

REPRINTED

FILED FEB 29 1996

SENATE FILE 2364
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2257)

Passed Senate, ^(p.944) Date 3-21-96 Passed House, Date _____
Vote: Ayes 48 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring a child day care provider who has been found to
2 have committed child abuse to register with the state and
3 related provisions, making an appropriation, and providing
4 penalties.

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

S.F. 2364

1 Section 1. Section 235A.15, subsection 2, paragraph e,
2 Code Supplement 1995, is amended by adding the following new
3 subparagraph:

4 NEW SUBPARAGRAPH. (15) To employees of the department of
5 human services as necessary to perform child abuse-child care
6 registry duties under chapter 235D.

7 Sec. 2. Section 235A.17, Code 1995, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 3. An employee of the department of human
10 services authorized to receive child abuse information for
11 purposes of the child abuse-child care registry pursuant to
12 section 235A.15, subsection 2, paragraph "e", subparagraph
13 (15) may redisseminate the information in accordance with the
14 provisions of chapter 235D.

15 Sec. 3. NEW SECTION. 235D.1 DEFINITIONS.

16 As used in this chapter, unless the context otherwise
17 requires:

18 1. "Central child abuse registry" or "central registry"
19 means the central child abuse registry created in chapter
20 235A.

21 2. "Child abuse-child care registry" means the central
22 child abuse-child care registry created by the department
23 pursuant to section 235D.9.

24 3. "Child day care" means the same as defined in section
25 237A.1.

26 4. "Department" means the department of human services.

27 5. "Founded child abuse report" means a child abuse report
28 determined by the department to be child abuse and placed in
29 the central child abuse registry as founded child abuse.

30 Sec. 4. NEW SECTION. 235D.2 PERSONS REQUIRED TO
31 REGISTER.

32 1. A person who provides child day care and who is named
33 as having abused a child in a founded child abuse report,
34 shall register as provided in this chapter for a period of
35 time equivalent to the period of time the report is maintained

1 on the central child abuse registry.

2 2. The registration requirements of this section do not
3 apply to any of the following:

4 a. A person for whom the department has performed an
5 evaluation pursuant to section 237A.5, subsection 2, and has
6 permitted the person to be licensed, registered, employed, or
7 to reside in a child day care facility, if the person complies
8 with the department's conditions established in section
9 237A.5, subsection 2, paragraph "c".

10 b. A person who was named as having abused a child in a
11 founded child abuse report in which the information concerning
12 the person was determined to be unfounded and was corrected or
13 eliminated pursuant to section 235A.19, subsection 5.

14 Sec. 5. NEW SECTION. 235D.3 REGISTRATION PROCESS.

15 All of the following applies to a person who is required to
16 register with the department, pursuant to section 235D.2:

17 1. The person shall register at the department office in
18 the county of the person's residence prior to providing child
19 day care. However, if the person is providing child day care
20 at the time the founded child abuse report is entered in the
21 central registry, the person shall register within ten days of
22 the date the person is notified of the duty to register under
23 section 235D.5.

24 2. Within ten days of changing residence within a county
25 in this state, notify the department office in the county in
26 which the person is registered of the change of address and
27 any changes in the person's telephone number. The
28 notification shall be in writing on a form provided by the
29 department.

30 3. Within ten days of changing residence to a location
31 outside the county in which the person was registered, the
32 person shall register with the department office in the county
33 in which the person's residence has been newly established and
34 notify the department of the county in which the person was
35 previously registered. The registration shall be in writing

1 on a form provided by the department and shall include the
2 person's change of address and any changes to the person's
3 telephone number.

4 4. Within ten days of changing residence to a location
5 outside of this state, the person shall notify the department
6 office in the county in which the person is registered of the
7 new residence address, and any changes in telephone number.

8 If the person is required to register under the laws of the
9 other state, the person shall register in the other state.

10 Sec. 6. NEW SECTION. 235D.4 VERIFICATION OF ADDRESS.

11 The address of a person required to register with the
12 department pursuant to section 235D.2 shall be verified by the
13 department as follows:

14 1. Annually, during the month in which the person was
15 initially required to register, the department shall mail a
16 verification form to the last reported address of the person.
17 A verification form shall not be forwarded to the person if
18 the person no longer resides at the address, but shall be
19 returned to the department.

20 2. The person shall complete and mail the verification to
21 the department within ten days of receipt of the form.

22 3. The verification form shall be signed by the person,
23 and state the address at which the person resides. If the
24 person is in the process of changing residence, the person
25 shall state that fact as well as the old and new addresses of
26 places of residence.

27 Sec. 7. NEW SECTION. 235D.5 DUTY TO FACILITATE REGIS-
28 TRATION.

29 1. If a founded child abuse report is entered in the
30 central registry which would cause a person to be required to
31 register with the department pursuant to section 235D.2, the
32 department shall do the following at the time a founded child
33 abuse report is entered in the central registry:

34 a. Inform the person of the duty to register.

35 b. Inform the person that, within ten days of changing

1 residence, registration with the department in the county in
2 which residence is established is required, if the new
3 residence is within the state.

4 c. Inform the person that if the person changes residence
5 to another state, the person must give the person's new
6 address to the department in the county of the person's old
7 residence within ten days of changing addresses, and that, if
8 the other state has a registration requirement, the person is
9 also required to register in the new state of residence.

10 d. Require the person to read and sign a form stating that
11 the duty of the person to register under this chapter has been
12 explained. If the person cannot read, is unable to write, or
13 refuses to cooperate, the duty and the form shall be explained
14 orally and a written record maintained by the person
15 explaining the duty and the form.

16 2. The child abuse-child care registry shall send the
17 initial registration information to the department office in
18 the county where the person required to register resides
19 within three business days of completing the initial
20 registration.

21 Sec. 8. NEW SECTION. 235D.6 REGISTRATION FEES FOR
22 OFFENDERS.

23 At the time of filing an initial registration, or a change
24 of registration with the department of the county of
25 residence, a person who is required to register pursuant to
26 section 235D.2 shall pay a fee of one hundred twenty-five
27 dollars to the department. If, at the time of registration,
28 the person who is required to register is unable to pay the
29 fee, the department may allow the person time to pay the fee,
30 permit the payment of the fee in installments, or waive
31 payment of the fee for good cause. Fees paid to the
32 department shall be used to defray the costs of duties related
33 to the registration of persons under this chapter.

34 Sec. 9. NEW SECTION. 235D.7 FAILURE TO COMPLY --
35 PENALTY.

1 A person who willfully fails to register as required under
2 this chapter commits a serious misdemeanor for a first offense
3 and an aggravated misdemeanor for a second or subsequent
4 offense. However, a person who willfully fails to register as
5 required under this chapter and who, during the period in
6 which the person has willfully failed to register, commits a
7 criminal offense against a child under chapter 709, 709A, 710,
8 725, 726, or 728, commits a class "D" felony. The court shall
9 not defer judgment or sentence for any violation of the
10 registration requirements of this chapter.

11 Sec. 10. NEW SECTION. 235D.8 REGISTRATION AND DISCLOSURE
12 PROCESS.

13 1. The department shall prepare registration forms. The
14 forms shall include the registrant's name, social security
15 number, current address, and, if applicable, telephone number.
16 In addition, the registration form shall include the names,
17 addresses, and telephone numbers of the children for which the
18 registrant is providing child day care as well as this
19 information for the children's parent, guardian, or custodian.
20 The forms may provide for the reporting of additional relevant
21 information, including but not limited to, residents in the
22 household of the person required to register, but shall not
23 include information identifying the victim of the child abuse
24 which the registrant was found to have committed. Forms shall
25 be available to any person upon request to the department.

26 2. a. The department shall prepare disclosure forms which
27 shall be made available to a registrant. The disclosure form
28 shall provide for a written acknowledgment by the parent or
29 guardian of each child for which the registrant provides child
30 day care that the registrant is required to register with the
31 child care-child abuse registry by reason of having been named
32 as having abused a child in a founded child abuse report. The
33 form shall also provide instructions regarding the parent's,
34 guardian's, or custodian's access to information maintained in
35 the child abuse-child care registry.

1 b. The disclosure form shall be signed by the parent or
2 guardian of each child for which the registrant provides child
3 day care, acknowledging that the parent or guardian has read
4 the form. A disclosure form shall be filed with the
5 department for each child in the registrant's child day care
6 as part of the registration requirements.

7 Sec. 11. NEW SECTION. 235D.9 DEPARTMENT DUTIES --
8 REGISTRY.

9 The department shall perform all of the following duties:

10 1. Develop and disseminate the standard forms for
11 registering and verifying addresses of persons required to
12 register pursuant to section 235D.2, and for understanding of
13 registration requirements by the persons. The materials used
14 to verify addresses of the persons required to register shall
15 contain a warning against forwarding of the form and of the
16 requirement to return the form if the person to whom the form
17 is directed no longer resides at the address listed on the
18 form or the mailing.

19 2. Maintain a central registry of information collected
20 from persons required to register under this chapter, which
21 shall be known as the child abuse-child care registry.

22 3. Adopt rules under chapter 17A as necessary to do all of
23 the following:

24 a. Ensure compliance with registration and verification
25 requirements of this chapter.

26 b. Provide guidelines for persons required to assist in
27 obtaining registry information.

28 c. Provide a procedure for the dissemination of
29 information contained in the child abuse-child care registry.
30 The procedure for the dissemination of information shall
31 include, but is not limited to, practical guidelines for use
32 by agencies in determining when public release of information
33 contained in the registry is appropriate and a requirement
34 that if a member of the general public requests information
35 regarding a specific individual in the manner provided in

1 section 235D.11, the information shall be released. The
2 department, in developing the procedure, shall consult with
3 associations which represent the interests of law enforcement
4 officers. Rules adopted shall also include a procedure for
5 removal of information from the registry upon a determination
6 that the information concerning the person in the founded
7 child abuse report which caused the person to register under
8 this chapter was unfounded and was corrected or eliminated
9 pursuant to section 235A.19, subsection 5.

10 Sec. 12. NEW SECTION. 235D.10 CHILD ABUSE-CHILD CARE
11 REGISTRY FUND.

12 A child abuse-child care registry fund is established as a
13 separate fund within the state treasury under the control of
14 the department. The fund shall consist of moneys received
15 from fees received under section 235D.6 and other funds allo-
16 cated for purposes of establishing and maintaining the child
17 abuse-child care registry, conducting research and analysis
18 related to child abuse-child care issues, and to perform other
19 duties required under this chapter. Notwithstanding section
20 8.33, unencumbered or unobligated moneys and any interest
21 remaining in the fund on June 30 of any fiscal year shall not
22 revert to the general fund of the state, but shall remain
23 available for expenditure in subsequent fiscal years. Moneys
24 in the fund are appropriated to the department to be used only
25 for the purposes delineated in this section and are not
26 subject to transfer pursuant to section 8.39.

27 Sec. 13. NEW SECTION. 235D.11 AVAILABILITY OF RECORDS.

28 Notwithstanding chapter 22, the confidentiality of
29 information in the child abuse-child care registry shall be
30 maintained except as specifically provided as follows:

31 1. As authorized in section 235A.15.

32 2. The department shall release information regarding a
33 specific person who is required to register under this chapter
34 to a member of the general public if the person requesting the
35 information gives the person's name and address in writing,

1 states the person's reason for requesting the information, and
2 provides the department with the name and address of the
3 person about whom the information is sought. The department
4 shall maintain a record of persons requesting information from
5 the registry. The confidentiality of the record of a person
6 requesting information from the registry shall be maintained,
7 unless the person requesting the information from the registry
8 requests that the record of the information request be a
9 public record.

10 3. Information shall not be released which would identify
11 the victim's name or location in the founded child abuse
12 report which is a part of the child abuse-child care registry
13 record.

14 Sec. 14. NEW SECTION. 235D.12 COOPERATION WITH REGIS-
15 TRATION.

16 Each agency of state and local government which possesses
17 information relevant to requirements that a person register
18 under this chapter shall provide that information to the de-
19 partment upon request. Any confidential record provided pur-
20 suant to this section shall only be released pursuant to
21 section 235D.11.

22 Sec. 15. NEW SECTION. 235D.13 IMMUNITY FOR GOOD FAITH
23 CONDUCT.

24 A person is immune from civil or criminal liability for
25 acts or omissions arising from a good faith effort to comply
26 with this chapter.

27

EXPLANATION

28 This bill requires a child day care provider who has been
29 found to have committed child abuse to register with the
30 department of human services and provides penalties.

31 Sections 235A.15 and 235A.17 are amended to authorize
32 department of human services employees access to the central
33 child abuse registry information and to permit redissemination
34 of the information for purposes of the child abuse-child care
35 registry requirements established in the bill.

1 The remainder of the bill establishes a new chapter
2 tentatively numbered 235D creating child abuse-child care
3 registry requirements.

4 New section 235D.1 provides definitions based upon the
5 definitions in chapter 235A, relating to child abuse
6 information and 237A, relating to child day care regulation.

7 New section 235D.2 establishes a registration requirement
8 for a person who provides child day care and who has been
9 named as having abused a child in a founded child abuse
10 report. Exceptions are provided for persons who have been
11 evaluated by the department of human services and permitted to
12 provide care, and for persons for which the child abuse
13 information was later corrected or expunged.

14 New section 235D.3 establishes a registration process and
15 time frames for the process.

16 New section 235D.4 requires annual address verification of
17 those required to be registered.

18 New section 235D.5 requires the department of human
19 services to notify a person who is subject to registration of
20 the registration requirements. The notification requirements
21 are triggered at the time the department of human services
22 notifies the person of the registration requirement following
23 entry of a founded child abuse report which would cause the
24 person to be required to register.

25 New section 235D.6 establishes a fee of \$125 for initial
26 registration or for change of registration. The department is
27 permitted to waive the fee or allow the fee to be paid in
28 installments under certain circumstances.

29 New section 235D.7 establishes criminal penalties for
30 persons who willfully fail to register as required and
31 increases penalties for a person who willfully fails to
32 register and commits any of the following criminal offenses
33 against a child: sexual abuse, contributing to juvenile
34 delinquency, kidnapping, vice, abandonment, neglect, child
35 endangerment, and obscenity.

1 New section 235D.8 delineates requirements for the forms to
2 be developed by the department. The forms include a
3 registration form for registrants and a disclosure form for
4 the signature of the parent, guardian, or custodian of a child
5 receiving child day care from a required registrant. The
6 disclosure form is a written acknowledgment by the parent,
7 guardian, or custodian that the registrant is required to
8 register for having been named as a perpetrator in a founded
9 child abuse report.

10 New section 235D.9 requires the department to develop and
11 disseminate forms, establish and maintain a central child
12 abuse-child care registry, and adopt administrative rules
13 providing for the maintenance and release of information in
14 the registry.

15 New section 235D.10 creates the child abuse-child care fund
16 under the control of the department. Fees and other moneys
17 associated with the registry program are to be deposited to
18 the fund, and a standing appropriation of the moneys in the
19 fund is made to the department.

20 New section 235D.11 establishes confidentiality
21 requirements for information contained in the child abuse-
22 child care registry.

23 New section 235D.12 requires state and local governments to
24 provide information relevant to the registration requirements.

25 New section 235D.13 provides liability immunity for persons
26 acting in good faith to comply with the chapter.

27
28
29
30
31
32
33
34
35

SENATE FILE 2364

S-5421

1 Amend Senate File 2364 as follows:

2 1. Page 1, line 33, by inserting after the word
3 "report," the following: "which is placed in the
4 central registry on or after July 1, 1996,".

5 2. Page 2, by striking lines 17 and 18 and
6 inserting the following:

7 "1. The person shall register with the child
8 abuse-child care registry prior to providing child".

9 3. Page 2, by striking lines 24 through 26 and
10 inserting the following:

11 "2. Within ten days of changing residence within
12 this state, notify the child abuse-child care registry
13 of the change of address and".

14 4. By striking page 2, line 30, through page 3,
15 line 3.

16 5. Page 3, by striking lines 5 and 6 and
17 inserting the following: "outside of this state, the
18 person shall notify the child abuse-child care
19 registry of the".

20 6. Page 3, by striking lines 10 through 26 and
21 inserting the following:

22 "Sec. 6. NEW SECTION. 235D.4 REGISTRATION
23 RENEWAL.

24 A person required to register with the department
25 pursuant to section 235D.2 shall annually renew the
26 person's registration and verify the person's address
27 using a renewal form developed by the department. The
28 person shall renew the registration in the month in
29 which the person was initially required to register.
30 The renewal form shall be signed by the person,".

31 7. Page 3, line 29, by striking the figure "1."

32 8. Page 3, line 30, by inserting after the word
33 "registry" the following: "on or after July 1,
34 1996,".

35 9. Page 3, line 34, by striking the letter "a."
36 and inserting the following: "1."

37 10. By striking page 3, line 35, through page 4,
38 line 3, and inserting the following:

39 "2. Inform the person of the person's duty to
40 notify the child abuse-child care registry within ten
41 days of changing residence within this state."

42 11. Page 4, by striking lines 4 through 7 and
43 inserting the following:

44 "3. Inform the person of the person's duty to
45 notify the child abuse-child care registry within ten
46 days of changing residence to a location outside this
47 state, and inform the person that, if".

48 12. Page 4, by striking lines 16 through 20.

49 13. Page 4, line 23 by striking the word "change"
50 and inserting the following: "renewal".

S-5421

-1-

S-5421

Page 2

- 1 14. Page 4, lines 24 and 25, by striking the
- 2 words "of the county of residence".
- 3 15. Page 4, line 26, by striking the words "a
- 4 fee" and inserting the following: "an annual fee".
- 5 16. Page 6, line 6, by inserting after the word
- 6 "requirements." the following: "The department shall
- 7 retain a disclosure form filed in accordance with this
- 8 paragraph for a period of three years."
- 9 17. Page 6, line 11, by striking the words "and
- 10 verifying addresses of".
- 11 18. Page 6, by striking lines 13 through 18 and
- 12 inserting the following: "registration requirements
- 13 by the persons."
- 14 19. Page 6, line 24, by striking the words "and
- 15 verification".
- 16 20. By renumbering as necessary.

By TONY BISIGNANO

S-5421 FILED MARCH 19, 1996

Adopted
3-21-96
(P.944)

SENATE FILE 2364
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2257)

(AS AMENDED AND PASSED BY THE SENATE MARCH 21, 1996)

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

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

A BILL FOR

1 An Act requiring a child day care provider who has been found to
 2 have committed child abuse to register with the state and
 3 related provisions, making an appropriation, and providing
 4 penalties.

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

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21

S.F. 2364

1 Section 1. Section 235A.15, subsection 2, paragraph e,
2 Code Supplement 1995, is amended by adding the following new
3 subparagraph:

4 NEW SUBPARAGRAPH. (15) To employees of the department of
5 human services as necessary to perform child abuse-child care
6 registry duties under chapter 235D.

7 Sec. 2. Section 235A.17, Code 1995, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 3. An employee of the department of human
10 services authorized to receive child abuse information for
11 purposes of the child abuse-child care registry pursuant to
12 section 235A.15, subsection 2, paragraph "e", subparagraph
13 (15) may disseminate the information in accordance with the
14 provisions of chapter 235D.

15 Sec. 3. NEW SECTION. 235D.1 DEFINITIONS.

16 As used in this chapter, unless the context otherwise
17 requires:

18 1. "Central child abuse registry" or "central registry"
19 means the central child abuse registry created in chapter
20 235A.

21 2. "Child abuse-child care registry" means the central
22 child abuse-child care registry created by the department
23 pursuant to section 235D.9.

24 3. "Child day care" means the same as defined in section
25 237A.1.

26 4. "Department" means the department of human services.

27 5. "Founded child abuse report" means a child abuse report
28 determined by the department to be child abuse and placed in
29 the central child abuse registry as founded child abuse.

30 Sec. 4. NEW SECTION. 235D.2 PERSONS REQUIRED TO
31 REGISTER.

32 1. A person who provides child day care and who is named
33 as having abused a child in a founded child abuse report,
34 which is placed in the central registry on or after July 1,
35 1996, shall register as provided in this chapter for a period

1 of time equivalent to the period of time the report is
2 maintained on the central child abuse registry.

3 2. The registration requirements of this section do not
4 apply to any of the following:

5 a. A person for whom the department has performed an
6 evaluation pursuant to section 237A.5, subsection 2, and has
7 permitted the person to be licensed, registered, employed, or
8 to reside in a child day care facility, if the person complies
9 with the department's conditions established in section
10 237A.5, subsection 2, paragraph "c".

11 b. A person who was named as having abused a child in a
12 founded child abuse report in which the information concerning
13 the person was determined to be unfounded and was corrected or
14 eliminated pursuant to section 235A.19, subsection 5.

15 Sec. 5. NEW SECTION. 235D.3 REGISTRATION PROCESS.

16 All of the following applies to a person who is required to
17 register with the department, pursuant to section 235D.2:

18 1. The person shall register with the child abuse-child
19 care registry prior to providing child day care. However, if
20 the person is providing child day care at the time the founded
21 child abuse report is entered in the central registry, the
22 person shall register within ten days of the date the person
23 is notified of the duty to register under section 235D.5.

24 2. Within ten days of changing residence within this
25 state, notify the child abuse-child care registry of the
26 change of address and any changes in the person's telephone
27 number. The notification shall be in writing on a form
28 provided by the department.

*29 3. Within ten days of changing residence to a location
30 outside of this state, the person shall notify the child
31 abuse-child care registry of the new residence address, and
32 any changes in telephone number. If the person is required to
33 register under the laws of the other state, the person shall
34 register in the other state.

35 Sec. 6. NEW SECTION. 235D.4 REGISTRATION RENEWAL.

1 A person required to register with the department pursuant
2 to section 235D.2 shall annually renew the person's
3 registration and verify the person's address using a renewal
4 form developed by the department. The person shall renew the
5 registration in the month in which the person was initially
6 required to register. The renewal form shall be signed by the
7 person.

8 Sec. 7. NEW SECTION. 235D.5 DUTY TO FACILITATE REGIS-
9 TRATION.

*10 If a founded child abuse report is entered in the central
11 registry on or after July 1, 1996, which would cause a person
12 to be required to register with the department pursuant to
13 section 235D.2, the department shall do the following at the
14 time a founded child abuse report is entered in the central
15 registry:

16 1. Inform the person of the duty to register.

17 2. Inform the person of the person's duty to notify the
18 child abuse-child care registry within ten days of changing
19 residence within this state.

20 3. Inform the person of the person's duty to notify the
21 child abuse-child care registry within ten days of changing
22 residence to a location outside this state, and inform the
23 person that, if the other state has a registration
24 requirement, the person is also required to register in the
25 new state of residence.

26 4. Require the person to read and sign a form stating that
27 the duty of the person to register under this chapter has been
28 explained. If the person cannot read, is unable to write, or
29 refuses to cooperate, the duty and the form shall be explained
30 orally and a written record maintained by the person
31 explaining the duty and the form.

*32 Sec. 8. NEW SECTION. 235D.6 REGISTRATION FEES FOR
33 OFFENDERS.

34 At the time of filing an initial registration, or a renewal
*35 of registration with the department, a person who is required

1 to register pursuant to section 235D.2 shall pay an annual fee
2 of one hundred twenty-five dollars to the department. If, at
3 the time of registration, the person who is required to
4 register is unable to pay the fee, the department may allow
5 the person time to pay the fee, permit the payment of the fee
6 in installments, or waive payment of the fee for good cause.
7 Fees paid to the department shall be used to defray the costs
8 of duties related to the registration of persons under this
9 chapter.

10 Sec. 9. NEW SECTION. 235D.7 FAILURE TO COMPLY --
11 PENALTY.

12 A person who willfully fails to register as required under
13 this chapter commits a serious misdemeanor for a first offense
14 and an aggravated misdemeanor for a second or subsequent
15 offense. However, a person who willfully fails to register as
16 required under this chapter and who, during the period in
17 which the person has willfully failed to register, commits a
18 criminal offense against a child under chapter 709, 709A, 710,
19 725, 726, or 728, commits a class "D" felony. The court shall
20 not defer judgment or sentence for any violation of the
21 registration requirements of this chapter.

22 Sec. 10. NEW SECTION. 235D.8 REGISTRATION AND DISCLOSURE
23 PROCESS.

24 1. The department shall prepare registration forms. The
25 forms shall include the registrant's name, social security
26 number, current address, and, if applicable, telephone number.
27 In addition, the registration form shall include the names,
28 addresses, and telephone numbers of the children for which the
29 registrant is providing child day care as well as this
30 information for the children's parent, guardian, or custodian.
31 The forms may provide for the reporting of additional relevant
32 information, including but not limited to, residents in the
33 household of the person required to register, but shall not
34 include information identifying the victim of the child abuse
35 which the registrant was found to have committed. Forms shall

1 be available to any person upon request to the department.

2 2. a. The department shall prepare disclosure forms which
3 shall be made available to a registrant. The disclosure form
4 shall provide for a written acknowledgment by the parent or
5 guardian of each child for which the registrant provides child
6 day care that the registrant is required to register with the
7 child care-child abuse registry by reason of having been named
8 as having abused a child in a founded child abuse report. The
9 form shall also provide instructions regarding the parent's,
10 guardian's, or custodian's access to information maintained in
11 the child abuse-child care registry.

12 b. The disclosure form shall be signed by the parent or
13 guardian of each child for which the registrant provides child
14 day care, acknowledging that the parent or guardian has read
15 the form. A disclosure form shall be filed with the
16 department for each child in the registrant's child day care
17 as part of the registration requirements. The department
18 shall retain a disclosure form filed in accordance with this
19 paragraph for a period of three years.

20 Sec. 11. NEW SECTION. 235D.9 DEPARTMENT DUTIES --
21 REGISTRY.

22 The department shall perform all of the following duties:

23 1. Develop and disseminate the standard forms for
*24 registering persons required to register pursuant to section
25 235D.2, and for understanding of registration requirements by
26 the persons.

27 2. Maintain a central registry of information collected
28 from persons required to register under this chapter, which
29 shall be known as the child abuse-child care registry.

30 3. Adopt rules under chapter 17A as necessary to do all of
31 the following:

*32 a. Ensure compliance with registration requirements of
33 this chapter.

34 b. Provide guidelines for persons required to assist in
35 obtaining registry information.

1 c. Provide a procedure for the dissemination of
2 information contained in the child abuse-child care registry.
3 The procedure for the dissemination of information shall
4 include, but is not limited to, practical guidelines for use
5 by agencies in determining when public release of information
6 contained in the registry is appropriate and a requirement
7 that if a member of the general public requests information
8 regarding a specific individual in the manner provided in
9 section 235D.11, the information shall be released. The
10 department, in developing the procedure, shall consult with
11 associations which represent the interests of law enforcement
12 officers. Rules adopted shall also include a procedure for
13 removal of information from the registry upon a determination
14 that the information concerning the person in the founded
15 child abuse report which caused the person to register under
16 this chapter was unfounded and was corrected or eliminated
17 pursuant to section 235A.19, subsection 5.

18 Sec. 12. NEW SECTION. 235D.10 CHILD ABUSE-CHILD CARE
19 REGISTRY FUND.

20 A child abuse-child care registry fund is established as a
21 separate fund within the state treasury under the control of
22 the department. The fund shall consist of moneys received
23 from fees received under section 235D.6 and other funds allo-
24 cated for purposes of establishing and maintaining the child
25 abuse-child care registry, conducting research and analysis
26 related to child abuse-child care issues, and to perform other
27 duties required under this chapter. Notwithstanding section
28 8.33, unencumbered or unobligated moneys and any interest
29 remaining in the fund on June 30 of any fiscal year shall not
30 revert to the general fund of the state, but shall remain
31 available for expenditure in subsequent fiscal years. Moneys
32 in the fund are appropriated to the department to be used only
33 for the purposes delineated in this section and are not
34 subject to transfer pursuant to section 8.39.

35 Sec. 13. NEW SECTION. 235D.11 AVAILABILITY OF RECORDS.

1 Notwithstanding chapter 22, the confidentiality of
2 information in the child abuse-child care registry shall be
3 maintained except as specifically provided as follows:

4 1. As authorized in section 235A.15.

5 2. The department shall release information regarding a
6 specific person who is required to register under this chapter
7 to a member of the general public if the person requesting the
8 information gives the person's name and address in writing,
9 states the person's reason for requesting the information, and
10 provides the department with the name and address of the
11 person about whom the information is sought. The department
12 shall maintain a record of persons requesting information from
13 the registry. The confidentiality of the record of a person
14 requesting information from the registry shall be maintained,
15 unless the person requesting the information from the registry
16 requests that the record of the information request be a
17 public record.

18 3. Information shall not be released which would identify
19 the victim's name or location in the founded child abuse
20 report which is a part of the child abuse-child care registry
21 record.

22 Sec. 14. NEW SECTION. 235D.12 COOPERATION WITH REGIS-
23 TRATION.

24 Each agency of state and local government which possesses
25 information relevant to requirements that a person register
26 under this chapter shall provide that information to the de-
27 partment upon request. Any confidential record provided pur-
28 suant to this section shall only be released pursuant to
29 section 235D.11.

30 Sec. 15. NEW SECTION. 235D.13 IMMUNITY FOR GOOD FAITH
31 CONDUCT.

32 A person is immune from civil or criminal liability for
33 acts or omissions arising from a good faith effort to comply
34 with this chapter.

35