarding adopting the model
40 legislation.""

41 4. Page 2, by inserting after line 16 the
42 following:

43 "_____. Page 8, by inserting after line 17 the
44 following:

45 "Sec. _____. EFFECTIVE DATE. Sections 101, 102,
46 103, 104, 105, and 106 of this Act take effect July 1,
47 1996.

48 Sec. _____. CONDITIONAL EFFECTIVENESS PROVISION. A
49 state mandate contained within this Act shall not take
50 effect unless an appropriation is made which complies

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1 with section 25B.2, subsection 3."

2 5. Page 2, by inserting before line 17 the
3 following:

4 "____. Title page, line 2, by striking the words
5 "and providing an effective date" and inserting the
6 following: "domestic abuse and victim protection, and
7 providing a conditional effective date and other
8 effective dates"."

By ELAINE SZYMONIAK

S-3558 FILED APRIL 24, 1995

DEFERRED *withdrawn 4/26/95 (p. 1425)*

SENATE FILE 208

S-3563

1 Amend the House amendment, S-3501, to Senate File
2 208, as amended, passed, and reprinted by the Senate,
3 as follows:

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

6 "____. Page 3, by striking lines 20 through 22 and
7 inserting the following:

8 "e. Develop protocols for and establish a
9 committee to review child abuse investigations which
10 involve the death of a child.

11 4. The following individuals shall designate a
12 liaison to assist the review team in fulfilling its
13 responsibilities:

- 14 a. Director of public health.
- 15 b. Director of human services.
- 16 c. Commissioner of public safety.
- 17 d. Administrator of the division of vital records
18 of the Iowa department of public health.
- 19 e. Attorney general.
- 20 f. Director of transportation.
- 21 g. Director of the department of education."
- 22 2. By renumbering as necessary.

By ELAINE SZYMONIAK

S-3563 FILED APRIL 24, 1995

adopted 4/26/95 (p. 1425)

**SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 208
H-4082**

1 Amend the House amendment, S-3501, to Senate File
2 208, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 11 the
5 following:
6 "____. Page 3, by striking lines 20 through 22 and
7 inserting the following:
8 "e. Develop protocols for and establish a
9 committee to review child abuse investigations which
10 involve the death of a child.
11 4. The following individuals shall designate a
12 liaison to assist the review team in fulfilling its
13 responsibilities:
14 a. Director of public health.
15 b. Director of human services.
16 c. Commissioner of public safety.
17 d. Administrator of the division of vital records
18 of the Iowa department of public health.
19 e. Attorney general.
20 f. Director of transportation.
21 g. Director of the department of education."
22 2. Page 1, by striking lines 12 through 14 and
23 inserting the following:
24 "____. Page 4, line 35, by inserting after the
25 word "state" the following: ", each of which is at
26 least the size of a departmental county cluster,."
27 3. By renumbering, relettering, or redesignating
28 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4082 FILED APRIL 26, 1995

House concurred (p.1962)

Szymoniak
Hammond
Boettger

SSB-185

Human Resources

Succeeded By
SENATE FILE 208
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON SZYMONIAK)

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

A BILL FOR

1 An Act relating to child abuse and termination of parental rights
2 provisions, and providing an effective date.

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

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1 Section 1. IOWA CHILD DEATH REVIEW TEAM -- FINDINGS AND
2 PURPOSE.

3 1. The general assembly finds the following:

4 a. Protection of the health and welfare of the children of
5 this state is a goal of its people and the death of children
6 is an important public health concern that requires
7 legislative action.

8 b. Collecting accurate data on the cause and manner of
9 deaths will better enable the state to identify preventable
10 deaths, and thus help reduce the incidence of such deaths.

11 c. Multidisciplinary review of child deaths is a mechanism
12 to assist the state in developing a greater understanding of
13 the incidence and causes of child deaths and the methods for
14 prevention of such deaths.

15 2. The purpose of the child death review team is to aid in
16 the reduction of the incidence of serious injury and death to
17 children by accurately identifying the cause and manner of
18 death of children.

19 Sec. 2. NEW SECTION. 144D.1 IOWA CHILD DEATH REVIEW TEAM
20 -- ESTABLISHED DUTIES.

21 1. An Iowa child death review team is established as an
22 independent agency of state government. The Iowa department
23 of public health and the department of human services shall
24 provide staffing and administrative support to the team.

25 2. The membership of the review team is subject to the
26 provisions of sections 69.16 and 69.16A, relating to political
27 affiliation and gender balance. Review team members who are
28 not designated by another appointing authority shall be
29 appointed by the director of public health and the director of
30 human services. Membership terms shall be for three years. A
31 membership vacancy shall be filled in the same manner as the
32 original appointment. The review team shall elect a
33 chairperson and other officers as deemed necessary by the
34 review team. The review team shall meet upon the call of the
35 chairperson, upon the request of a state agency, or as

1 determined by the review team. The members of the team are
2 eligible for reimbursement of actual and necessary expenses
3 incurred in the performance of their official duties.

4 The review team shall include the following:

- 5 a. The state medical examiner or the state medical
6 examiner's designee.
- 7 b. A designee of the director of public health.
- 8 c. A designee of the director of human services.
- 9 d. A designee of the commissioner of public safety.
- 10 e. A designee of the administrator of the division of
11 vital records of the Iowa department of public health.
- 12 f. A designee of the attorney general.
- 13 g. A designee of the director of transportation.
- 14 h. A designee of the director of the department of
15 education.
- 16 i. A certified or licensed professional who is
17 knowledgeable concerning sudden infant death syndrome.
- 18 j. Two pediatricians who are knowledgeable concerning
19 deaths of children.
- 20 k. Two mental health professionals who are knowledgeable
21 concerning deaths of children.
- 22 l. Two social workers who are knowledgeable concerning
23 deaths of children.
- 24 m. A certified or licensed professional who is
25 knowledgeable concerning domestic violence.
- 26 n. A professional who is knowledgeable concerning
27 substance abuse.
- 28 o. A local law enforcement official.
- 29 p. A county attorney.
- 30 q. A nurse who is knowledgeable concerning the deaths of
31 children.
- 32 r. A perinatal expert.
- 33 s. A representative of the health insurance industry.
- 34 t. Three others appointed at large.
- 35 3. The review team shall perform the following duties:

1 a. Collect, review, and analyze child death certificates
2 and child death data, including patient records or other
3 pertinent confidential information concerning the deaths of
4 children age six or younger, and other information as the
5 review team deems appropriate for use in preparing an annual
6 report to the governor and the general assembly concerning the
7 causes and manner of child deaths. The report shall include
8 analysis of factual information obtained through review and
9 recommendations regarding prevention of child deaths.

10 b. Recommend to the governor and the general assembly
11 interventions to prevent deaths of children based on an
12 analysis of the cause and manner of such deaths.

13 c. Recommend to the agencies represented on the review
14 team changes which may prevent child deaths.

15 d. Maintain the confidentiality of any patient records or
16 other confidential information reviewed.

17 e. Review the conduct of any child abuse investigation
18 upon the request of the department of human services,
19 including but not limited to the case files, methodology, and
20 conclusions.

21 4. The review team may establish subcommittees to which
22 the team may delegate some or all of the team's
23 responsibilities under subsection 3.

24 5. The Iowa department of public health and the department
25 of human services shall adopt rules providing for disclosure
26 of information which is confidential under chapter 22 or any
27 other provision of state law, to the review team for purposes
28 of performing its child death and child abuse review
29 responsibilities.

30 Sec. 3. Section 232.2, subsection 22, unnumbered paragraph
31 1, Code 1995, is amended to read as follows:

32 "Guardian ad litem" means a person appointed by the court
33 to represent the interests of a child in any judicial
34 proceeding to which the child is a party, and includes a court
35 appointed special advocate, except that a court appointed

1 special advocate shall not file motions or petitions pursuant
2 to section 232.54, subsections 1 and 4, and section 232.103,
3 subsection 2, paragraph "c", and section 232.111.

4 Sec. 4. NEW SECTION. 232.71A CHILD ABUSE ASSESSMENT
5 PILOT PROJECTS.

6 1. The department shall develop an assessment-based
7 approach to respond to child abuse reports in accordance with
8 the provisions of this section. The assessment-based approach
9 shall be utilized on a pilot project basis in not more than
10 five areas of the state selected by the department. The pilot
11 projects shall be selected in a manner so the pilot projects
12 are in both rural and urban areas.

13 2. Notwithstanding the provisions of sections 232.70 and
14 232.71, in the pilot project areas, the department's
15 responsibilities in responding to a child abuse report shall
16 be in accordance with this section.

17 3. Upon receipt of a child abuse report in a pilot project
18 area, the department shall perform an assessment. The primary
19 purpose of the assessment shall be to protect the safety of
20 the child named in the report. The secondary purpose of the
21 assessment shall be to engage the child's family in services
22 to enhance family strengths and to address needs.

23 4. An assessment is subject to the provisions of section
24 232.71 as though the department is performing an investigation
25 under that section for all of the following:

26 a. Notification of a child's parents in accordance with
27 section 232.71, subsection 1.

28 b. Interview of a person alleged to have committed the
29 child abuse in accordance with section 232.71, subsection 2,
30 paragraph "e".

31 c. Notification of a facility providing care to a child in
32 accordance with section 232.71, subsection 4.

33 d. Request for information from any person believed to
34 have knowledge of a child abuse case and referral of a child
35 to a physician in accordance with section 232.71, subsection

1 5.

2 e. Confidential access to a child in accordance with
3 section 232.71, subsection 6.

4 f. Requests for information from the department of public
5 safety in accordance with section 232.71, subsection 16.

6 g. Establishment and usage of a multidisciplinary team in
7 accordance with section 232.71, subsection 17.

8 5. A child abuse assessment shall be completed in writing
9 and shall include a description of the child's condition,
10 identification of the injury or risk to which the child was
11 exposed, the circumstances which led to the injury or risk to
12 the child, and the identity of any person alleged to be
13 responsible for the injury or risk to the child. In addition,
14 the assessment shall identify the strengths and needs of the
15 child, and of the child's parent, home, family, and community.
16 Upon completion of the assessment, the department shall
17 consult with the child's family in offering services to the
18 child and the child's family to address strengths and needs
19 identified in the assessment.

20 6. If the department believes that court action may be
21 required to appropriately respond to a child abuse report
22 received in a pilot project area or believes that the best
23 interest of the child may require juvenile or criminal court
24 action or the assistance of the county attorney, the
25 department shall notify the county attorney of the receipt of
26 the child abuse report and provide the court or county
27 attorney with the written assessment. The court and the
28 county attorney shall notify the department of any action
29 taken concerning a report or assessment provided by the
30 department.

31 7. Notwithstanding contrary provisions of sections 235A.13
32 to 235A.23, the following requirements shall apply to child
33 abuse information in an assessment performed in accordance
34 with this section:

35 a. If the department determines the child suffered

1 significant injury or was placed in great risk of injury, the
2 name of the child and the alleged perpetrator of the child
3 abuse shall be placed in the central registry as a case of
4 founded child abuse. Any of the following shall be considered
5 to be an indicator that the child suffered significant injury
6 or was placed in great risk of injury:

7 (1) The case was referred for juvenile or criminal court
8 action as a result of the acts or omissions of the alleged
9 perpetrator.

10 (2) The injury to the child as a result of the acts or
11 omission of the alleged perpetrator required or should have
12 required medical or mental health treatment.

13 (3) The department determines in a subsequent assessment
14 that the child suffered significant injury or was placed in
15 great risk of injury due to the acts or omissions of the same
16 alleged perpetrator.

17 b. In any other case, the child abuse information in an
18 assessment shall not be placed in the central registry and
19 notwithstanding chapter 22, the confidentiality of the
20 information shall be maintained.

21 8. The department shall report to the governor and the
22 general assembly concerning the pilot projects established
23 pursuant to this section, on or before December 15 of each
24 year. A report shall include evaluation findings,
25 recommendations for revisions in the requirements for pilot
26 projects, and a time line for expanding the pilot projects
27 statewide.

28 Sec. 5. Section 232.111, subsection 1, Code 1995, is
29 amended to read as follows:

30 1. A child's guardian, guardian ad litem, or custodian,
31 the department of human services, a juvenile court officer, or
32 the county attorney may file a petition for termination of the
33 parent-child relationship and parental rights with respect to
34 a child.

35 Sec. 6. MULTIDISCIPLINARY CHILD ABUSE INTERVENTION AND

1 PROSECUTION TEAMS. The attorney general is requested to form
2 a multidisciplinary committee to develop a proposal for the
3 establishment of regional multidisciplinary teams to focus
4 upon child abuse prosecution and intervention needs. The
5 attorney general is requested to submit a report of the
6 committee findings to the governor and the general assembly
7 prior to the 1996 legislative session. The committee should
8 consider other state statutory schemes for multidisciplinary
9 teams, provide options for regional groupings, review options
10 for special focus teams such as sexual abuse, and recommend
11 possible funding mechanisms.

12 Sec. 7. REPEAL. 1994 Iowa Acts, chapter 1130, sections 9
13 and 20, are repealed.

14 Sec. 8. EFFECTIVE DATE. Section 7 of this Act, providing
15 a repeal, being deemed of immediate importance, takes effect
16 upon enactment.

17 EXPLANATION

18 This bill relates to child abuse and termination of
19 parental rights provisions.

20 New section 144D.1 constitutes a new chapter creating an
21 Iowa child death review team as an independent agency of state
22 government. Legislative findings and purposed are outlined in
23 a session law provision. Administrative and staffing support
24 for the team is to be provided by the Iowa department of
25 public health and the department of human services. The
26 review team is to review information concerning the death of
27 children age six and younger and to review child abuse
28 investigations at the request of the department of human
29 services. The review team is to include representatives of
30 various state agencies with most appointments made by the
31 directors of public health and human services. The review
32 team is authorized to appoint subcommittees to which its
33 responsibilities may be delegated.

34 New section 232.71A directs the department of human
35 services to establish child abuse assessment pilot projects in

1 up to five areas of the state. The child abuse assessment
2 approach would be used in the pilot project areas instead of
3 the various provisions under current law for investigating a
4 child abuse report and for maintaining information concerning
5 certain investigations in the central child abuse registry.

6 The primary purpose of an assessment is to ensure the
7 safety of a child named in a report and the secondary purpose
8 is to engage the child's family in services to enhance family
9 strengths and address weaknesses identified in the assessment.
10 Various provisions of section 232.71 which outline
11 requirements and responsibilities during a child abuse
12 investigation apply to an assessment. However, under the
13 assessment-based pilot projects, only information from serious
14 cases of child abuse is placed in the central child abuse
15 registry, including cases referred to the court or for which
16 medical or mental health treatment was provided or should have
17 been provided. Otherwise, assessments are not public records
18 and are to remain confidential. The department is to make an
19 initial report concerning the assessment pilot projects on or
20 before December 15, 1995, and thereafter annually on or before
21 December 15.

22 Section 232.111 is amended to authorize a child's guardian
23 ad litem to file a petition for termination of the parent-
24 child relationship and parental rights with respect to a child
25 under chapter 232. A guardian ad litem is appointed by the
26 court to represent a child's interest in court proceedings. A
27 corresponding amendment is made to the section 232.2
28 definition of guardian ad litem. A court-appointed special
29 advocate can fulfill the functions of a guardian ad litem
30 except those functions which generally are performed by a
31 licensed attorney which would include filing a petition for
32 termination of parental rights.

33 The attorney general is requested to establish a
34 multidisciplinary committee to review and make recommendations
35 concerning establishment of regional multidisciplinary teams

1 to focus upon child abuse prosecution and intervention needs.
2 If a committee is established, a report is to be submitted by
3 the attorney general to the governor and the general assembly
4 prior to the 1996 legislative session.

5 Section 9 of 1994 Iowa Acts, chapter 1130, would amend
6 current law so that child abuse information which a department
7 of human services' investigation determines to be unfounded is
8 to be expunged six months after it is determined to be
9 unfounded. During that six-month period, the information is
10 to be sealed and accessible only through a court order.

11 Section 9 was enacted with a delayed effective date of July 1,
12 1995. This bill repeals both the substantive amendment
13 relating to expungement and the delayed effective date.

14 Repealing the two provisions will maintain current law which
15 requires that unfounded child abuse information is to be
16 expunged when it is determined to be unfounded.

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SENATE FILE 208

AN ACT

RELATING TO CHILD ABUSE AND TERMINATION OF PARENTAL RIGHTS
PROVISIONS, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. IOWA CHILD DEATH REVIEW TEAM -- FINDINGS AND
PURPOSE.

1. The general assembly finds the following:

a. Protection of the health and welfare of the children of this state is a goal of its people and the death of children is an important public health concern that requires legislative action.

b. Collecting accurate data on the cause and manner of deaths will better enable the state to identify preventable deaths, and thus help reduce the incidence of such deaths.

c. Multidisciplinary review of child deaths is a mechanism to assist the state in developing a greater understanding of the incidence and causes of child deaths and the methods for prevention of such deaths.

2. The purpose of the child death review team is to aid in the reduction of the incidence of serious injury and death to children by accurately identifying the cause and manner of death of children.

Sec. 2. NEW SECTION. 135.43 IOWA CHILD DEATH REVIEW TEAM
ESTABLISHED -- DUTIES.

1. An Iowa child death review team is established as an independent agency of state government. The Iowa department of public health shall provide staffing and administrative support to the team.

2. The membership of the review team is subject to the provisions of sections 69.16 and 69.16A, relating to political affiliation and gender balance. Review team members who are

not designated by another appointing authority shall be appointed by the director of public health in consultation with the director of human services. Membership terms shall be for three years. A membership vacancy shall be filled in the same manner as the original appointment. The review team shall elect a chairperson and other officers as deemed necessary by the review team. The review team shall meet upon the call of the chairperson, upon the request of a state agency, or as determined by the review team. The members of the team are eligible for reimbursement of actual and necessary expenses incurred in the performance of their official duties.

The review team shall include the following:

a. The state medical examiner or the state medical examiner's designee.

b. A certified or licensed professional who is knowledgeable concerning sudden infant death syndrome.

c. A pediatrician who is knowledgeable concerning deaths of children.

d. A family practice physician who is knowledgeable concerning deaths of children.

e. One mental health professional who is knowledgeable concerning deaths of children.

f. One social worker who is knowledgeable concerning deaths of children.

g. A certified or licensed professional who is knowledgeable concerning domestic violence.

h. A professional who is knowledgeable concerning substance abuse.

i. A local law enforcement official.

j. A county attorney.

k. An emergency room nurse who is knowledgeable concerning the deaths of children.

l. A perinatal expert.

m. A representative of the health insurance industry.

- n. One other appointed at large.
3. The review team shall perform the following duties:
- a. Collect, review, and analyze child death certificates and child death data, including patient records or other pertinent confidential information concerning the deaths of children age six or younger, and other information as the review team deems appropriate for use in preparing an annual report to the governor and the general assembly concerning the causes and manner of child deaths. The report shall include analysis of factual information obtained through review and recommendations regarding prevention of child deaths.
 - b. Recommend to the governor and the general assembly interventions to prevent deaths of children based on an analysis of the cause and manner of such deaths.
 - c. Recommend to the agencies represented on the review team changes which may prevent child deaths.
 - d. Maintain the confidentiality of any patient records or other confidential information reviewed.
 - e. Develop protocols for and establish a committee to review child abuse investigations which involve the death of a child.
4. The following individuals shall designate a liaison to assist the review team in fulfilling its responsibilities:
- a. Director of public health.
 - b. Director of human services.
 - c. Commissioner of public safety.
 - d. Administrator of the division of vital records of the Iowa department of public health.
 - e. Attorney general.
 - f. Director of transportation.
 - g. Director of the department of education.
5. The review team may establish subcommittees to which the team may delegate some or all of the team's responsibilities under subsection 3.

6. The Iowa department of public health and the department of human services shall adopt rules providing for disclosure of information which is confidential under chapter 22 or any other provision of state law, to the review team for purposes of performing its child death and child abuse review responsibilities.

Sec. 3. Section 232.2, subsection 22, unnumbered paragraph 1, Code 1995, is amended to read as follows:

"Guardian ad litem" means a person appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party, and includes a court appointed special advocate, except that a court appointed special advocate shall not file motions or petitions pursuant to section 232.54, subsections 1 and 4, and section 232.103, subsection 2, paragraph "c", and section 232.111.

Sec. 4. Section 232.71, subsection 1, Code 1995, is amended to read as follows:

1. If a report is determined to constitute a child abuse allegation, the department of human services shall promptly commence an appropriate investigation. The primary purpose of this investigation shall be the protection of the child named in the report. The department, within five working days of commencing the investigation, shall provide written notification of the investigation to the child's parents. However, if the department shows the court to the court's satisfaction that notification is likely to endanger the child or other persons, the court shall orally direct the department to withhold notification. Within one working day of issuing an oral directive, the court shall issue a written order restraining the notification. The department shall not reveal in the written notification to the parents or otherwise the identity of the reporter of child abuse during an investigation to a subject of a child abuse report listed in section 235A.15, subsection 2, paragraph "a". If a report is determined not to constitute a child abuse allegation, but a

criminal act harming a child is alleged, the department shall immediately refer the matter to the appropriate law enforcement agency.

Sec. 5. NEW SECTION. 232.71A CHILD ABUSE ASSESSMENT PILOT PROJECTS.

1. The department shall develop an assessment-based approach to respond to child abuse reports in accordance with the provisions of this section. The assessment-based approach shall be utilized on a pilot project basis in not more than five areas of the state, each of which is at least the size of a departmental county cluster, selected by the department. The pilot projects shall be selected in a manner so the pilot projects are in both rural and urban areas.

2. Notwithstanding the provisions of sections 232.70 and 232.71, in the pilot project areas, the department's responsibilities in responding to a child abuse report shall be in accordance with this section.

3. Upon receipt of a child abuse report in a pilot project area, the department shall perform an assessment. The department shall commence the assessment within seventy-two hours of the receipt of the report. The primary purpose of the assessment shall be to protect the safety of the child named in the report. The secondary purpose of the assessment shall be to engage the child's family in services to enhance family strengths and to address needs.

4. An assessment is subject to the provisions of section 232.71 as though the department is performing an investigation under that section for all of the following:

a. Notification of a child's parents in accordance with section 232.71, subsection 1.

b. Interview of a person alleged to have committed the child abuse in accordance with section 232.71, subsection 2, paragraph "e".

c. Notification of a facility providing care to a child in accordance with section 232.71, subsection 4.

d. Request for information from any person believed to have knowledge of a child abuse case and referral of a child to a physician in accordance with section 232.71, subsection 5.

e. Confidential access to a child in accordance with section 232.71, subsection 6.

f. Requests for information from the department of public safety in accordance with section 232.71, subsection 16.

g. Establishment and usage of a multidisciplinary team in accordance with section 232.71, subsection 17.

5. A child abuse assessment shall be completed in writing within twenty-one calendar days of the receipt of the report. The assessment shall include a description of the child's condition, identification of the injury or risk to which the child was exposed, the circumstances which led to the injury or risk to the child, and the identity of any person alleged to be responsible for the injury or risk to the child. In addition, the assessment shall identify the strengths and needs of the child, and of the child's parent, home, family, and community. Upon completion of the assessment, the department shall consult with the child's family in offering services to the child and the child's family to address strengths and needs identified in the assessment.

6. The department shall provide the county attorney with a written copy of any assessment which includes a recommendation for a juvenile or criminal court action or petition. The county attorney shall notify the department of any action taken concerning an assessment provided by the department.

7. Notwithstanding contrary provisions of sections 235A.13 to 235A.23, the following requirements shall apply to child abuse information in an assessment performed in accordance with this section:

a. If the department determines the child suffered significant injury or was placed in great risk of injury, the name of the child and the alleged perpetrator of the child

abuse shall be placed in the central registry as a case of founded child abuse. Any of the following shall be considered to be an indicator that the child suffered significant injury or was placed in great risk of injury:

(1) The case was referred for juvenile or criminal court action as a result of the acts or omissions of the alleged perpetrator.

(2) In the opinion of a health practitioner or mental health professional, the injury to the child as a result of the acts or omission of the alleged perpetrator required or should have required medical or mental health treatment.

(3) The department determines in a subsequent assessment that the child suffered significant injury or was placed in great risk of injury due to the acts or omissions of the same alleged perpetrator.

b. In any other case, the child abuse information in an assessment shall not be placed in the central registry and notwithstanding chapter 22, the confidentiality of the information shall be maintained.

c. If information is placed in the central registry as a case of founded child abuse, all of the provisions of sections 235A.13 to 235A.23 which apply to a case of founded child abuse shall apply to a case of founded child abuse under this section.

8. The department shall implement the pilot projects by January 15, 1996. The department shall report to the governor and the general assembly concerning the pilot projects on or before February 29, 1996. The report shall include a description of successes and problems encountered in implementing the pilot projects. It is the intent of the general assembly to implement statewide an assessment-based approach to respond to child abuse reports commencing with the fiscal year beginning July 1, 1996.

Sec. 6. Section 232.111, subsection 1, Code 1995, is amended to read as follows:

1. A child's guardian, guardian ad litem, or custodian, the department of human services, a juvenile court officer, or the county attorney may file a petition for termination of the parent-child relationship and parental rights with respect to a child.

Sec. 7. MULTIDISCIPLINARY CHILD ABUSE INTERVENTION AND PROSECUTION TEAMS. The attorney general is requested to form a multidisciplinary committee to develop a proposal for the establishment of regional multidisciplinary teams to focus upon child abuse prosecution and intervention needs. The attorney general is requested to submit a report of the committee findings to the governor and the general assembly prior to the 1996 legislative session. The committee should consider other state statutory schemes for multidisciplinary teams, provide options for regional groupings, review options for special focus teams such as sexual abuse, and recommend possible funding mechanisms.

Sec. 8. REPEAL. 1994 Iowa Acts, chapter 1130, sections 9 and 20, are repealed.

Sec. 9. DEPARTMENT OF HUMAN SERVICES PILOT PROJECTS. In implementing the pilot projects for child abuse assessment required under section 232.71A, as enacted by this Act, the department may apply a special protocol for conducting an assessment in response to a child abuse report to which all of the following circumstances apply:

1. Three previous child abuse reports have been made involving the same alleged perpetrator or a family member of the alleged perpetrator.

2. The three previous reports were made within a period of two years prior to the date of the latest report.

3. The assessments resulting from the previous three reports did not identify any child protection concerns.

The special protocol may involve an abbreviated assessment process, such as a telephone contact or other means, to address the abuse allegation without subjecting the family of

the alleged perpetrator to repeated or extensive assessments regarding abuse allegations which have no basis.

Sec. 10. EFFECTIVE DATE. Section 8 of this Act, providing a repeal, being deemed of immediate importance, takes effect upon enactment.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 208, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 3, 1995

TERRY E. BRANSTAD
Governor