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H-3-7-96 Judiciary

SENATE FILE 2126  
BY BISIGNANO

Passed Senate, Date <sup>(p.653)</sup> 3-6-96 Passed House, Date \_\_\_\_\_  
Vote: Ayes 50 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act providing for sex offender registry checks involving child  
2 day care, foster care, and adoptions.

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

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S.F. 2126

1 Section 1. Section 237.8, subsection 2, paragraphs a and  
2 b, Code 1995, are amended to read as follows:

3 a. If a person is being considered for licensure under  
4 this chapter, or for employment involving direct  
5 responsibility for a child or with access to a child when the  
6 child is alone, by a licensee under this chapter, or if a  
7 person will reside in a facility utilized by a licensee, and  
8 if the person has been convicted of a crime, is registered in  
9 the sex offender registry under chapter 692A, or has a record  
10 of founded child abuse, the department and the licensee for an  
11 employee of the licensee shall perform an evaluation to  
12 determine whether the crime or founded child abuse warrants  
13 prohibition of licensure, employment, or residence in the  
14 facility. The department shall conduct criminal, sex offender  
15 registry, and child abuse record checks in this state and may  
16 conduct these checks in other states. The evaluation shall be  
17 performed in accordance with procedures adopted for this  
18 purpose by the department.

19 b. If the department determines that a person has  
20 committed a crime, is registered in the sex offender registry,  
21 or has a record of founded child abuse and is licensed,  
22 employed by a licensee, or resides in a licensed facility the  
23 department shall notify the licensee that an evaluation will  
24 be conducted to determine whether prohibition of the person's  
25 licensure, employment, or residence is warranted.

26 Sec. 2. Section 237A.5, subsection 2, paragraphs a and b,  
27 Code 1995, are amended to read as follows:

28 a. If a person is being considered for licensure or  
29 registration under this chapter, or for employment involving  
30 direct responsibility for a child or with access to a child  
31 when the child is alone, by a child day care facility subject  
32 to licensure or registration under this chapter, or if a  
33 person will reside in a facility, and if the person has been  
34 convicted of a crime, is registered in the sex offender  
35 registry under chapter 692A, or has a record of founded child

1 abuse, the department and the licensee or registrant for an  
2 employee of the licensee or registrant shall perform an  
3 evaluation to determine whether the crime or founded child  
4 abuse warrants prohibition of licensure, registration,  
5 employment, or residence in the facility. The department  
6 shall conduct criminal, sex offender registry, and child abuse  
7 record checks in this state and may conduct these checks in  
8 other states. The evaluation shall be performed in accordance  
9 with procedures adopted for this purpose by the department.

10 b. If the department determines that a person has  
11 committed a crime, is registered in the sex offender registry,  
12 or has a record of founded child abuse and is licensed,  
13 employed by a licensee or registrant or registered under this  
14 chapter, or resides in a licensed or registered facility the  
15 department shall notify the licensee or registrant that an  
16 evaluation will be conducted to determine whether prohibition  
17 of the person's licensure, registration, employment, or  
18 residence is warranted.

19 Sec. 3. Section 600.8, subsection 1, paragraph a,  
20 subparagraph (3), Code 1995, is amended to read as follows:

21 (3) Whether the prospective adoption petitioner has been  
22 convicted of a crime under a law of any state, is registered  
23 in the sex offender registry under chapter 692A, or has a  
24 record of founded child abuse.

25 Sec. 4. Section 692A.13, Code Supplement 1995, is amended  
26 by adding the following new subsection:

27 NEW SUBSECTION. 8. The department shall disclose  
28 information to any of the following individuals, agencies, or  
29 facilities associated with providing care to a child:

30 a. To an employee or agent of the department of human  
31 services responsible for registering or licensing or approving  
32 the registration or licensing of an individual, agency, or  
33 facility under chapter 237 or 237A.

34 b. To an employee of the department of human services  
35 responsible for an adoptive placement, a certified adoption

1 investigator, or licensed child-placing agency responsible for  
2 an adoptive placement.

3 c. To an administrator of a child foster care facility  
4 licensed under chapter 237 if the information concerns a  
5 person employed by or being considered for employment by or  
6 living in the facility.

7 d. To an administrator of a child day care facility  
8 registered or licensed under chapter 237A if the information  
9 concerns a person employed by or being considered for  
10 employment by or living in the facility.

11 EXPLANATION

12 This bill relates to sex offender registry checks involving  
13 child day care, foster care, and adoptions.

14 The sex offender registry created in chapter 692A requires  
15 registration of certain persons convicted of the following  
16 crimes: criminal offense against a minor, sexual  
17 exploitation, or a sexually violent offense.

18 The bill amends section 237.8 to include a sex offender  
19 registry check along with the requirement in current law for a  
20 criminal and founded child abuse check. This section applies  
21 to individuals or employees of agencies licensed by the state  
22 to provide child foster care, and county or multicounty  
23 juvenile detention and shelter care facilities.

24 Section 237A.5, relating to child day care providers, is  
25 amended to include a sex offender registry check along with  
26 the requirement in current law for a criminal and founded  
27 child abuse check.

28 Section 600.8, relating to adoption placement  
29 investigations, is amended to include a sex offender registry  
30 check along with the requirement in current law for a criminal  
31 and founded child abuse check.

32 Section 692A.13 is amended to authorize access to the sex  
33 offender registry on the part of the department of human  
34 services staff and the foster care, child day care, and  
35 adoption agencies and facilities for which the registry check

1 is required by the bill.

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