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SENATE FILE 2399  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2326)

Passed Senate, Date 3-21-96 Passed House, Date 4-9-96 <sup>(P.1493)</sup>  
Vote: Ayes 47 Nays 0 Vote: Ayes 90 Nays 5  
Approved 4/30/96

A BILL FOR

1 An Act relating to the reporting and substantiation of harm to a  
2 child and the related duties of the department of human  
3 services and the child abuse information registry.

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

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S.F. 2399

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1 Section 1. Section 232.67, Code 1995, is amended to read  
2 as follows:

3 232.67 LEGISLATIVE FINDINGS -- PURPOSE AND POLICY.

4 Children in this state are in urgent need of protection  
5 from child abuse. Children are best protected if the response  
6 to a report of possible harm to a child is made in a manner  
7 which first and foremost emphasizes child safety and  
8 thereafter emphasizes engagement of the child's family in  
9 services, if the services are necessary and appropriate. It  
10 is the purpose and policy of this part 2 of division III to  
11 provide the greatest possible protection to victims-or  
12 potential-victims-of children who may be subjected to child  
13 abuse through-encouraging-the-increased-reporting-of-suspected  
14 cases-of-such-abuse,-insuring-the-thorough-and-prompt  
15 investigation-of-these-reports,-and-providing-rehabilitative  
16 services,-where-appropriate-and-whenever-possible-to-abused  
17 children-and-their-families-which-will-stabilize-the-home  
18 environment-so-that-the-family-can-remain-intact-without  
19 further-danger-to-the-child by providing a system for  
20 reporting and responding to indicators of harm to a child in  
21 which the approach for responding to a report can be adjusted  
22 to appropriately reflect the severity of the harm to the  
23 child, the functioning of the child within the child's family,  
24 and the resources available to the child and the child's  
25 family in the community.

26 Sec. 2. Section 232.68, subsection 2, Code Supplement  
27 1995, is amended to read as follows:

28 2. "Child abuse" or-"abuse" means a significant injury  
29 suffered by a child or the placing of a child at great risk of  
30 significant injury as determined by the department under  
31 section 232.71 following a report of harm to the child and  
32 pursuant to an assessment performed by the department  
33 resulting in the placement of the name of the child and the  
34 person responsible for the injury in the registry.

35 2A. "Harm" means any of the following:

1 a. Any nonaccidental physical injury, or injury which is  
2 at variance with the history given of it, suffered by a child  
3 as the result of the acts or omissions of a person responsible  
4 for the care of the child.

5 b. Any mental injury to a child's intellectual or  
6 psychological capacity as evidenced by an observable and  
7 substantial impairment in the child's ability to function  
8 within the child's normal range of performance and behavior as  
9 the result of the acts or omissions of a person responsible  
10 for the care of the child, if the impairment is diagnosed and  
11 confirmed by a licensed physician or qualified mental health  
12 professional as defined in section 622.10.

13 c. The commission of a sexual offense with or to a child  
14 pursuant to chapter 709, section 726.2, or section 728.12,  
15 subsection 1, as a result of the acts or omissions of the  
16 person responsible for the care of the child. Notwithstanding  
17 section 702.5, the commission of a sexual offense under this  
18 paragraph includes any sexual offense referred to in this  
19 paragraph with or to a person under the age of eighteen years.

20 d. The failure on the part of a person responsible for the  
21 care of a child to provide for the adequate food, shelter,  
22 clothing or other care necessary for the child's health and  
23 welfare when financially able to do so or when offered  
24 financial or other reasonable means to do so. A parent or  
25 guardian legitimately practicing religious beliefs who does  
26 not provide specified medical treatment for a child for that  
27 reason alone shall not be considered abusing the child,  
28 however this provision shall not preclude a court from  
29 ordering that medical service be provided to the child where  
30 the child's health requires it.

31 e. The acts or omissions of a person responsible for the  
32 care of a child which allow, permit, or encourage the child to  
33 engage in acts prohibited pursuant to section 725.1.  
34 Notwithstanding section 702.5, acts or omissions under this  
35 paragraph include an act or omission referred to in this

1 paragraph with or to a person under the age of eighteen years.

2 f. An illegal drug is present in a child's body as a  
3 direct and foreseeable consequence of the acts or omissions of  
4 the person responsible for the care of the child which a  
5 reasonable and prudent person knew or should have known is  
6 likely to lead to the drug's presence in the child's body.

7 Sec. 3. Section 232.68, subsection 3, Code Supplement  
8 1995, is amended to read as follows:

9 3. "Confidential access to a child" means access to a  
10 child, during an investigation assessment of an-alleged-act-of  
11 child-abuse, who-is-alleged-to-be-the-victim-of-the-child  
12 abuse a report of harm to a child. The access may be  
13 accomplished by interview, observation, or examination of the  
14 child. As used in this subsection:

15 a. "Interview" means the verbal exchange between the  
16 department investigator assessment worker and the child for  
17 the purpose of developing information necessary to protect the  
18 child. A department investigator assessment worker is not  
19 precluded from recording visible evidence of abuse harm to a  
20 child.

21 b. "Observation" means direct physical viewing of a child  
22 who is under the age of four by the department investigator  
23 assessment worker where the viewing is limited to the child's  
24 body other than the genitalia and pubes. "Observation" also  
25 means direct physical viewing of a child age four or older by  
26 the department investigator assessment worker without touching  
27 the child or removing an article of the child's clothing, and  
28 doing so without the consent of the child's parent, custodian,  
29 or guardian. A department investigator assessment worker is  
30 not precluded from recording evidence of abuse harm to a child  
31 obtained as a result of a child's voluntary removal of an  
32 article of clothing without inducement by the investigator  
33 assessment worker. However, if prior consent of the child's  
34 parent or guardian, or an ex parte court order, is obtained,  
35 "observation" may include viewing the child's unclothed body

1 other than the genitalia and pubes.

2 c. "Examination" means direct physical viewing, touching,  
3 and medically necessary manipulation of any area of the  
4 child's body by a physician licensed under chapter 148 or  
5 150A.

6 Sec. 4. Section 232.69, subsection 1, unnumbered paragraph  
7 1, Code 1995, is amended to read as follows:

8 The following classes of persons shall make a report within  
9 twenty-four hours and as provided in section 232.70, of ~~cases~~  
10 ~~of-child-abuse~~ an indicator of harm to a child:

11 Sec. 5. Section 232.69, subsection 1, paragraph a, Code  
12 1995, is amended to read as follows:

13 a. Every health practitioner who in the scope of  
14 professional practice, examines, attends, or treats a child  
15 and who reasonably believes the child ~~has-been-abused~~ has been  
16 subjected to harm. Notwithstanding section 140.3, this  
17 provision applies to a health practitioner who receives  
18 information confirming that a child is infected with a  
19 sexually transmitted disease.

20 Sec. 6. Section 232.69, subsection 1, paragraph b,  
21 unnumbered paragraph 1, Code 1995, is amended to read as  
22 follows:

23 Any of the following persons who, in the scope of  
24 professional practice or in their employment responsibilities,  
25 examines, attends, counsels, or treats a child and reasonably  
26 believes a child ~~has-suffered-abuse~~ has been subjected to  
27 harm:

28 Sec. 7. Section 232.69, subsections 2 and 3, Code 1995,  
29 are amended to read as follows:

30 2. Any other person who believes that a child ~~has-been~~  
31 ~~abused~~ has been subject to harm may make a report as provided  
32 in section 232.70.

33 3. A person required to make a report under subsection 1,  
34 other than a physician whose professional practice does not  
35 regularly involve providing primary health care to children,

1 shall complete two hours of training relating to the  
2 identification and reporting of ~~child-abuse~~ harm to a child  
3 within six months of initial employment or self-employment  
4 involving the examination, attending, counseling, or treatment  
5 of children on a regular basis. Within one month of initial  
6 employment or self-employment, the person shall obtain a  
7 statement of the ~~abuse~~ reporting requirements from the  
8 person's employer or, if self-employed, from the department.  
9 ~~The~~ Every five years the person shall complete at least two  
10 hours of additional ~~child-abuse~~ training relating to the  
11 identification and reporting ~~training-every-five-years~~ of harm  
12 to a child. If the person is an employee of a hospital or  
13 similar institution, or of a public or private institution,  
14 agency, or facility, the employer shall be responsible for  
15 providing the ~~child-abuse~~ identification and reporting  
16 training. If the person is self-employed, the person shall be  
17 responsible for obtaining the ~~child-abuse~~ identification and  
18 reporting training. The person may complete the initial or  
19 additional training as part of a continuing education program  
20 required under chapter 272C or may complete the training as  
21 part of a training program offered by the department of human  
22 services, the department of education, an area education  
23 agency, a school district, the Iowa law enforcement academy,  
24 or a similar public agency.

25 Sec. 8. Section 232.70, subsection 4, Code 1995, is  
26 amended to read as follows:

27 4. ~~The~~ Upon receipt of a report, the department ~~of-human~~  
28 ~~services~~ shall do all of the following:

29 a. Immediately, upon receipt of an oral report, make a  
30 determination as to whether the report constitutes an  
31 allegation of harm to a child abuse as defined in section  
32 232.68~~7~~.

33 b. ~~Make-a-report-to-the-central-registry-if~~ If the oral  
34 report ~~has-been~~ is determined to constitute ~~a-child-abuse~~ an  
35 allegation~~7~~.

1 ~~c.--Forward-a-copy-of-the-written-report-to-the-registry;~~  
2 and

3 ~~d.--Notify-the-appropriate-county-attorney-of-the-receipt~~  
4 ~~of-any-report~~ of harm to a child, perform an assessment in  
5 accordance with section 232.71.

6 Sec. 9. Section 232.70, subsection 5, Code 1995, is  
7 amended to read as follows:

8 5. The oral and written reports shall contain all of the  
9 following information, or as much thereof of the information  
10 as the person making the report is able to furnish:

11 a. The names and home address of the child and the child's  
12 parents or other persons believed to be responsible for the  
13 child's care;.

14 b. The child's present whereabouts if not the same as the  
15 parent's or other person's home address;.

16 c. The child's age;.

17 d. The nature and extent of the child's-injuries harm to  
18 the child, including any evidence of previous injuries; harm  
19 to the child.

20 e. The name, age, and condition of other children in the  
21 same home;.

22 f. Any other information which the person making the  
23 report believes might be helpful in establishing the cause of  
24 the injury harm to the child, the identity of the person or  
25 persons responsible for the injury harm, or in providing  
26 assistance to the child; ~~and.~~

27 g. The name and address of the person making the report.

28 Sec. 10. Section 232.71, Code Supplement 1995, is amended  
29 to read as follows:

30 232.71 DUTIES OF THE DEPARTMENT UPON RECEIPT OF REPORT.

31 1. If the department determines a report ~~is-determined-to~~  
32 ~~constitute-a-child-abuse-allegation~~ constitutes an allegation  
33 of harm to a child, the department ~~of-human-services~~ shall  
34 promptly commence an appropriate investigation assessment  
35 within seventy-two hours of receiving the report. The primary

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

20 2. The investigation assessment shall include all of the  
21 following:

22 a. Identification of the nature, extent, and cause of the  
23 injuries suspected harm, if any, to the child named in the  
24 report.

25 b. The circumstances which led to the suspected harm to  
26 the child.

27 ~~b.~~ c. The identification of the person or persons  
28 responsible therefor for the suspected harm to the child.

29 ~~c.~~ d. The name, age, and condition of other children in  
30 the same home as the child named in the report.

31 ~~d.~~ e. An evaluation of the home environment. If  
32 protective concerns are identified, the department shall  
33 evaluate the child named in the report and any other children  
34 in the same home as the parents or other persons responsible  
35 for their care.



1 e- f. An interview of the person alleged to have-committed  
2 be responsible for the harm to the child abuse, if the  
3 person's identity and location are known, to afford the person  
4 the opportunity to address the allegations of the child-abuse  
5 report. The interview shall be conducted, or an opportunity  
6 for an interview shall be provided, prior to a-determination  
7 of-child-abuse-being-made completion of the assessment. The  
8 court may waive the requirement of the interview for good  
9 cause.

10 3. The investigation assessment may, with the consent of  
11 the parent or guardian, include a visit to the home of the  
12 child named in the report and an interview or observation of  
13 the child may be conducted. If permission to enter the home  
14 to interview or observe the child is refused, the juvenile  
15 court or district court upon a showing of probable cause may  
16 authorize the person making the investigation assessment to  
17 enter the home and interview or observe the child. The  
18 department may utilize a multidisciplinary team, as defined in  
19 section 235A.13, in investigations performing assessments of  
20 child-abuse harm to a child.

21 4. Based-on-an-investigation-of-alleged-child-abuse The  
22 department, in consultation with facilities providing care to  
23 children, shall develop a protocol for conducting an  
24 assessment of reports of harm to children allegedly caused by  
25 an-employee employees of a-facility facilities providing care  
26 to a-child,-the children. As part of such an assessment, the  
27 department shall notify the licensing authority for the  
28 facility, the governing body of the facility, and the  
29 administrator in charge of the facility of any of the  
30 following:

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

33 b. An instance in which facility policy or lack of  
34 facility policy may have contributed to the alleged harm to a  
35 child abuse or the incident reported.

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

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

7 5. a. The department ~~of-human-services~~ may request  
8 information from any person believed to have knowledge of harm  
9 to a child abuse-case. The county attorney, any law  
10 enforcement or social services agency in the state, and any  
11 mandatory reporter, whether or not the reporter made the  
12 specific child-abuse report of harm to a child, shall  
13 cooperate and assist in the investigation assessment upon the  
14 request of the department ~~of-human-services~~. The county  
15 attorney and appropriate law enforcement agencies shall also  
16 take any other lawful action which may be necessary or  
17 advisable for the protection of the child.

18 b. If the department refers a child to a physician for a  
19 physical examination, the department shall contact the  
20 physician concerning regarding the examination within-twenty-  
21 four-hours-of-making-the-referral prior to completing the  
22 assessment. If the physician who performs the examination  
23 upon referral by the department reasonably believes the child  
24 has been abused subjected to harm, the physician shall report  
25 to the department within twenty-four hours of performing the  
26 examination.

27 6. The investigation assessment may include a visit to a  
28 facility providing care to the child named in the report or to  
29 any public or private school subject to the authority of the  
30 department of education where the child named in the report is  
31 located. The administrator of a facility, or a public or  
32 private school shall cooperate with the investigator by  
33 providing confidential access to the child named in the report  
34 for the purpose of interviewing the child, and shall allow the  
35 investigator assessment worker confidential access to other

1 children for the purpose of conducting interviews in order to  
2 obtain relevant information. The investigator assessment  
3 worker may observe a child named in a report in accordance  
4 with the provisions of section 232.68, subsection 3, paragraph  
5 "b". A witness shall be present during an observation of a  
6 child. Any child age ten years of age or older can terminate  
7 contact with the investigator assessment worker by stating or  
8 indicating the child's wish to discontinue the contact. The  
9 immunity granted by section 232.73 applies to acts or  
10 omissions in good faith of such administrators and their  
11 facilities or school districts for cooperating in an  
12 investigation assessment and allowing confidential access to a  
13 child. The department may utilize a multidisciplinary team,  
14 as defined in section 235A.13, to conduct investigations an  
15 assessment of harm to a child abuse involving employees or  
16 agents of a facility providing care for a child.

17 7. a. The department, upon completion of its  
18 investigation the assessment, shall make prepare a preliminary  
19 report-of-its-investigation-as written assessment which  
20 incorporates the information required by subsection 2. The  
21 written assessment shall be completed within twenty business  
22 days of receiving the report.

23 b. A If the department determines in accordance with  
24 subsection 8 that the harm to the child constitutes  
25 substantiated child abuse, a copy of this-report the written  
26 assessment shall be transmitted to the juvenile court within  
27 four-regular-working-days-after-the-department-initially  
28 receives-the-abuse-report-unless-the-juvenile-court-grants-an  
29 extension-of-time-for-good-cause-shown.--If-the-preliminary  
30 report-is-not-a-complete-report,-a-complete-report-shall-be  
31 filed-within-ten-working-days-of-the-receipt-of-the-abuse  
32 report,-unless-the-juvenile-court-grants-an-extension-of-time  
33 for-good-cause-shown; and the county attorney. The juvenile  
34 court and the county attorney shall notify the department  
35 office which prepared the assessment of any action taken or

1 contemplated with respect to the substantiated child abuse  
2 described in the assessment.

3 c. A copy of the written assessment which pertains to the  
4 reported harm shall be transmitted to all subjects of a  
5 report. The department shall notify a subject of-the-report  
6 of-the-result-of-the-investigation, of the subject's right to  
7 correct the information pursuant to section 235A.19 if the  
8 department determines the harm to the child constitutes  
9 substantiated child abuse, and of the procedures to correct  
10 the information in any report or assessment. The-juvenile  
11 court-shall-notify-the-registry-of-any-action-it-takes-with  
12 respect-to-a-suspected-case-of-child-abuse.

13 8. d. The If the department determines in accordance with  
14 subsection 8 that the harm to the child constitutes  
15 substantiated child abuse, the department of-human-services  
16 shall transmit to the registry a copy of the report-of-its  
17 investigation written assessment of the harm, including  
18 actions taken or contemplated,--to-the-registry to safeguard  
19 the child. The department of-human-services shall make  
20 periodic follow-up reports thereafter in a manner prescribed  
21 by the registry so that the registry is kept up-to-date and  
22 fully informed concerning the handling of a suspected case of  
23 substantiated child abuse.

24 9. 8. The-department-of-human-services-shall-also-transmit  
25 a-copy-of-the-report-of-its-investigation-to-the-county  
26 attorney.--The-county-attorney-shall-notify-the-registry-of  
27 any-actions-or-contemplated-actions-with-respect-to-a  
28 suspected-case-of-child-abuse-so-that-the-registry-is-kept-up-  
29 to-date-and-fully-informed-concerning-the-handling-of-such-a  
30 case. If the department determines in accordance with this  
31 subsection that a harm to a child caused significant injury or  
32 placed a child at great risk of significant injury, the names  
33 of the child and of the person alleged to be responsible for  
34 the harm to the child shall be placed on the central registry  
35 for child abuse information as a case of substantiated child

1 abuse. Only a harm to a child placed on the registry in  
2 accordance with this subsection shall be considered to be  
3 substantiated child abuse. A determination of substantiated  
4 child abuse shall be based upon any of the following:

5 a. The case involving the report of harm to the child was  
6 referred for juvenile or criminal court action.

7 b. A child in need of assistance or other court proceeding  
8 is initiated based upon the report of harm to the child.

9 However, a proceeding or assessment based upon a report of  
10 harm to a child in which the child's parent or guardian who is  
11 legitimately practicing religious beliefs fails to secure  
12 necessary medical care for the child shall not be placed on  
13 the registry as substantiated child abuse.

14 c. In the opinion of a health practitioner or mental  
15 health professional, the harm to the child as a result of the  
16 acts or omission of the alleged person responsible for the  
17 care of the child required or should have required medical or  
18 mental health treatment.

19 d. Additional reports of harm to a child are made based  
20 upon the acts or omissions of the same person.

21 ~~10.~~ 9. Based on the investigation-conducted assessment  
22 performed pursuant to this section, the department shall offer  
23 to the family of any child believed to be the victim of abuse  
24 harm such services as are available and appear appropriate for  
25 either the child, the family, or both, if it is explained that  
26 the department has no legal authority to compel the family to  
27 accept the services.

28 ~~11.~~ 10. If, upon completion of the investigation  
29 assessment, the department of-human-services determines that  
30 the best interests of the child require juvenile court action,  
31 the department shall take the appropriate action to initiate  
32 such action under this chapter. If at any time during the  
33 assessment process the department believes court action is  
34 necessary to safeguard the child, the department shall act  
35 appropriately to initiate the action. The county attorney

1 shall assist the county department of human services as  
2 provided under section 232.90, subsection 2.

3 ~~12-~~ 11. The department ~~of-human-services~~ shall assist the  
4 juvenile court or district court during all stages of court  
5 proceedings involving a suspected ~~child-abuse~~ case of harm to  
6 a child in accordance with the purposes of this chapter.

7 ~~13-~~ 12. The department ~~of-human-services~~ shall provide for  
8 or arrange for and monitor services for ~~abused~~ children who  
9 are victims of harm or of child abuse or at risk of harm or of  
10 child abuse and their families on a voluntary basis or under a  
11 final or intermediate order of the juvenile court. The  
12 department shall adopt rules defining services which the local  
13 planning groups authorized to develop plans may recommend.

14 ~~14-~~ 13. In every case involving harm to a child abuse  
15 which results in a child protective judicial proceeding,  
16 whether or not the proceeding arises under this chapter, a  
17 guardian ad litem shall be appointed by the court to represent  
18 the child in the proceedings. Before a guardian ad litem is  
19 appointed pursuant to this section, the court shall require  
20 the person responsible for the care of the child to complete  
21 under oath a detailed financial statement. If, on the basis  
22 of that financial statement, the court deems that the person  
23 responsible for the care of the child is able to bear the cost  
24 of the guardian ad litem, the court shall so order. In cases  
25 where the person responsible for the care of the child is  
26 unable to bear the cost of the guardian ad litem, the expense  
27 shall be paid out of the county treasury.

28 ~~15-~~ 14. If a fourth report is received from the same  
29 person who made three earlier ~~unfounded~~ reports which  
30 identified the same child as the ~~abused~~ child who was harmed  
31 and the same person responsible for the child as ~~the-alleged~~  
32 ~~abuser~~ causing the suspected harm which were determined by the  
33 department to be entirely false or without merit, the  
34 department may determine that the report is again ~~unfounded~~  
35 false or without merit due to the report's spurious or

1 frivolous nature and may in its discretion terminate its  
2 investigation assessment.

3 ~~16.~~ 15. The department may request criminal history data  
4 from the department of public safety on regarding any person  
5 believed to be responsible for an-injury a harm to a child  
6 ~~which, if confirmed, would constitute child abuse.~~ The  
7 department shall establish procedures for determining when a  
8 criminal history records check under this subsection is  
9 necessary.

10 ~~17.~~ 16. In each county or multicounty area in which more  
11 than fifty child-abuse reports of harm to a child are made per  
12 year, the department shall establish a multidisciplinary team,  
13 as defined in section 235A.13, ~~subsection-7.~~ Upon the  
14 department's request, a multidisciplinary team shall assist  
15 the department in the assessment, diagnosis, and disposition  
16 of a child-abuse report of harm to a child.

17 17. In each county or multicounty area in which more than  
18 fifty reports of harm to a child are made per year, the  
19 department shall work with the communities in the county or  
20 multicounty area to develop a community-based plan for  
21 improving child protection in the area, including but not  
22 limited to developing an array of preventive and targeted  
23 family-based services.

24 18. Unless otherwise provided by this section or another  
25 applicable law, information in any assessment made under this  
26 section is confidential and notwithstanding chapter 22, the  
27 confidentiality of the information shall be maintained.

28 Sec. 11. Section 232.72, Code 1995, is amended to read as  
29 follows:

30 232.72 JURISDICTION -- TRANSFER.

31 "Department of human services" ~~or~~ "county-attorney"  
32 ordinarily ~~refer~~ refers to the local or county office serving  
33 the county in which the child's home is located.

34 However, if the person making the report pursuant to this  
35 chapter does not know where the child's home is located, or if

1 the child's home is not located in the service area where the  
2 health practitioner examines, attends, or treats the child,  
3 the report may be made to the state department of human  
4 services or to the local office serving the county where the  
5 person making the report resides or the county where the  
6 health practitioner examines, attends, or treats the child.  
7 These agencies shall promptly proceed as provided in section  
8 232.71, unless the matter is transferred as provided in this  
9 section.

10 If the child's home is located in a county not served by  
11 the office receiving the report, the department shall promptly  
12 transfer the matter by transmitting a copy of the report of  
13 injury and any other pertinent information to the office and  
14 ~~the county attorney~~ serving the other county. They That  
15 office shall promptly proceed as provided in section 232.71.

16 Sec. 12. Section 232.73, unnumbered paragraph 1, Code  
17 Supplement 1995, is amended to read as follows:

18 A person participating in good faith in the making of a  
19 report, photographs, or X rays, or in the performance of a  
20 medically relevant test pursuant to this chapter, or aiding  
21 and assisting in an investigation of a ~~child-abuse~~ report of  
22 harm to a child pursuant to section 232.71, shall have  
23 immunity from any liability, civil or criminal, which might  
24 otherwise be incurred or imposed. The person shall have the  
25 same immunity with respect to participation in good faith in  
26 any judicial proceeding resulting from the report or relating  
27 to the subject matter of the report.

28 Sec. 13. Section 232.74, Code 1995, is amended to read as  
29 follows:

30 232.74 EVIDENCE NOT PRIVILEGED OR EXCLUDED.

31 Sections 622.9 and 622.10 and any other statute or rule of  
32 evidence which excludes or makes privileged the testimony of a  
33 husband or wife against the other or the testimony of a health  
34 practitioner or mental health professional as to confidential  
35 communications, do not apply to evidence regarding a-child's



1 ~~injuries~~ harm to a child or the cause of the ~~injuries~~ harm in  
2 any judicial proceeding, civil or criminal, resulting from a  
3 report pursuant to this chapter or relating to the subject  
4 matter of ~~such~~ a report.

5 Sec. 14. Section 232.75, Code 1995, is amended to read as  
6 follows:

7 232.75 SANCTIONS.

8 1. Any person, official, agency, or institution, required  
9 by this chapter to report a suspected case of harm to a child  
10 ~~abuse~~ who knowingly and willfully fails to do so is guilty of  
11 a simple misdemeanor.

12 2. Any person, official, agency, or institution, required  
13 by section 232.69 to report a suspected case of harm to a  
14 ~~child abuse~~ who knowingly fails to do so is civilly liable for  
15 the damages proximately caused by such failure.

16 3. A person who reports or causes to be reported to the  
17 department of ~~human-services~~ false information regarding an  
18 alleged act of harm to a child abuse, knowing that the  
19 information is false or that the act did not occur, commits a  
20 simple misdemeanor.

21 Sec. 15. Section 232.76, Code 1995, is amended to read as  
22 follows:

23 232.76 PUBLICITY AND EDUCATIONAL PROGRAMS.

24 The department, within the limits of available funds, shall  
25 conduct a continuing publicity and educational program for the  
26 personnel of the department, persons required to report, and  
27 any other appropriate persons to encourage the fullest  
28 possible degree of reporting of suspected cases of harm to a  
29 ~~child abuse~~. Educational programs shall include but not be  
30 limited to the diagnosis and cause of harm to a child abuse,  
31 the responsibilities, obligations, duties and powers of  
32 persons and agencies under this chapter and the procedures of  
33 the department and the juvenile court with respect to  
34 suspected cases of harm to a child abuse and disposition of  
35 actual cases.

1 Sec. 16. Section 232.77, subsection 1, Code 1995, is  
2 amended to read as follows:

3 1. A person who is required to report a case of harm to a  
4 child ~~abuse~~ may take or cause to be taken, at public expense,  
5 photographs, X rays, or other physical examinations or tests  
6 of a child which would provide medical indication of  
7 allegations arising from a an assessment of harm to a child  
8 ~~abuse-investigation~~. A health practitioner may, if medically  
9 indicated, cause to be performed radiological examination,  
10 physical examination, or other medical tests of the child. A  
11 person who takes any photographs or X rays or performs  
12 physical examinations or other tests pursuant to this section  
13 shall notify the department ~~of-human-services~~ that the  
14 photographs or X rays have been taken or the examinations or  
15 other tests have been performed. The person who made  
16 notification shall retain the photographs or X rays or  
17 examination or test findings for a reasonable time following  
18 the notification. Whenever the person is required to report  
19 under section 232.69, in that person's capacity as a member of  
20 the staff of a medical or other private or public institution,  
21 agency or facility, that person shall immediately notify the  
22 person in charge of the institution, agency, or facility or  
23 that person's designated delegate of the need for photographs  
24 or X rays or examinations or other tests.

25 Sec. 17. Section 235A.12, Code 1995, is amended to read as  
26 follows:

27 235A.12 LEGISLATIVE FINDINGS AND PURPOSES.

28 The general assembly finds and declares that a central  
29 registry is required to provide a single source for the ~~state-~~  
30 wide statewide collection, maintenance, and dissemination of  
31 child abuse information. ~~Such-a~~ The registry is ~~imperative~~  
32 vital for increased effectiveness in dealing with the problem  
33 of child abuse. The general assembly also finds that vigorous  
34 protection of rights of individual privacy is an indispensable  
35 element of a fair and effective system of collecting,

1 maintaining, and disseminating child abuse information.

2 The purposes of this section and sections 235A.13 to  
3 235A.23 are to facilitate the identification of victims or  
4 potential victims of child abuse and identification of  
5 perpetrators of child abuse by making available a single,  
6 statewide source of child abuse data; to facilitate research  
7 on child abuse by making available a single, statewide source  
8 of child abuse data; and to provide maximum safeguards against  
9 the unwarranted invasions of privacy which ~~such-a~~ the registry  
10 might otherwise entail.

11 Sec. 18. Section 235A.13, subsections 1, 3, 4, 5, 6, 7, 8,  
12 and 9, Code 1995, are amended to read as follows:

13 1. "Child abuse information" means any or all of the  
14 following data maintained by the department in ~~a manual or~~  
15 ~~automated data storage system and~~ the central registry created  
16 in section 235A.14 which is individually identified:

17 a. Report data.

18 ~~b. Investigation data.~~

19 ~~c. Disposition data.~~

20 b. Disposition data.

21 3. "Disposition data" means information pertaining to ~~an a~~  
22 determination, opinion, or decision as to the occurrence of  
23 child abuse in accordance with section 232.71, including:

24 a. Any intermediate or ultimate determination, opinion, or  
25 decision reached by investigative assessment personnel.

26 b. Any determination, opinion, or decision reached in the  
27 course of judicial proceedings.

28 c. The present status of any case.

29 4. "Expungement" means the process of destroying child  
30 abuse information.

31 5. "Individually identified" means any report,  
32 investigation or disposition data which names the person or  
33 persons responsible or believed responsible for the harm to a  
34 child or child abuse.

35 ~~6. "Investigation data" means information pertaining to~~

1 the-evaluation-of-report-data,-including:

2 a.--Additional-information-as-to-the-nature,-extent-and  
3 cause-of-the-injury,-and-the-identity-of-persons-responsible  
4 therefor.

5 b.--The-names-and-conditions-of-other-children-in-the-home.

6 c.--The-child's-home-environment-and-relationships-with  
7 parents-or-others-responsible-for-the-child's-care.

8 7. 6. "Multidisciplinary team" means a group of  
9 individuals who possess knowledge and skills related to the  
10 diagnosis, assessment, and disposition of child-abuse cases of  
11 harm to a child and who are professionals practicing in the  
12 disciplines of medicine, nursing, public health, substance  
13 abuse, mental health, social work, child development,  
14 education, law, juvenile probation, or law enforcement, or a  
15 group established pursuant to section 235B.1, subsection 1.

16 8. 7. "Report data" means information pertaining to any  
17 occasion-involving-or-reasonably-believed-to-involve a report  
18 of harm to a child abuse,-including:

19 a.--The-name-and-address-of-the-child-and-the-child's  
20 parents-or-other-persons-responsible-for-the-child's-care.

21 b.--The-age-of-the-child.

22 c.--The-nature-and-extent-of-the-injury,-including-evidence  
23 of-any-previous-injury.

24 d.--Any-other-information-believed-to-be-helpful-in  
25 establishing-the-cause-of-the-injury-and-the-identity-of-the  
26 person-or-persons-responsible-therefor under section 232.71.

27 9. 8. "Sealing" means the process of removing child abuse  
28 information from authorized access as provided by this  
29 chapter.

30 Sec. 19. Section 235A.14, Code 1995, is amended to read as  
31 follows:

32 235A.14 CREATION AND MAINTENANCE OF A CENTRAL REGISTRY.

33 1. There is created within the state department of human  
34 services a central registry for child abuse information. The  
35 department shall organize and staff the registry and adopt

1 rules for its operation.

2 2. The registry shall collect, maintain, and disseminate  
3 child abuse information as provided for by this chapter.

4 3. The department shall maintain a toll-free telephone  
5 line, which shall be available on a twenty-four hour a day,  
6 seven-day a week basis and which the department of human  
7 services and all other persons may use to report cases of  
8 suspected harm to a child abuse and that all persons  
9 authorized by this chapter may use for obtaining child abuse  
10 information.

11 4. An oral report of suspected harm to a child abuse  
12 initially made to the central registry shall be immediately  
13 transmitted by the department to the appropriate county office  
14 of the department of social human services or law enforcement  
15 agency, or both.

16 5. The registry, upon receipt of a report of suspected  
17 harm to a child abuse, shall search the records of the  
18 registry, and if the records of the registry reveal any  
19 previous report determination of substantiated child abuse  
20 under section 232.71 involving the same child or any other  
21 child in the same family, or if the records reveal any other  
22 pertinent information with respect to the same child or any  
23 other child in the same family, the appropriate office of the  
24 department of human services or law enforcement agency shall  
25 be immediately notified of that fact.

26 6. The central registry shall include ~~but-not-be-limited~~  
27 ~~to report data, investigation data~~ for cases of substantiated  
28 child abuse placed on the registry pursuant to section 232.71  
29 and disposition data. The central registry shall not include  
30 report and assessment information which is not placed on the  
31 central registry but is retained by the department.

32 Sec. 20. Section 235A.15, subsection 2, unnumbered  
33 paragraph 1, paragraphs a, b, c, and d, Code Supplement 1995,  
34 are amended to read as follows:

35 Access to ~~child-abuse-information-other-than-unfounded~~

1 child-abuse-information disposition data is authorized only to  
2 the following persons or entities:

3 a. Subjects of a report as follows:

4 (1) To a child named in a report as a victim of abuse harm  
5 or to the child's attorney or guardian ad litem.

6 (2) To a parent or the attorney for the parent of a child  
7 named in a report as a victim of abuse harm.

8 (3) To a guardian or legal custodian, or that person's at-  
9 torney, of a child named in a report as a victim of abuse  
10 harm.

11 (4) To a person or the attorney for the person named in a  
12 report as having abused caused harm to a child.

13 b. Persons involved in an investigation assessment of a  
14 report of harm to a child abuse as follows:

15 (1) To a health practitioner or mental health professional  
16 who is examining, attending, or treating a child whom such  
17 practitioner or professional believes or has reason to believe  
18 has been the victim of abuse harm or to a health practitioner  
19 or mental health professional whose consultation with respect  
20 to a child believed to have been the victim of abuse harm is  
21 requested by the department.

22 (2) To an employee or agent of the department of human  
23 services responsible for the investigation assessment of a  
24 child-abuse report of harm to a child.

25 (3) To a law enforcement officer responsible for assisting  
26 in an investigation of a-child-abuse an allegation of harm to  
27 a child or for the temporary emergency removal of a child from  
28 the child's home.

29 (4) To a multidisciplinary team, if the department of  
30 human services approves the composition of the  
31 multidisciplinary team and determines that access to the team  
32 is necessary to assist the department in the investigation,  
33 diagnosis, assessment, and disposition of a report of harm to  
34 a child abuse-case.

35 (5) In an individual case, to the mandatory reporter who

1 reported the harm to a child abuse.

2 c. Individuals, agencies, or facilities providing care to  
3 a child as follows:

4 (1) To a licensing authority for a facility providing care  
5 to a child named in a report, if the licensing authority is  
6 notified of a relationship between facility policy and the  
7 report of harm to the child abuse under section 232.71,  
8 subsection 4.

9 (2) To an authorized person or agency responsible for the  
10 care or supervision of a child named in a report as a victim  
11 of abuse harm or a person named in a report as having abused  
12 caused harm to a child, if the juvenile court or registry  
13 deems access to child abuse information by such the person or  
14 agency to be necessary.

15 (3) To an employee or agent of the department of human  
16 services responsible for registering or licensing or approving  
17 the registration or licensing of an agency or facility, or to  
18 an individual providing care to a child and regulated by the  
19 department.

20 (4) To an employee of the department of human services  
21 responsible for an adoptive placement, a certified adoption  
22 investigator, or licensed child placing agency responsible for  
23 an adoptive placement.

24 (5) To an administrator of a psychiatric medical  
25 institution for children licensed under chapter 135H.

26 (6) To an administrator of a child foster care facility  
27 licensed under chapter 237 if the information concerns a  
28 person employed or being considered for employment by the  
29 facility.

30 (7) To an administrator of a child day care facility  
31 registered or licensed under chapter 237A if the information  
32 concerns a person employed or being considered for employment  
33 by or living in the facility.

34 (8) To the superintendent of the Iowa braille and sight  
35 saving school if the information concerns a person employed or

1 being considered for employment or living in the school.

2 (9) To the superintendent of the school for the deaf if  
3 the information concerns a person employed or being considered  
4 for employment or living in the school.

5 (10) To an administrator of a community mental health  
6 center accredited under chapter 230A if the information  
7 concerns a person employed or being considered for employment  
8 by the center.

9 (11) To an administrator of a facility or program operated  
10 by the state, a city, or a county which provides services or  
11 care directly to children, if the information concerns a  
12 person employed by or being considered for employment by the  
13 facility or program.

14 (12) To an administrator of an agency certified by the  
15 department of human services to provide services under a  
16 medical assistance home and community-based services waiver,  
17 if the information concerns a person employed by or being  
18 considered by the agency for employment.

19 d. Relating to judicial and administrative proceedings as  
20 follows:

21 (1) To a juvenile court involved in an adjudication or  
22 disposition of a child named in a report.

23 (2) To a district court upon a finding that information is  
24 necessary for the resolution of an issue arising in any phase  
25 of a case involving harm to a child or child abuse.

26 (3) To a court or administrative agency hearing an appeal  
27 for correction of child abuse information as provided in  
28 section 235A.19.

29 (4) To an expert witness at any stage of an appeal  
30 necessary for correction of child abuse information as  
31 provided in section 235A.19.

32 (5) To a probation or parole officer, juvenile court  
33 officer, or adult correctional officer having custody or  
34 supervision of, or conducting an investigation for a court or  
35 the board of parole regarding, a person named in a report as a



1 victim of harm to a child abuse or as having abused caused  
2 harm to a child.

3 Sec. 21. Section 235A.15, subsection 2, paragraph e,  
4 subparagraph (1), Code Supplement 1995, is amended to read as  
5 follows:

6 (1) To a person conducting bona fide research on child  
7 abuse, but without information identifying individuals named  
8 in a child-abuse report of harm to a child, unless having that  
9 information open to review is essential to the research or  
10 evaluation and the authorized registry officials give prior  
11 written approval and the child, the child's guardian or  
12 guardian ad litem and the person named in a report as having  
13 abused caused harm to a child give permission to release the  
14 information.

15 Sec. 22. Section 235A.15, subsections 3 and 4, Code  
16 Supplement 1995, are amended to read as follows:

17 3. Access to unfounded-child-abuse-information report data  
18 whether placed in the registry or retained by the department  
19 is authorized only to those persons identified in subsection  
20 2, paragraph "a", paragraph "b", subparagraphs (2) and (5),  
21 and paragraph "e", subparagraph (2), and to the department of  
22 justice for purposes of the crime victim compensation program  
23 in accordance with section 912.10.

24 4. Access to founded-child-abuse-information disposition  
25 data is authorized to the department of personnel or to the  
26 personnel office of a public employer, as defined in section  
27 20.3, as necessary for presentation in grievance or  
28 arbitration procedures provided for in sections 19A.14 and  
29 20.18. Child-abuse-information Disposition data introduced  
30 into a grievance or arbitration proceeding shall not be  
31 considered a part of the public record of a case.

32 If a child who is a legal resident of another state is  
33 present in this state and a report of child-abuse harm is made  
34 concerning the child, the department shall act to ensure the  
35 safety of the child. The department shall contact the child's

1 state of legal residency to coordinate the investigation or  
2 assessment of the report. If the child's state of residency  
3 refuses to conduct an investigation or to perform an  
4 assessment, the department shall commence perform an  
5 appropriate investigation assessment.

6 If a report of harm to a child abuse is made concerning an  
7 a person alleged perpetrator to have caused the harm who  
8 resides in this state and a child who resides in another  
9 state, the department shall assist the child's state of  
10 residency in conducting an investigation or performing an  
11 assessment of the report. The assistance shall include but is  
12 not limited to an offer to interview the alleged-perpetrator  
13 person and any other relevant source. If the child's state of  
14 residency refuses to conduct an investigation or perform an  
15 assessment of the report, the department shall commence an  
16 appropriate investigation or perform an assessment. The  
17 department shall seek to develop protocols with states  
18 contiguous to this state for coordination in the investigation  
19 or assessment of a report of harm to a child abuse when a  
20 person involved with the report is a resident of another  
21 state.

22 Sec. 23. Section 235A.17, subsection 2, Code 1995, is  
23 amended to read as follows:

24 2. The department of human services may notify orally the  
25 mandatory reporter in an individual child-abuse case of a  
26 report of harm to a child of the results of the case  
27 investigation assessment and of the confidentiality provisions  
28 of sections 235A.15 and 235A.21. The department shall  
29 subsequently transmit a written notice to the mandatory  
30 reporter of the results and confidentiality provisions. A  
31 copy of the written notice shall be transmitted to the  
32 registry and shall be maintained by the registry as provided  
33 in section 235A.18.

34 Sec. 24. Section 235A.18, Code Supplement 1995, is amended  
35 to read as follows:

1 235A.18 SEALING AND EXPUNGEMENT OF CHILD ABUSE  
2 INFORMATION.

3 1. ~~Child-abuse-information~~ Only information relating to a  
4 harm to a child determined by the department of human services  
5 to be substantiated child abuse in accordance with section  
6 232.71 shall be maintained as child abuse information on the  
7 registry. Disposition data relating to a particular case of  
8 ~~suspected~~ substantiated child abuse shall be sealed ten years  
9 after the receipt of the initial report of such-abuse harm to  
10 a child by the registry unless good cause be shown why the  
11 information should remain open to authorized access. If a  
12 subsequent report of a suspected case of harm to a child abuse  
13 involving the child named in the initial report as the victim  
14 of abuse harm or a person named in such the initial report as  
15 having abused harmed a child is ~~received-by~~ placed on the  
16 registry within this ten-year period, the information shall be  
17 sealed ten years after receipt of the subsequent report unless  
18 good cause be shown why the information should remain open to  
19 authorized access. The information shall be expunged eight  
20 years after the date the information was sealed.

21 2. ~~Child-abuse-information-which-cannot-be-determined-by-a~~  
22 ~~preponderance-of-the-evidence-to-be-founded-or-unfounded-shall~~  
23 ~~be-sealed-one-year-after-the-receipt-of-the-initial-report-of~~  
24 ~~abuse-and-expunged-five-years-after-the-date-it-was-sealed.~~  
25 ~~Child-abuse-information-which-is-determined-by-a-preponderance~~  
26 ~~of-the-evidence-to-be-unfounded-shall-be-expunged-when-it-is~~  
27 ~~determined-to-be-unfounded.--A-report-shall-be-determined-to~~  
28 ~~be-unfounded-as-a-result-of-any-of-the-following:~~

29 a.--~~The investigation of a report of suspected child abuse~~  
30 ~~by the department.~~

31 b.--~~A successful appeal as provided in section 235A.19.~~

32 c.--~~A court finding by a juvenile or district court.~~

33 The juvenile or district court and county attorney shall  
34 expunge child abuse information upon notice from the registry.

35 3.--~~However, if a correction of child abuse information is~~

1 requested under section 235A.19 and the issue is not resolved  
2 at the end of the one-year period, the information shall be  
3 retained until the issue is resolved and if the child abuse  
4 information is not determined to be founded, the information  
5 shall be expunged at the appropriate time under subsection 2-  
6 4: 3. The registry, at least once a year, shall review and  
7 determine the current status of child abuse reports quantity  
8 and types of assessments of harm to a child determined to be  
9 substantiated child abuse which are have been transmitted or  
10 made to the registry after July 1, 1974, which are at least  
11 one-year-old and in connection with which no investigatory  
12 report has been filed by the department of human services  
13 pursuant to section 232.71. -- If no such investigatory report  
14 has been filed, the registry shall request the department of  
15 human services to file a report. -- In the event a report is not  
16 filed within ninety days subsequent to such a request, the  
17 report and information relating thereto shall be sealed and  
18 remain sealed unless good cause be shown why the information  
19 should remain open to authorized access.

20 4. Child abuse information placed on the registry before  
21 July 1, 1996, which a review by the department in accordance  
22 with the provisions of section 232.71, subsection 7, indicates  
23 would not be placed in the registry as substantiated child  
24 abuse shall be expunged from the registry. A review shall be  
25 performed under any of the following circumstances:

26 a. The review is requested by the subject of a report as  
27 identified in section 235A.15, subsection 2, paragraph "a".

28 b. The department performs the review while performing a  
29 registry check for a person authorized access to information  
30 on the registry under section 235A.15.

31 Sec. 25. Section 235A.19, subsections 1, 2, 3, 5, and 6,  
32 Code Supplement 1995, are amended to read as follows:

33 1. A subject of a child abuse report of harm to a child,  
34 as identified in section 235A.15, subsection 2, paragraph "a",  
35 shall have the right to examine child abuse information in the

1 registry or in a written assessment under section 232.71 which  
2 refers to the subject. The registry may prescribe reasonable  
3 hours and places of examination.

4 2. a. A subject of a ~~child-abuse~~ report of harm to a  
5 child may file with the department within six months of the  
6 date of the notice of the results of an investigation  
7 assessment required by section 232.71, ~~subsection-7,~~ a written  
8 statement to the effect that child abuse information or the  
9 assessment referring to the subject is in whole or in part  
10 erroneous, and may request a correction of that information or  
11 of the findings determinations of the ~~investigation-report~~  
12 assessment. The department shall provide the subject with an  
13 opportunity for an evidentiary hearing pursuant to chapter 17A  
14 to correct the information or the findings, unless the  
15 department corrects the information or findings as requested.  
16 ~~The department shall delay the expungement of information~~  
17 ~~which is not determined to be founded until the conclusion of~~  
18 ~~a proceeding to correct the information or findings.~~ The  
19 department may defer the hearing until the conclusion of a  
20 pending juvenile or district court case relating to the  
21 information or findings.

22 b. The department shall not disclose any child abuse  
23 information until the conclusion of the proceeding to correct  
24 the information or findings, except as follows:

25 (1) As necessary for the proceeding itself.

26 (2) To the parties and attorneys involved in a judicial  
27 proceeding.

28 (3) For the regulation of child care or child placement.

29 (4) Pursuant to court order.

30 (5) To the subject of ~~an investigation~~ the child abuse  
31 information or ~~a report~~ an assessment.

32 (6) For the care or treatment of a child named in a report  
33 as a victim of ~~abuse~~ harm.

34 (7) To persons involved in an investigation assessment of  
35 a report of harm to a child abuse.

1 3. The subject of a child-abuse report of harm to a child  
2 may appeal the decision resulting from a hearing held pursuant  
3 to subsection 2 to the district court of Polk county or to the  
4 district court of the district in which the subject of the  
5 child-abuse report resides. Immediately upon appeal the court  
6 shall order the department to file with the court a certified  
7 copy of the child abuse information or of the assessment.  
8 Appeal shall be taken in accordance with chapter 17A.

9 5. Whenever the registry department corrects or eliminates  
10 information as requested or as ordered by the court, the  
11 registry department shall advise all persons who have received  
12 the incorrect information of such fact. Upon application to  
13 the court and service of notice on the registry, any subject  
14 of a child-abuse report of harm to a child may request and  
15 obtain a list of all persons who have received child abuse  
16 information or assessment referring to the subject.

17 6. In the course of any proceeding provided for by this  
18 section, the identity of the person who reported the disputed  
19 information and the identity of any person who has been  
20 reported as having abused caused harm to a child may be  
21 withheld upon a determination by the registry department that  
22 disclosure of their identities would be detrimental to their  
23 interests.

24 Sec. 26. Section 280.17, Code 1995, is amended to read as  
25 follows:

26 280.17 PROCEDURES FOR HANDLING CHILD-ABUSE REPORTS OF HARM  
27 TO A CHILD.

28 The board of directors of a public school and the  
29 authorities in control of a nonpublic school shall prescribe  
30 procedures, in accordance with the guidelines contained in the  
31 model policy developed by the department of education in  
32 consultation with the department of human services, and  
33 adopted by the department of education pursuant to chapter  
34 17A, for the handling of reports of child-abuse harm to a  
35 child, as defined in section 232.68, subsection 2 2A,

1 paragraph "a", "b", or "d", alleged to have been committed by  
2 an employee or agent of the public or nonpublic school.

3 Sec. 27. Section 910A.16, subsection 3, Code 1995, is  
4 amended to read as follows:

5 3. Such a professional shall notify the victim if the pro-  
6 fessional is required to report an incidence of harm to a  
7 child ~~abuse~~ involving the victim pursuant to section 232.69.

8 Sec. 28. REPEAL. Section 232.71A, Code Supplement 1995,  
9 is repealed.

10 EXPLANATION

11 This bill relates to child protection by revising  
12 definitions, reporting, and other child protection  
13 requirements. Current law providing for an investigation by  
14 the department of human services upon receipt of a report of  
15 suspected child abuse is replaced with a requirement for  
16 performance of an assessment.

17 The provisions of current law used to define the term  
18 "child abuse" are instead used to define the term "harm" to a  
19 child. If the department receives a valid report of harm to a  
20 child from a required reporter, an assessment is performed for  
21 purposes of protecting the child and determining if there are  
22 service needs for the child's family. The assessment approach  
23 is in current law as a pilot project under section 232.71A.  
24 The department is directed to make referrals to the county  
25 attorney and juvenile court if the department believes  
26 juvenile court action is warranted or if the case is  
27 determined to constitute substantiated child abuse.

28 Conforming amendments are made to change references to  
29 "child abuse" to "harm" to a child. The definition of child  
30 abuse is revised to mean harm to a child that has been  
31 determined to be of a serious nature in accordance with  
32 criteria in the bill, worthy of placement on the central abuse  
33 registry.

34 Child abuse registry provisions are amended to remove  
35 investigation data from coverage under the registry. In

1 addition, references to the term "founded child abuse" are  
2 revised to instead refer to "substantiated child abuse".  
3 References to "unfounded" or "undetermined" child abuse are  
4 stricken as these categories of information would not be  
5 included in the central registry.

6 The department is directed to perform a review of child  
7 abuse information placed in the registry prior to July 1,  
8 1996, upon request of a subject of a child abuse report or  
9 while performing a child abuse registry check. If the review  
10 indicates the information would no longer be placed in the  
11 registry in accordance with the criteria of the bill, the  
12 information is to be expunged.

13 Conforming amendments are made in references to child abuse  
14 under certain education chapters and the crime victim  
15 assistance chapter. Section 232.71A, relating to pilot  
16 projects for child abuse assessments, is repealed.

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## SENATE FILE 2399

S-5350

1 Amend Senate File 2399 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 135.43, subsection 3,  
5 paragraph e, Code Supplement 1995, is amended to read  
6 as follows:  
7 e. Develop protocols for and establish a committee  
8 to review assessments of harm to a child abuse  
9 investigations which involve the death of a child.  
10 Sec. \_\_\_\_ . Section 135.43, subsection 6, Code  
11 Supplement 1995, is amended to read as follows:  
12 6. The Iowa department of public health and the  
13 department of human services shall adopt rules  
14 providing for disclosure of information which is  
15 confidential under chapter 22 or any other provision  
16 of state law, to the review team for purposes of  
17 performing its child death and assessment of harm to a  
18 child abuse review responsibilities."  
19 2. Page 10, by striking lines 23 through 26 and  
20 inserting the following:  
21 "b. A copy of this-report the written assessment  
22 which pertains to the reported allegation of harm to a  
23 child shall be transmitted to the juvenile court  
24 within".  
25 3. Page 11, by striking lines 1 and 2 and  
26 inserting the following: "contemplated with respect  
27 to the child named in the report of suspected harm to  
28 the child or any other individual named in the written  
29 assessment."  
30 4. Page 17, by inserting after line 24 the  
31 following:  
32 "Sec. \_\_\_\_ . Section 232.97, subsection 1, Code  
33 1995, is amended to read to read as follows:  
34 1. The court shall not make a disposition of the  
35 petition until two working days after a social report  
36 has been submitted to the court and counsel for the  
37 child and has been considered by the court. The court  
38 may waive the two-day requirement upon agreement by  
39 all the parties. The court may direct either the  
40 juvenile court officer or the department of human  
41 services or any other agency licensed by the state to  
42 conduct a social investigation and to prepare a social  
43 report which may include any evidence provided by an  
44 individual providing foster care for the child. A  
45 report prepared shall include any founded  
46 substantiated reports of child abuse.  
47 Sec. \_\_\_\_ . Section 232.141, subsection 6, Code  
48 1995, is amended to read as follows:  
49 6. If a child is given physical or mental  
50 examinations or treatment relating to a an assessment

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Page 2

1 of harm to a child abuse-investigation with the  
2 consent of the child's parent, guardian, or legal  
3 custodian and no other provision of law otherwise  
4 requires payment for the costs of the examination and  
5 treatment, the costs shall be paid by the state.  
6 Reimbursement for costs of services described in this  
7 subsection is subject to subsection 5."

8 5. Page 18, line 13, by inserting after the word  
9 "means" the following: "information compiled during  
10 an assessment prepared in accordance with section  
11 232.71 and".

12 6. Page 22, line 13, by striking the words "child  
13 abuse information" and inserting the following:  
14 "child-abuse-information disposition data".

15 7. Page 26, line 3, by inserting after the word  
16 "Only" the following: "child abuse".

17 8. Page 26, line 6, by striking the words "child  
18 abuse information" and inserting the following:  
19 "disposition data".

20 9. Page 26, line 7, by striking the words  
21 "Disposition data" and inserting the following:  
22 "Child abuse information".

23 10. Page 29, by inserting after line 23 the  
24 following:

25 "Sec. \_\_\_\_ . Section 235B.16, subsection 5,  
26 unnumbered paragraph 4, Code 1995, is amended to read  
27 as follows:

28 A person required to complete both harm to a child  
29 abuse and dependent adult abuse mandatory reporter  
30 training may complete the training through a program  
31 which combines harm to a child abuse and dependent  
32 adult abuse curricula and thereby meet the training  
33 requirements of both this subsection and section  
34 232.69 simultaneously. A person who is a mandatory  
35 reporter for both harm to a child abuse and dependent  
36 adult abuse may satisfy the combined training  
37 requirements of this subsection through completion of  
38 a two-hour training program, if the training program  
39 curriculum and content are approved by the department  
40 of human services.

41 Sec. \_\_\_\_ . Section 272.2, subsection 14, Code 1995,  
42 is amended to read as follows:

43 14. Adopt rules which permit the board to deny a  
44 license to or revoke a license of a person upon the  
45 board's finding by a preponderance of evidence that  
46 either the person has been convicted of a crime or  
47 that there has been a founded-report determination of  
48 substantiated child abuse against the person. Rules  
49 adopted shall provide that in determining whether a  
50 person should be denied a license or that a

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Page 3

1 practitioner's license should be revoked, the board  
2 shall consider the nature and seriousness of the  
3 founded substantiated child abuse or crime in relation  
4 to the position sought, the time elapsed since the  
5 founded substantiated child abuse or crime was  
6 committed, the degree of rehabilitation which has  
7 taken place since the incidence of founded  
8 substantiated child abuse or the commission of the  
9 crime, the likelihood that the person will commit the  
10 same abuse or crime again, and the number of founded  
11 abuses determinations of substantiated child abuse  
12 committed or criminal convictions by the person  
13 involved."

14 11. Page 30, by inserting after line 2 the  
15 following:

16 "Sec. \_\_\_\_ . Section 331.653, subsection 24, Code  
17 Supplement 1995, is amended to read as follows:

18 24. Carry out duties relating to the investigation  
19 of-reported assessment of harm to a child abuse-cases  
20 and the protection of abused children as provided in  
21 section 232.71.

22 Sec. \_\_\_\_ . Section 600.8, subsection 2, paragraph  
23 b, Code 1995, is amended to read as follows:

24 b. The person making the investigation shall not  
25 approve a prospective adoption petitioner pursuant to  
26 subsection 1, paragraph "a", subparagraph (3) unless  
27 an evaluation has been made which considers the nature  
28 and seriousness of the crime or founded substantiated  
29 abuse in relation to the adoption, the time elapsed  
30 since the commission of the crime or founded  
31 substantiated abuse, the circumstances under which the  
32 crime or founded substantiated abuse was committed,  
33 the degree of rehabilitation, and the number of crimes  
34 or founded determinations of substantiated abuse  
35 committed by the person involved."

36 12. Page 30, by inserting after line 9 the  
37 following:

38 "Sec. \_\_\_\_ . AMENDMENTS CHANGING TERMINOLOGY.

39 1. Sections 125.14A, 135H.7, 218.13, 237.8,  
40 237A.5, 237A.20, and 600.8, Code 1995, are amended by  
41 striking from the sections the words "founded child  
42 abuse" and inserting in lieu thereof the words  
43 "substantiated child abuse".

44 2. Sections 125.14A, 135C.33, 135H.7, 237.8, and  
45 237A.5, Code 1995, and section 249A.29, Code  
46 Supplement 1995, are amended by striking from the  
47 sections the words "founded child or dependent adult  
48 abuse" and inserting in lieu thereof the words  
49 "substantiated child abuse or founded adult abuse".

50 3. The Code editor is directed to substitute the

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Page 4

1 words "substantiated child abuse" for the words  
2 "founded child abuse" in the Code or in the 1996 Iowa  
3 Acts when there appears to be no doubt as to the  
4 intent to refer to a determination of child abuse by  
5 the department of human services in accordance with  
6 section 232.71, as enacted by this Act."

7 13. By renumbering as necessary.

By ELAINE SZYMONIAK

*Out of Order 3/21/96*  
S-5350 FILED MARCH 14, 1996

## SENATE FILE 2399

S-5373

1 Amend Senate File 2399 as follows:

2 1. Page 30, by inserting after line 7 the  
3 following:

4 "Sec. \_\_\_\_ . Section 910A.16, subsection 4, Code  
5 1995, is amended to read as follows:

6 4. To the greatest extent possible, a  
7 multidisciplinary team involving the county attorney,  
8 law enforcement personnel, community-based child  
9 advocacy organizations, and personnel of the  
10 department of human services shall be utilized in  
11 investigating and prosecuting cases involving a  
12 violation of chapter 709 or 726 or other crime  
13 committed upon a victim as defined in subsection 1. A  
14 multidisciplinary team may also consult with or  
15 include juvenile court officers, medical and mental  
16 health professionals, court-appointed special  
17 advocates, guardians ad litem, and members of a  
18 multidisciplinary team created by the department of  
19 human services for child abuse investigations. The  
20 department of justice may provide training and other  
21 assistance to support the activities of a  
22 multidisciplinary team referred to in this  
23 subsection."

24 2. By renumbering as necessary.

By ELAINE SZYMONIAK

*Out of Order 3/21/96*  
S-5373 FILED MARCH 18, 1996

## SENATE FILE 2399

S-5462

1 Amend Senate File 2399 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 232.71A, subsections 3, 5, 6,  
5 and 8, Code Supplement 1995, are amended to read as  
6 follows:

7 3. Upon receipt of a child abuse report in a pilot  
8 project area, the department shall notify the  
9 appropriate county attorney of the receipt of the  
10 report and shall perform an assessment. The  
11 department shall commence the assessment within  
12 seventy-two hours of the receipt of the report. The  
13 primary purpose of the assessment shall be to protect  
14 the safety of the child named in the report. The  
15 secondary purpose of the assessment shall be to engage  
16 the child's family in services to enhance family  
17 strengths and to address needs.

18 5. A child abuse assessment shall be completed in  
19 writing within ~~twenty-one-calendar~~ twenty business  
20 days of the receipt of the report. The assessment  
21 shall include a description of the child's condition,  
22 identification of the injury or risk to which the  
23 child was exposed, the circumstances which led to the  
24 injury or risk to the child, and the identity of any  
25 person alleged to be responsible for the injury or  
26 risk to the child. In addition, the assessment shall  
27 identify the strengths and needs of the child, and of  
28 the child's parent, home, family, and community. Upon  
29 completion of the assessment, the department shall  
30 consult with the child's family in offering services  
31 to the child and the child's family to address  
32 strengths and needs identified in the assessment.

33 6. The department shall provide the juvenile court  
34 and the county attorney with a written copy of any the  
35 written assessment which includes a recommendation for  
36 a juvenile or criminal court action or petition  
37 pertaining to the child abuse report. The juvenile  
38 court and the county attorney shall notify the  
39 department of any action taken concerning an  
40 assessment provided by the department.

41 8. The department shall implement the pilot  
42 projects by January 15, 1996. The department shall  
43 report to the governor and the general assembly  
44 concerning the pilot projects on or before February-29  
45 December 16, 1996. The report shall include a the  
46 following information:

47 a. A description of successes and problems  
48 encountered in implementing the pilot projects.

49 b. An analysis of the effect of the pilot projects  
50 on utilizing the child abuse registry for the tracking

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Page 2

1 of a pattern of child abuse incidents.

2 c. The outcome changes for children in the pilot  
3 project areas where the assessment approach is  
4 utilized in response to an allegation of child abuse  
5 versus the investigation approach utilized in other  
6 areas of the state.

7 d. A copy of any report provided by a county  
8 attorney in a pilot project area, a copy of any report  
9 provided by the county attorney's association, and a  
10 copy of any report provided by the juvenile court in a  
11 pilot project area.

12 PARAGRAPH DIVIDED. It is the intent of the general  
13 assembly to implement consider implementing statewide  
14 an assessment-based approach to respond to child abuse  
15 reports commencing with the fiscal year beginning July  
16 17, 1996 February 10, 1997.

17 Sec. 2. Section 232.71A, subsection 4, Code  
18 Supplement 1995, is amended by adding the following  
19 new paragraph:

20 NEW PARAGRAPH. h. The department shall work with  
21 representatives of law enforcement at the local level  
22 to develop a protocol for joint investigative  
23 processes.

24 Sec. 3. Section 910A.16, subsection 4, Code 1995,  
25 is amended to read as follows:

26 4. To the greatest extent possible, a  
27 multidisciplinary team involving the county attorney,  
28 law enforcement personnel, community-based child  
29 advocacy organizations, and personnel of the  
30 department of human services shall be utilized in  
31 investigating and prosecuting cases involving a  
32 violation of chapter 709 or 726 or other crime  
33 committed upon a victim as defined in subsection 1. A  
34 multidisciplinary team may also consult with or  
35 include juvenile court officers, medical and mental  
36 health professionals, court-appointed special  
37 advocates, guardians ad litem, and members of a  
38 multidisciplinary team created by the department of  
39 human services for child abuse investigations. The  
40 department of justice may provide training and other  
41 assistance to support the activities of a  
42 multidisciplinary team referred to in this subsection.

43 Sec. 4. CHILD PROTECTION SYSTEM REVIEW. The  
44 department of human services shall convene a group  
45 consisting of interested members of the general  
46 assembly, persons involved with child protection, and  
47 other interested persons to consult with national  
48 experts in child protection. The group shall be  
49 convened during the 1996 legislative interim and may  
50 submit a report to the governor and the general

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Page 3

1 assembly.

2 Sec. 5. EFFECTIVE DATE. This Act, being deemed of  
3 immediate importance, takes effect upon enactment."4 2. Title page, by striking lines 1 through 3 and  
5 inserting the following: "An Act relating to child  
6 protection system provisions involving the child abuse  
7 assessment pilot projects administered by the  
8 department of human services and certain  
9 multidisciplinary teams, and providing an effective  
10 date."

*adopted 3/21/96 (P 950)* By ELAINE SZYMONIAK

S-5462 FILED MARCH 20, 1996

## SENATE FILE 2399

S-5433

1 Amend the amendment, S-5401, to Senate File 2399 as  
2 follows:3 1. Page 1, by striking lines 4 and 5 and  
4 inserting the following:5 ""Sec. \_\_\_\_ . Section 232.71A, subsections 6 and 8,  
6 Code Supplement 1995, are amended to read as follows:7 6. The department shall provide the county  
8 attorney with a written copy of any assessment which  
9 ~~includes-a-recommendation-for-a-juvenile-or-criminal~~  
10 ~~court-action-or-petition.~~ The county attorney shall  
11 notify the department of any action taken concerning  
12 an assessment provided by the department."

By RANDAL J. GIANNETTO

S-5433 FILED MARCH 20, 1996

*Out of Order*  
*3-21-96*

*(P 950)*

SENATE FILE 2399

S-5401

- 1 Amend Senate File 2399 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Sec. \_\_\_\_ Section 232.71A, subsection 8, Code  
5 Supplement 1995, is amended to read as follows:  
6 8. The department shall implement the pilot  
7 projects by January 15, 1996. The department shall  
8 report to the governor and the general assembly  
9 concerning the pilot projects on or before February-29  
10 December 16, 1996. The report shall include a the  
11 following information:  
12 a. A description of successes and problems  
13 encountered in implementing the pilot projects.  
14 b. An analysis of the effect of the pilot projects  
15 on utilizing the child abuse registry for the tracking  
16 of a pattern of child abuse incidents.  
17 c. The outcome changes for children in the pilot  
18 project areas where the assessment approach is  
19 utilized in response to an allegation of child abuse  
20 versus the investigation approach utilized in other  
21 areas of the state.  
22 PARAGRAPH DIVIDED. It is the intent of the general  
23 assembly to ~~implement~~ consider implementing statewide  
24 an assessment-based approach to respond to child abuse  
25 reports commencing with the fiscal year beginning July  
26 1, 1996 1997."  
27 2. Title page, by striking lines 1 through 3 and  
28 inserting the following: "An Act requiring a report  
29 concerning the child abuse assessment pilot projects  
30 administered by the department of human services."

By MARY NEUHAUSER

S-5401 FILED MARCH 19, 1996

*Out of Order  
3/21/96*

SENATE FILE 2399

S-5325

- 1 Amend Senate File 2399 as follows:  
2 1. Page 2, line 27, by inserting after the word  
3 "considered" the following: "as harming or".  
4 2. Page 2, by striking line 28 and inserting the  
5 following: "however, if a child has suffered a  
6 significant injury or is at risk of suffering a  
7 significant injury, this provision shall not be  
8 construed to preclude the department from initiating  
9 court proceedings to secure medical treatment or to  
10 preclude a court from".  
11 3. Page 2, lines 29 and 30, by striking the words  
12 "where the child's health requires it" and inserting  
13 the following: "where-the-child's-health-requires  
14 it".

By ELAINE SZYMONIAK

S-5325 FILED MARCH 12, 1996

*Out of Order 3/21/96*



**SENATE FILE 2399  
FISCAL NOTE**

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A fiscal note for Senate File 2399 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.

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Senate File 2399 makes a number of changes in definitions, reporting, and other child protection requirements. The Bill requires the Department of Human Services (DHS) to review child abuse information placed in the child abuse registry prior to July 1, 1996, upon request of a subject of a report or while performing an abuse registry check. The DHS is required to expunge the information if the review indicates the information would no longer be placed in the registry in accordance with the criteria contained in the Bill.

**ASSUMPTIONS**

1. Department of Human Services will receive 3,000 additional requests to remove non-significant names from the Child Abuse Registry.
2. Registry workers review ten cases per day requiring an additional 1.50 FTE Program Planner III positions in the Central Office of DHS.
3. Processing requests for review, filing decisions, and deleting cases that are more than five years old and no longer appropriate for the Registry would require approximately 2.00 FTE Clerk Typist II positions.

**FISCAL IMPACT**

The fiscal impact of Senate File 2399 to the General Fund would be \$125,000 in FY 1997 and \$119,000 in FY 1998 for salary and support.

**SOURCE**

Department of Human Services

(LSB 4321sv, JMN)

FILED MARCH 25, 1996

BY DENNIS PROUTY, FISCAL DIRECTOR

H. 3/21/96 Simon Rea  
H. 3/25/96 Do Pass

SENATE FILE **2399**  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2326)

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

ALL New Language by the Senate

Passed Senate, Date <sup>(P. 1468)</sup> 4/23/96      Passed House, Date <sup>(P. 1493)</sup> 4-9-96  
Vote: Ayes 47 Nays 0      Vote: Ayes 90 Nays 5  
Approved 4/30/96

*Repassed 4/23/96  
Vote 92-0*

**A BILL FOR**

1 An Act relating to child protection system provisions involving  
2 the child abuse assessment pilot projects administered by the  
3 department of human services and certain multidisciplinary  
4 teams, and providing an effective date.

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

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S.F. 2399

1 Section 1. Section 232.71A, subsections 3, 5, 6, and 8,  
2 Code Supplement 1995, are amended to read as follows:

3 3. Upon receipt of a child abuse report in a pilot project  
4 area, the department shall notify the appropriate county  
5 attorney of the receipt of the report and shall perform an  
6 assessment. The department shall commence the assessment  
7 within seventy-two hours of the receipt of the report. The  
8 primary purpose of the assessment shall be to protect the  
9 safety of the child named in the report. The secondary  
10 purpose of the assessment shall be to engage the child's  
11 family in services to enhance family strengths and to address  
12 needs.

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

27 6. The department shall provide the juvenile court and the  
28 county attorney with a written copy of any the written  
29 assessment ~~which includes a recommendation for a juvenile or~~  
30 ~~criminal court action or petition~~ pertaining to the child  
31 abuse report. The juvenile court and the county attorney  
32 shall notify the department of any action taken concerning an  
33 assessment provided by the department.

34 8. The department shall implement the pilot projects by  
35 January 15, 1996. The department shall report to the governor

1 and the general assembly concerning the pilot projects on or  
2 before ~~February-29~~ December 16, 1996. The report shall  
3 include ~~a~~ the following information:

4 a. A description of successes and problems encountered in  
5 implementing the pilot projects.

6 b. An analysis of the effect of the pilot projects on  
7 utilizing the child abuse registry for the tracking of a  
8 pattern of child abuse incidents.

9 c. The outcome changes for children in the pilot project  
10 areas where the assessment approach is utilized in response to  
11 an allegation of child abuse versus the investigation approach  
12 utilized in other areas of the state.

13 d. A copy of any report provided by a county attorney in a  
14 pilot project area, a copy of any report provided by the  
15 county attorney's association, and a copy of any report  
16 provided by the juvenile court in a pilot project area.

17 PARAGRAPH DIVIDED. It is the intent of the general  
18 assembly to ~~implement~~ consider implementing statewide an  
19 assessment-based approach to respond to child abuse reports  
20 commencing with the fiscal year beginning ~~July-17-1996~~  
21 February 10, 1997.

22 Sec. 2. Section 232.71A, subsection 4, Code Supplement  
23 1995, is amended by adding the following new paragraph:

24 NEW PARAGRAPH. h. The department shall work with  
25 representatives of law enforcement at the local level to  
26 develop a protocol for joint investigative processes.

27 Sec. 3. Section 910A.16, subsection 4, Code 1995, is  
28 amended to read as follows:

29 4. To the greatest extent possible, a multidisciplinary  
30 team involving the county attorney, law enforcement personnel,  
31 community-based child advocacy organizations, and personnel of  
32 the department of human services shall be utilized in  
33 investigating and prosecuting cases involving a violation of  
34 chapter 709 or 726 or other crime committed upon a victim as  
35 defined in subsection 1. A multidisciplinary team may also

1 consult with or include juvenile court officers, medical and  
2 mental health professionals, court-appointed special  
3 advocates, guardians ad litem, and members of a  
4 multidisciplinary team created by the department of human  
5 services for child abuse investigations. The department of  
6 justice may provide training and other assistance to support  
7 the activities of a multidisciplinary team referred to in this  
8 subsection.

9     Sec. 4. CHILD PROTECTION SYSTEM REVIEW. The department of  
10 human services shall convene a group consisting of interested  
11 members of the general assembly, persons involved with child  
12 protection, and other interested persons to consult with  
13 national experts in child protection. The group shall be  
14 convened during the 1996 legislative interim and may submit a  
15 report to the governor and the general assembly.

16     Sec. 5. EFFECTIVE DATE. This Act, being deemed of  
17 immediate importance, takes effect upon enactment.

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SENATE AMENDMENT TO HOUSE AMENDMENT TO  
SENATE FILE 2399

H-6039

- 1 Amend the House amendment, S-5702, to Senate File  
2 2399, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, line 16, by striking the letter "e"  
5 and inserting the following: "c".  
6 2. Page 1, by striking lines 31 through 39.  
7 3. Page 1, line 44, by striking the word  
8 "subparagraphs" and inserting the following:  
9 "subparagraph".  
10 4. Page 1, by striking lines 45 through 48.  
11 5. Page 1, line 49, by striking the figure "(16)"  
12 and inserting the following: "(15)".  
13 6. By striking page 2, line 5, through page 7,  
14 line 32.

RECEIVED FROM THE SENATE

H-6039 FILED APRIL 23, 1996

*House Concurred*  
*4-23-96 (P.1871)*

## SENATE FILE 2399

H-5880

1 Amend Senate File 2399, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 2, by inserting after line 26 the  
4 following:  
5 "Sec. \_\_\_\_ . Section 232.71A, subsection 7,  
6 paragraph a, Code Supplement 1995, is amended by  
7 adding the following new subparagraphs:  
8 NEW SUBPARAGRAPH. (4) The department determines  
9 the abuse meets the definition of child abuse under  
10 section 232.68, subsection 2, paragraph "e", and the  
11 alleged perpetrator of the abuse is age fourteen or  
12 older. However, the juvenile court may order the  
13 removal from the central registry of the name of a  
14 perpetrator of abuse placed in the registry pursuant  
15 to this subparagraph who is age fourteen through  
16 seventeen upon a finding of good cause. The name of a  
17 perpetrator who is less than age fourteen shall not be  
18 placed in the central registry pursuant to this  
19 subparagraph.  
20 NEW SUBPARAGRAPH. (5) The department determines  
21 the alleged perpetrator of the abuse will continue to  
22 pose a danger to the child who is the subject of the  
23 report of abuse or to another child with whom the  
24 alleged perpetrator may come into contact."

By KREIMAN of Davis

H-5880 FILED APRIL 9, 1996

*adopted 4-9-96 (P. 1492)*

## SENATE FILE 2399

H-5884

1 Amend the amendment, H-5676, to Senate File 2399,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, line 7, by striking the word  
5 "subparagraph" and inserting the following:  
6 "subparagraphs".  
7 2. Page 1, by inserting after line 11 the  
8 following:  
9 "NEW SUBPARAGRAPH. (16) To a person who submits  
10 written authorization from an individual allowing the  
11 person access to information pursuant to this  
12 subsection on behalf of the individual in order to  
13 verify whether the individual is named in a founded  
14 child abuse report as having abused a child."

By BODDICKER of Cedar

H-5884 FILED APRIL 9, 1996

*adopted 4-9-96**(P. 1491)*

## SENATE FILE 2399

H-5676

1 Amend Senate File 2399, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 26 the  
4 following:

5 "Sec. \_\_\_\_ . Section 235A.15, subsection 2,  
6 paragraph e, Code Supplement 1995, is amended by  
7 adding the following new subparagraph:

8 NEW SUBPARAGRAPH. (15) To employees of the  
9 department of human services as necessary to perform  
10 child abuse-child care registry duties under chapter  
11 235D.

12 Sec. \_\_\_\_ . Section 235A.17, Code 1995, is amended  
13 by adding the following new subsection:

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

21 Sec. \_\_\_\_ . NEW SECTION. 235D.1 DEFINITIONS.

22 As used in this chapter, unless the context  
23 otherwise requires:

24 1. "Central child abuse registry" or "central  
25 registry" means the central child abuse registry  
26 created in chapter 235A.

27 2. "Child abuse-child care registry" means the  
28 central child abuse-child care registry created by the  
29 department pursuant to section 235D.9.

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

32 4. "Department" means the department of human  
33 services.

34 5. "Founded child abuse report" means a child  
35 abuse report determined by the department to be child  
36 abuse and placed in the central child abuse registry  
37 as founded child abuse.

38 Sec. \_\_\_\_ . NEW SECTION. 235D.2 PERSONS REQUIRED  
39 TO REGISTER.

40 1. A person who provides child day care and who is  
41 named as having abused a child in a founded child  
42 abuse report, which is placed in the central registry  
43 on or after July 1, 1996, shall register as provided  
44 in this chapter for a period of time equivalent to the  
45 period of time the report is maintained on the central  
46 child abuse registry.

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

49 a. A person for whom the department has performed  
50 an evaluation pursuant to section 237A.5, subsection

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1 2, and has permitted the person to be licensed,  
2 registered, employed, or to reside in a child day care  
3 facility, if the person complies with the department's  
4 conditions established in section 237A.5, subsection  
5 2, paragraph "c".

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

11 Sec. \_\_\_\_ . NEW SECTION. 235D.3 REGISTRATION  
12 PROCESS.

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

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

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

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

35 Sec. \_\_\_\_ . NEW SECTION. 235D.4 REGISTRATION  
36 RENEWAL.

37 A person required to register with the department  
38 pursuant to section 235D.2 shall annually renew the  
39 person's registration and verify the person's address  
40 using a renewal form developed by the department. The  
41 person shall renew the registration in the month in  
42 which the person was initially required to register.  
43 The renewal form shall be signed by the person and  
44 state the address at which the person resides. If the  
45 person is in the process of changing residence, the  
46 person shall state that fact as well as the old and  
47 new addresses of places of residence.

48 Sec. \_\_\_\_ . NEW SECTION. 235D.5 DUTY TO FACILITATE  
49 REGISTRATION.

50 If a founded child abuse report is entered in the

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1 central registry on or after July 1, 1996, which would  
2 cause a person to be required to register with the  
3 department pursuant to section 235D.2, the department  
4 shall do the following at the time a founded child  
5 abuse report is entered in the central registry:

6 1. Inform the person of the duty to register.  
7 2. Inform the person of the person's duty to  
8 notify the child abuse-child care registry within ten  
9 days of changing residence within this state.

10 3. Inform the person of the person's duty to  
11 notify the child abuse-child care registry within ten  
12 days of changing residence to a location outside this  
13 state, and inform the person that, if the other state  
14 has a registration requirement, the person is also  
15 required to register in the new state of residence.

16 4. Require the person to read and sign a form  
17 stating that the duty of the person to register under  
18 this chapter has been explained. If the person cannot  
19 read, is unable to write, or refuses to cooperate, the  
20 duty and the form shall be explained orally and a  
21 written record maintained by the person explaining the  
22 duty and the form.

23 Sec. \_\_\_\_ . NEW SECTION. 235D.6 REGISTRATION FEES  
24 FOR OFFENDERS.

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

37 Sec. \_\_\_\_ . NEW SECTION. 235D.7 FAILURE TO COMPLY  
38 -- PENALTY.

39 A person who willfully fails to register as  
40 required under this chapter commits a serious  
41 misdemeanor for a first offense and an aggravated  
42 misdemeanor for a second or subsequent offense.  
43 However, a person who willfully fails to register as  
44 required under this chapter and who, during the period  
45 in which the person has willfully failed to register,  
46 commits a criminal offense against a child under  
47 chapter 709, 709A, 710, 725, 726, or 728, commits a  
48 class "D" felony. The court shall not defer judgment  
49 or sentence for any violation of the registration  
50 requirements of this chapter.

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1 Sec. \_\_\_\_ . NEW SECTION. 235D.8 REGISTRATION AND  
2 DISCLOSURE PROCESS.

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

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

31 b. The disclosure form shall be signed by the  
32 parent or guardian of each child for which the  
33 registrant provides child day care, acknowledging that  
34 the parent or guardian has read the form. A  
35 disclosure form shall be filed with the department for  
36 each child in the registrant's child day care as part  
37 of the registration requirements. The department  
38 shall retain a disclosure form filed in accordance  
39 with this paragraph for a period of three years.

40 Sec. \_\_\_\_ . NEW SECTION. 235D.9 DEPARTMENT DUTIES  
41 -- REGISTRY.

42 The department shall perform all of the following  
43 duties:

44 1. Develop and disseminate the standard forms for  
45 registering persons required to register pursuant to  
46 section 235D.2, and for understanding of registration  
47 requirements by the persons.

48 2. Maintain a central registry of information  
49 collected from persons required to register under this  
50 chapter, which shall be known as the child abuse-child

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

28 Sec. \_\_\_\_ . NEW SECTION. 235D.10 CHILD ABUSE-CHILD  
29 CARE REGISTRY FUND.

30 A child abuse-child care registry fund is  
31 established as a separate fund within the state  
32 treasury under the control of the department. The  
33 fund shall consist of moneys received from fees  
34 received under section 235D.6 and other funds allo-  
35 cated for purposes of establishing and maintaining the  
36 child abuse-child care registry, conducting research  
37 and analysis related to child abuse-child care issues,  
38 and to perform other duties required under this  
39 chapter. Notwithstanding section 8.33, unencumbered  
40 or unobligated moneys and any interest remaining in  
41 the fund on June 30 of any fiscal year shall not  
42 revert to the general fund of the state, but shall  
43 remain available for expenditure in subsequent fiscal  
44 years. Moneys in the fund are appropriated to the  
45 department to be used only for the purposes delineated  
46 in this section and are not subject to transfer  
47 pursuant to section 8.39.

48 Sec. \_\_\_\_ . NEW SECTION. 235D.11 AVAILABILITY OF  
49 RECORDS.

50 Notwithstanding chapter 22, the confidentiality of

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1 information in the child abuse-child care registry  
2 shall be maintained except as specifically provided as  
3 follows:

- 4 1. As authorized in section 235A.15.
- 5 2. The department shall release information  
6 regarding a specific person who is required to  
7 register under this chapter to a member of the general  
8 public if the person requesting the information gives  
9 the person's name and address in writing, states the  
10 person's reason for requesting the information, and  
11 provides the department with the name and address of  
12 the person about whom the information is sought. The  
13 department shall maintain a record of persons  
14 requesting information from the registry. The  
15 confidentiality of the record of a person requesting  
16 information from the registry shall be maintained,  
17 unless the person requesting the information from the  
18 registry requests that the record of the information  
19 request be a public record.

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

24 Sec. \_\_\_\_ . NEW SECTION. 235D.12 COOPERATION WITH  
25 REGISTRATION.

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

32 Sec. \_\_\_\_ . NEW SECTION. 235D.13 IMMUNITY FOR GOOD  
33 FAITH CONDUCT.

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

37 2. Title page, line 3, by inserting after the  
38 word "services" the following: ", a child abuse-child  
39 care registry,".

40 3. By renumbering as necessary.

By CATALDO of Polk  
BODDICKER of Cedar

HOUSER of Pottawattamie  
MORELAND of Wapello

H-5676 FILED MARCH 27, 1996

*Adopted  
4-9-96  
(p.1492)*

SENATE FILE 2399

H-5665

1 Amend Senate File 2399, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 1, by inserting after the figure  
4 "6," the following: "7,".

5 2. Page 1, line 7, by striking the words  
6 "seventy-two" and inserting the following: "~~seventy-~~  
7 ~~two twenty-four~~".

8 3. Page 1, by inserting after line 33 the  
9 following:

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

15 ~~a. If the department determines the child suffered~~  
16 ~~significant injury or was placed in great risk of~~  
17 ~~injury, the name of the child and the alleged~~  
18 ~~perpetrator of the child abuse shall be placed in the~~  
19 ~~central registry as a case of founded child abuse.~~  
20 ~~Any of the following shall be considered to be an~~  
21 ~~indicator that the child suffered significant injury~~  
22 ~~or was placed in great risk of injury:~~

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

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

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

35 a. If the department determines the child abuse  
36 report involved the parent or guardian of the child in  
37 a minor, isolated incident or condition which could  
38 occur in almost any family, or the occurrence of the  
39 omission was so remote in time that no current  
40 protective concerns are present for any child  
41 encountered by the department at the time of  
42 performing the assessment, the child abuse information  
43 in the assessment shall not be placed in the central  
44 child abuse registry. Notwithstanding chapter 22, the  
45 confidentiality of the child abuse information shall  
46 be maintained.

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

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1 as a case of founded child abuse.

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

By KREIMAN of Davis

H-5665 FILED MARCH 27, 1996

WITHDRAWN

4-9-96 (p. 1485)

SENATE FILE 2399

H-5862

- 1 Amend Senate File 2399, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 7, by striking the words
- 4 "seventy-two" and inserting the following: "seventy-
- 5 two twenty-four".
- 6 2. Page 2, by inserting after line 26 the
- 7 following:
- 8 "Sec. \_\_\_\_ . Section 232.71A, subsection 7, Code
- 9 Supplement 1995, is amended by adding the following
- 10 new paragraph:
- 11 NEW PARAGRAPH. d. All information contained in an
- 12 assessment completed in accordance with this section
- 13 shall be provided to the custodial and noncustodial
- 14 parents of a child who are known to the department."
- 15 3. By renumbering as necessary.

By BODDICKER of Cedar  
MURPHY of Dubuque

H-5862 FILED APRIL 3, 1996

*adopted 4-9-96*  
*(p. 1485)*

SENATE FILE 2399

H-5527

- 1 Amend Senate File 2399, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 20, by striking the words "with
- 4 the fiscal year beginning" and inserting the
- 5 following: "~~with the fiscal year beginning~~".

By BODDICKER of Cedar

F 5527 FILED MARCH 25, 1996

*Adopted*  
*4-9-96*  
*(p. 1485)*

HOUSE AMENDMENT TO  
SENATE FILE 2399

S-5702

1 Amend Senate File 2399, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 7, by striking the words  
4 "seventy-two" and inserting the following: "~~seventy-~~  
5 ~~two~~ twenty-four".

6 2. Page 2, line 20, by striking the words "with  
7 the fiscal year beginning" and inserting the  
8 following: "~~with-the-fiscal-year-beginning~~".

9 3. Page 2, by inserting after line 26 the  
10 following:

11 "Sec. \_\_\_\_\_. Section 232.71A, subsection 7,  
12 paragraph a, Code Supplement 1995, is amended by  
13 adding the following new subparagraphs:

14 NEW SUBPARAGRAPH. (4) The department determines  
15 the abuse meets the definition of child abuse under  
16 section 232.68, subsection 2, paragraph "e", and the  
17 alleged perpetrator of the abuse is age fourteen or  
18 older. However, the juvenile court may order the  
19 removal from the central registry of the name of a  
20 perpetrator of abuse placed in the registry pursuant  
21 to this subparagraph who is age fourteen through  
22 seventeen upon a finding of good cause. The name of a  
23 perpetrator who is less than age fourteen shall not be  
24 placed in the central registry pursuant to this  
25 subparagraph.

26 NEW SUBPARAGRAPH. (5) The department determines  
27 the alleged perpetrator of the abuse will continue to  
28 pose a danger to the child who is the subject of the  
29 report of abuse or to another child with whom the  
30 alleged perpetrator may come into contact."

31 4. Page 2, by inserting after line 26 the  
32 following:

33 "Sec. \_\_\_\_\_. Section 232.71A, subsection 7, Code  
34 Supplement 1995, is amended by adding the following  
35 new paragraph:

36 NEW PARAGRAPH. d. All information contained in an  
37 assessment completed in accordance with this section  
38 shall be provided to the custodial and noncustodial  
39 parents of a child who are known to the department."

40 5. Page 2, by inserting after line 26 the  
41 following:

42 "Sec. \_\_\_\_\_. Section 235A.15, subsection 2,  
43 paragraph e, Code Supplement 1995, is amended by  
44 adding the following new subparagraphs:

45 NEW SUBPARAGRAPH. (15) To employees of the  
46 department of human services as necessary to perform  
47 child abuse-child care registry duties under chapter  
48 235D.

49 NEW SUBPARAGRAPH. (16) To a person who submits  
50 written authorization from an individual allowing the

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1 person access to information pursuant to this  
2 subsection on behalf of the individual in order to  
3 verify whether the individual is named in a founded  
4 child abuse report as having abused a child.  
5 Sec. \_\_\_\_ . Section 235A.17, Code 1995, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 3. An employee of the department  
8 of human services authorized to receive child abuse  
9 information for purposes of the child abuse-child care  
10 registry pursuant to section 235A.15, subsection 2,  
11 paragraph "e", subparagraph (15) may disseminate the  
12 information in accordance with the provisions of  
13 chapter 235D.

14 Sec. \_\_\_\_ . NEW SECTION. 235D.1 DEFINITIONS.

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

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

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

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

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

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

31 Sec. \_\_\_\_ . NEW SECTION. 235D.2 PERSONS REQUIRED  
32 TO REGISTER.

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

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

42 a. A person for whom the department has performed  
43 an evaluation pursuant to section 237A.5, subsection  
44 2, and has permitted the person to be licensed,  
45 registered, employed, or to reside in a child day care  
46 facility, if the person complies with the department's  
47 conditions established in section 237A.5, subsection  
48 2, paragraph "c".

49 b. A person who was named as having abused a child  
50 in a founded child abuse report in which the

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1 information concerning the person was determined to be  
2 unfounded and was corrected or eliminated pursuant to  
3 section 235A.19, subsection 5.

4 Sec. \_\_\_\_ . NEW SECTION. 235D.3 REGISTRATION  
5 PROCESS.

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

9 1. The person shall register with the child abuse-  
10 child care registry prior to providing child day care.  
11 However, if the person is providing child day care at  
12 the time the founded child abuse report is entered in  
13 the central registry, the person shall register within  
14 ten days of the date the person is notified of the  
15 duty to register under section 235D.5.

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

21 3. Within ten days of changing residence to a  
22 location outside of this state, the person shall  
23 notify the child abuse-child care registry of the new  
24 residence address, and any changes in telephone  
25 number. If the person is required to register under  
26 the laws of the other state, the person shall register  
27 in the other state.

28 Sec. \_\_\_\_ . NEW SECTION. 235D.4 REGISTRATION  
29 RENEWAL.

30 A person required to register with the department  
31 pursuant to section 235D.2 shall annually renew the  
32 person's registration and verify the person's address  
33 using a renewal form developed by the department. The  
34 person shall renew the registration in the month in  
35 which the person was initially required to register.  
36 The renewal form shall be signed by the person and  
37 state the address at which the person resides. If the  
38 person is in the process of changing residence, the  
39 person shall state that fact as well as the old and  
40 new addresses of places of residence.

41 Sec. \_\_\_\_ . NEW SECTION. 235D.5 DUTY TO FACILITATE  
42 REGISTRATION.

43 If a founded child abuse report is entered in the  
44 central registry on or after July 1, 1996, which would  
45 cause a person to be required to register with the  
46 department pursuant to section 235D.2, the department  
47 shall do the following at the time a founded child  
48 abuse report is entered in the central registry:

49 1. Inform the person of the duty to register.  
50 2. Inform the person of the person's duty to

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1 notify the child abuse-child care registry within ten  
2 days of changing residence within this state.

3 3. Inform the person of the person's duty to  
4 notify the child abuse-child care registry within ten  
5 days of changing residence to a location outside this  
6 state, and inform the person that, if the other state  
7 has a registration requirement, the person is also  
8 required to register in the new state of residence.

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

16 Sec. \_\_\_\_ . NEW SECTION. 235D.6 REGISTRATION FEES  
17 FOR OFFENDERS.

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

30 Sec. \_\_\_\_ . NEW SECTION. 235D.7 FAILURE TO COMPLY  
31 -- PENALTY.

32 A person who willfully fails to register as  
33 required under this chapter commits a serious  
34 misdemeanor for a first offense and an aggravated  
35 misdemeanor for a second or subsequent offense.  
36 However, a person who willfully fails to register as  
37 required under this chapter and who, during the period  
38 in which the person has willfully failed to register,  
39 commits a criminal offense against a child under  
40 chapter 709, 709A, 710, 725, 726, or 728, commits a  
41 class "D" felony. The court shall not defer judgment  
42 or sentence for any violation of the registration  
43 requirements of this chapter.

44 Sec. \_\_\_\_ . NEW SECTION. 235D.8 REGISTRATION AND  
45 DISCLOSURE PROCESS.

46 1. The department shall prepare registration  
47 forms. The forms shall include the registrant's name,  
48 social security number, current address, and, if  
49 applicable, telephone number. In addition, the  
50 registration form shall include the names, addresses,

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1 and telephone numbers of the children for which the  
2 registrant is providing child day care as well as this  
3 information for the children's parent, guardian, or  
4 custodian. The forms may provide for the reporting of  
5 additional relevant information, including but not  
6 limited to, residents in the household of the person  
7 required to register, but shall not include  
8 information identifying the victim of the child abuse  
9 which the registrant was found to have committed.  
10 Forms shall be available to any person upon request to  
11 the department.

12 2. a. The department shall prepare disclosure  
13 forms which shall be made available to a registrant.  
14 The disclosure form shall provide for a written  
15 acknowledgment by the parent or guardian of each child  
16 for which the registrant provides child day care that  
17 the registrant is required to register with the child  
18 care-child abuse registry by reason of having been  
19 named as having abused a child in a founded child  
20 abuse report. The form shall also provide  
21 instructions regarding the parent's, guardian's, or  
22 custodian's access to information maintained in the  
23 child abuse-child care registry.

24 b. The disclosure form shall be signed by the  
25 parent or guardian of each child for which the  
26 registrant provides child day care, acknowledging that  
27 the parent or guardian has read the form. A  
28 disclosure form shall be filed with the department for  
29 each child in the registrant's child day care as part  
30 of the registration requirements. The department  
31 shall retain a disclosure form filed in accordance  
32 with this paragraph for a period of three years.

33 Sec. \_\_\_\_ . NEW SECTION. 235D.9 DEPARTMENT DUTIES  
34 -- REGISTRY.

35 The department shall perform all of the following  
36 duties:

37 1. Develop and disseminate the standard forms for  
38 registering persons required to register pursuant to  
39 section 235D.2, and for understanding of registration  
40 requirements by the persons.

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

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

47 a. Ensure compliance with registration  
48 requirements of this chapter.

49 b. Provide guidelines for persons required to  
50 assist in obtaining registry information.

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

21 Sec. \_\_\_\_ . NEW SECTION. 235D.10 CHILD ABUSE-CHILD  
22 CARE REGISTRY FUND.

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

41 Sec. \_\_\_\_ . NEW SECTION. 235D.11 AVAILABILITY OF  
42 RECORDS.

43 Notwithstanding chapter 22, the confidentiality of  
44 information in the child abuse-child care registry  
45 shall be maintained except as specifically provided as  
46 follows:

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

48 2. The department shall release information  
49 regarding a specific person who is required to  
50 register under this chapter to a member of the general

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

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

17 Sec. \_\_\_\_ . NEW SECTION. 235D.12 COOPERATION WITH  
18 REGISTRATION.

19 Each agency of state and local government which  
20 possesses information relevant to requirements that a  
21 person register under this chapter shall provide that  
22 information to the department upon request. Any  
23 confidential record provided pursuant to this section  
24 shall only be released pursuant to section 235D.11.

25 Sec. \_\_\_\_ . NEW SECTION. 235D.13 IMMUNITY FOR GOOD  
26 FAITH CONDUCT.

27 A person is immune from civil or criminal liability  
28 for acts or omissions arising from a good faith effort  
29 to comply with this chapter."

30 6. Title page, line 3, by inserting after the  
31 word "services" the following: ", a child abuse-child  
32 care registry,".

33 7. By renumbering, relettering, or redesignating  
34 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5702 FILED APRIL 10, 1996

*Senate Concurred 4/23/96 (p. 1468)*

SENATE FILE 2399

S-5827

- 1 Amend the House amendment, S-5702, to Senate File  
2 2399, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, line 16, by striking the letter "'e'"  
5 and inserting the following: "'c'".  
6 2. Page 1, by striking lines 31 through 39.  
7 3. Page 1, line 44, by striking the word  
8 "subparagraphs" and inserting the following:  
9 "subparagraph".  
10 4. Page 1, by striking lines 45 through 48.  
11 5. Page 1, line 49, by striking the figure "(16)"  
12 and inserting the following: "(15)".  
13 6. By striking page 2, line 5, through page 7,  
14 line 32.

*Adopted 4/23/96 (p. 1468)* By TONY BISIGNANO

S-5827 FILED APRIL 22, 1996

Szymoniak  
Tinsman  
Newbauer

SSB-2326  
Human Resources

Succeeded By  
SENATE FILE ~~FILE~~ 2399  
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 the reporting and substantiation of harm to a  
2 child and the related duties of the department of human  
3 services and the child abuse information registry.

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

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1 Section 1. Section 232.67, Code 1995, is amended to read  
2 as follows:

3 232.67 LEGISLATIVE FINDINGS -- PURPOSE AND POLICY.

4 Children in this state are in urgent need of protection  
5 from child abuse. Children are best protected if the response  
6 to a report of possible harm to a child is made in a manner  
7 which first and foremost emphasizes child safety and  
8 thereafter emphasizes engagement of the child's family in  
9 services, if the services are necessary and appropriate. It  
10 is the purpose and policy of this part 2 of division III to  
11 provide the greatest possible protection to victims-or  
12 potential-victims-of children who may be subjected to child  
13 abuse through-encouraging-the-increased-reporting-of-suspected  
14 cases-of-such-abuse, insuring-the-thorough-and-prompt  
15 investigation-of-these-reports, and-providing-rehabilitative  
16 services, where-appropriate-and-whenever-possible-to-abused  
17 children-and-their-families-which-will-stabilize-the-home  
18 environment-so-that-the-family-can-remain-intact-without  
19 further-danger-to-the-child by providing a system for  
20 reporting and responding to indicators of harm to a child in  
21 which the approach for responding to a report can be adjusted  
22 to appropriately reflect the severity of the harm to the  
23 child, the functioning of the child within the child's family,  
24 and the resources available to the child and the child's  
25 family in the community.

26 Sec. 2. Section 232.68, subsection 2, Code Supplement  
27 1995, is amended to read as follows:

28 2. "Child abuse" or-"abuse" means a significant injury  
29 suffered by a child or the placing of a child at great risk of  
30 significant injury as determined by the department under  
31 section 232.71 following a report of harm to the child and  
32 pursuant to an assessment performed by the department  
33 resulting in the placement of the name of the child and the  
34 person responsible for the injury in the registry.

35 2A. "Harm" means any of the following:

1 a. Any nonaccidental physical injury, or injury which is  
2 at variance with the history given of it, suffered by a child  
3 as the result of the acts or omissions of a person responsible  
4 for the care of the child.

5 b. Any mental injury to a child's intellectual or  
6 psychological capacity as evidenced by an observable and  
7 substantial impairment in the child's ability to function  
8 within the child's normal range of performance and behavior as  
9 the result of the acts or omissions of a person responsible  
10 for the care of the child, if the impairment is diagnosed and  
11 confirmed by a licensed physician or qualified mental health  
12 professional as defined in section 622.10.

13 c. The commission of a sexual offense with or to a child  
14 pursuant to chapter 709, section 726.2, or section 728.12,  
15 subsection 1, as a result of the acts or omissions of the  
16 person responsible for the care of the child. Notwithstanding  
17 section 702.5, the commission of a sexual offense under this  
18 paragraph includes any sexual offense referred to in this  
19 paragraph with or to a person under the age of eighteen years.

20 d. The failure on the part of a person responsible for the  
21 care of a child to provide for the adequate food, shelter,  
22 clothing or other care necessary for the child's health and  
23 welfare when financially able to do so or when offered  
24 financial or other reasonable means to do so. A parent or  
25 guardian legitimately practicing religious beliefs who does  
26 not provide specified medical treatment for a child for that  
27 reason alone shall not be considered abusing the child,  
28 however this provision shall not preclude a court from  
29 ordering that medical service be provided to the child where  
30 the child's health requires it.

31 e. The acts or omissions of a person responsible for the  
32 care of a child which allow, permit, or encourage the child to  
33 engage in acts prohibited pursuant to section 725.1.  
34 Notwithstanding section 702.5, acts or omissions under this  
35 paragraph include an act or omission referred to in this

1 paragraph with or to a person under the age of eighteen years.

2 f. An illegal drug is present in a child's body as a  
3 direct and foreseeable consequence of the acts or omissions of  
4 the person responsible for the care of the child which a  
5 reasonable and prudent person knew or should have known is  
6 likely to lead to the drug's presence in the child's body.

7 Sec. 3. Section 232.68, subsection 3, Code Supplement  
8 1995, is amended to read as follows:

9 3. "Confidential access to a child" means access to a  
10 child, during an investigation assessment of an-alleged-act-of-  
11 child-abuse,-who-is-alleged-to-be-the-victim-of-the-child  
12 abuse a report of harm to a child. The access may be  
13 accomplished by interview, observation, or examination of the  
14 child. As used in this subsection:

15 a. "Interview" means the verbal exchange between the  
16 department investigator assessment worker and the child for  
17 the purpose of developing information necessary to protect the  
18 child. A department investigator assessment worker is not  
19 precluded from recording visible evidence of abuse harm to a  
20 child.

21 b. "Observation" means direct physical viewing of a child  
22 who is under the age of four by the department investigator  
23 assessment worker where the viewing is limited to the child's  
24 body other than the genitalia and pubes. "Observation" also  
25 means direct physical viewing of a child age four or older by  
26 the department investigator assessment worker without touching  
27 the child or removing an article of the child's clothing, and  
28 doing so without the consent of the child's parent, custodian,  
29 or guardian. A department investigator assessment worker is  
30 not precluded from recording evidence of abuse harm to a child  
31 obtained as a result of a child's voluntary removal of an  
32 article of clothing without inducement by the investigator  
33 assessment worker. However, if prior consent of the child's  
34 parent or guardian, or an ex parte court order, is obtained,  
35 "observation" may include viewing the child's unclothed body

1 other than the genitalia and pubes.

2 c. "Examination" means direct physical viewing, touching,  
3 and medically necessary manipulation of any area of the  
4 child's body by a physician licensed under chapter 148 or  
5 150A.

6 Sec. 4. Section 232.69, subsection 1, unnumbered paragraph  
7 1, Code 1995, is amended to read as follows:

8 The following classes of persons shall make a report within  
9 twenty-four hours and as provided in section 232.70, of cases  
10 of-child-abuse an indicator of harm to a child:

11 Sec. 5. Section 232.69, subsection 1, paragraph a, Code  
12 1995, is amended to read as follows:

13 a. Every health practitioner who in the scope of  
14 professional practice, examines, attends, or treats a child  
15 and who reasonably believes the child has-been-abused has been  
16 subjected to harm. Notwithstanding section 140.3, this  
17 provision applies to a health practitioner who receives  
18 information confirming that a child is infected with a  
19 sexually transmitted disease.

20 Sec. 6. Section 232.69, subsection 1, paragraph b,  
21 unnumbered paragraph 1, Code 1995, is amended to read as  
22 follows:

23 Any of the following persons who, in the scope of  
24 professional practice or in their employment responsibilities,  
25 examines, attends, counsels, or treats a child and reasonably  
26 believes a child has-suffered-abuse has been subjected to  
27 harm:

28 Sec. 7. Section 232.69, subsections 2 and 3, Code 1995,  
29 are amended to read as follows:

30 2. Any other person who believes that a child has-been  
31 abused has been subject to harm may make a report as provided  
32 in section 232.70.

33 3. A person required to make a report under subsection 1,  
34 other than a physician whose professional practice does not  
35 regularly involve providing primary health care to children,

1 shall complete two hours of training relating to the  
2 identification and reporting of child-abuse harm to a child  
3 within six months of initial employment or self-employment  
4 involving the examination, attending, counseling, or treatment  
5 of children on a regular basis. Within one month of initial  
6 employment or self-employment, the person shall obtain a  
7 statement of the abuse reporting requirements from the  
8 person's employer or, if self-employed, from the department.  
9 The Every five years the person shall complete at least two  
10 hours of additional child-abuse training relating to the  
11 identification and reporting training-every-five-years of harm  
12 to a child. If the person is an employee of a hospital or  
13 similar institution, or of a public or private institution,  
14 agency, or facility, the employer shall be responsible for  
15 providing the child-abuse identification and reporting  
16 training. If the person is self-employed, the person shall be  
17 responsible for obtaining the child-abuse identification and  
18 reporting training. The person may complete the initial or  
19 additional training as part of a continuing education program  
20 required under chapter 272C or may complete the training as  
21 part of a training program offered by the department of human  
22 services, the department of education, an area education  
23 agency, a school district, the Iowa law enforcement academy,  
24 or a similar public agency.

25 Sec. 8. Section 232.70, subsection 4, Code 1995, is  
26 amended to read as follows:

27 4. The Upon receipt of a report, the department of-human  
28 services shall do all of the following:

29 a. Immediately, upon receipt of an oral report, make a  
30 determination as to whether the report constitutes an  
31 allegation of harm to a child abuse as defined in section  
32 232.68~~7~~.

33 b. ~~Make-a-report-to-the-central-registry-if~~ If the oral  
34 report ~~has-been~~ is determined to constitute ~~a-child-abuse an~~  
35 allegation~~7~~

1 ~~e.---Forward-a-copy-of-the-written-report-to-the-registry,~~  
2 and

3 ~~d.---Notify-the-appropriate-county-attorney-of-the-receipt~~  
4 ~~of-any-report~~ of harm to a child, perform an assessment in  
5 accordance with section 232.71.

6 Sec. 9. Section 232.70, subsection 5, Code 1995, is  
7 amended to read as follows:

8 5. The oral and written reports shall contain all of the  
9 following information, or as much thereof of the information  
10 as the person making the report is able to furnish:

11 a. The names and home address of the child and the child's  
12 parents or other persons believed to be responsible for the  
13 child's care~~;~~.

14 b. The child's present whereabouts if not the same as the  
15 parent's or other person's home address~~;~~.

16 c. The child's age~~;~~.

17 d. The nature and extent of the ~~child's-injuries~~ harm to  
18 the child, including any evidence of previous ~~injuries;~~ harm  
19 to the child.

20 e. The name, age, and condition of other children in the  
21 same home~~;~~.

22 f. Any other information which the person making the  
23 report believes might be helpful in establishing the cause of  
24 the ~~injury~~ harm to the child, the identity of the person or  
25 persons responsible for the ~~injury~~ harm, or in providing  
26 assistance to the child~~;~~-and.

27 g. The name and address of the person making the report.

28 Sec. 10. Section 232.71, Code Supplement 1995, is amended  
29 to read as follows:

30 232.71 DUTIES OF THE DEPARTMENT UPON RECEIPT OF REPORT.

31 1. If the department determines a report ~~is-determined-to~~  
32 ~~constitute-a-child-abuse-allegation~~ constitutes an allegation  
33 of harm to a child, the department ~~of-human-services~~ shall  
34 promptly commence an appropriate investigation assessment  
35 within seventy-two hours of receiving the report. The primary

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

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

20 2. The ~~investigation~~ assessment shall include all of the  
21 following:

22 a. Identification of the nature, extent, and cause of the  
23 ~~injuries~~ suspected harm, if any, to the child named in the  
24 report.

25 b. The circumstances which led to the suspected harm to  
26 the child.

27 ~~b-~~ c. The identification of the person or persons  
28 responsible ~~therefor~~ for the suspected harm to the child.

29 ~~c-~~ d. The name, age, and condition of other children in  
30 the same home as the child named in the report.

31 ~~d-~~ e. An evaluation of the home environment. If  
32 protective concerns are identified, the department shall  
33 evaluate the child named in the report and any other children  
34 in the same home as the parents or other persons responsible  
35 for their care.

1 e- f. An interview of the person alleged to have-committed  
2 be responsible for the harm to the child abuse, if the  
3 person's identity and location are known, to afford the person  
4 the opportunity to address the allegations of the child-abuse  
5 report. The interview shall be conducted, or an opportunity  
6 for an interview shall be provided, prior to a-determination  
7 of-child-abuse-being-made completion of the assessment. The  
8 court may waive the requirement of the interview for good  
9 cause.

10 3. The investigation assessment may, with the consent of  
11 the parent or guardian, include a visit to the home of the  
12 child named in the report and an interview or observation of  
13 the child may be conducted. If permission to enter the home  
14 to interview or observe the child is refused, the juvenile  
15 court or district court upon a showing of probable cause may  
16 authorize the person making the investigation assessment to  
17 enter the home and interview or observe the child. The  
18 department may utilize a multidisciplinary team, as defined in  
19 section 235A.13, in investigations performing assessments of  
20 child-abuse harm to a child.

21 4. Based-on-an-investigation-of-alleged-child-abuse The  
22 department, in consultation with facilities providing care to  
23 children, shall develop a protocol for conducting an  
24 assessment of reports of harm to children allegedly caused by  
25 an-employee employees of a-facility facilities providing care  
26 to a-child,--the children. As part of such an assessment, the  
27 department shall notify the licensing authority for the  
28 facility, the governing body of the facility, and the  
29 administrator in charge of the facility of any of the  
30 following:

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

33 b. An instance in which facility policy or lack of  
34 facility policy may have contributed to the alleged harm to a  
35 child abuse or the incident reported.



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

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

7 5. a. The department of-human-services may request  
8 information from any person believed to have knowledge of harm  
9 to a child abuse-case. The county attorney, any law  
10 enforcement or social services agency in the state, and any  
11 mandatory reporter, whether or not the reporter made the  
12 specific child-abuse report of harm to a child, shall  
13 cooperate and assist in the investigation assessment upon the  
14 request of the department of-human-services. The county  
15 attorney and appropriate law enforcement agencies shall also  
16 take any other lawful action which may be necessary or  
17 advisable for the protection of the child.

18 b. If the department refers a child to a physician for a  
19 physical examination, the department shall contact the  
20 physician concerning regarding the examination within-twenty-  
21 four-hours-of-making-the-referral prior to completing the  
22 assessment. If the physician who performs the examination  
23 upon referral by the department reasonably believes the child  
24 has been abused subjected to harm, the physician shall report  
25 to the department within twenty-four hours of performing the  
26 examination.

27 6. The investigation assessment may include a visit to a  
28 facility providing care to the child named in the report or to  
29 any public or private school subject to the authority of the  
30 department of education where the child named in the report is  
31 located. The administrator of a facility, or a public or  
32 private school shall cooperate with the investigator by  
33 providing confidential access to the child named in the report  
34 for the purpose of interviewing the child, and shall allow the  
35 investigator assessment worker confidential access to other

1 children for the purpose of conducting interviews in order to  
2 obtain relevant information. The investigator assessment  
3 worker may observe a child named in a report in accordance  
4 with the provisions of section 232.68, subsection 3, paragraph  
5 "b". A witness shall be present during an observation of a  
6 child. Any child age ten years of age or older can terminate  
7 contact with the investigator assessment worker by stating or  
8 indicating the child's wish to discontinue the contact. The  
9 immunity granted by section 232.73 applies to acts or  
10 omissions in good faith of such administrators and their  
11 facilities or school districts for cooperating in an  
12 investigation assessment and allowing confidential access to a  
13 child. The department may utilize a multidisciplinary team,  
14 as defined in section 235A.13, to conduct investigations an  
15 assessment of harm to a child abuse involving employees or  
16 agents of a facility providing care for a child.

17 7. a. The department, upon completion of its  
18 investigation the assessment, shall make prepare a preliminary  
19 report-of-its-investigation-as written assessment which  
20 incorporates the information required by subsection 2. The  
21 written assessment shall be completed within twenty business  
22 days of receiving the report.

23 b. A If the department determines in accordance with  
24 subsection 8 that the harm to the child constitutes  
25 substantiated child abuse, a copy of this-report the written  
26 assessment shall be transmitted to the juvenile court within  
27 four-regular-working-days-after-the-department-initially  
28 receives-the-abuse-report-unless-the-juvenile-court-grants-an  
29 extension-of-time-for-good-cause-shown.--if-the-preliminary  
30 report-is-not-a-complete-report,-a-complete-report-shall-be  
31 filed-within-ten-working-days-of-the-receipt-of-the-abuse  
32 report,-unless-the-juvenile-court-grants-an-extension-of-time  
33 for-good-cause-shown; and the county attorney. The juvenile  
34 court and the county attorney shall notify the department  
35 office which prepared the assessment of any action taken or

1 contemplated with respect to the substantiated child abuse  
2 described in the assessment.

3 c. A copy of the written assessment which pertains to the  
4 reported harm shall be transmitted to all subjects of a  
5 report. The department shall notify a subject of-the-report  
6 of-the-result-of-the-investigation, of the subject's right to  
7 correct the information pursuant to section 235A.19 if the  
8 department determines the harm to the child constitutes  
9 substantiated child abuse, and of the procedures to correct  
10 the information in any report or assessment. The-juvenile  
11 court-shall-notify-the-registry-of-any-action-it-takes-with  
12 respect-to-a-suspected-case-of-child-abuse.

13 8. d. The If the department determines in accordance with  
14 subsection 8 that the harm to the child constitutes  
15 substantiated child abuse, the department of-human-services  
16 shall transmit to the registry a copy of the report-of-its  
17 investigation written assessment of the harm, including  
18 actions taken or contemplated,-to-the-registry to safeguard  
19 the child. The department of-human-services shall make  
20 periodic follow-up reports thereafter in a manner prescribed  
21 by the registry so that the registry is kept up-to-date and  
22 fully informed concerning the handling of a suspected case of  
23 substantiated child abuse.

24 9. 8. The-department-of-human-services-shall-also-transmit  
25 a-copy-of-the-report-of-its-investigation-to-the-county  
26 attorney.--The-county-attorney-shall-notify-the-registry-of  
27 any-actions-or-contemplated-actions-with-respect-to-a  
28 suspected-case-of-child-abuse-so-that-the-registry-is-kept-up-  
29 to-date-and-fully-informed-concerning-the-handling-of-such-a  
30 case. If the department determines in accordance with this  
31 subsection that a harm to a child caused significant injury or  
32 placed a child at great risk of significant injury, the names  
33 of the child and of the person alleged to be responsible for  
34 the harm to the child shall be placed on the central registry  
35 for child abuse information as a case of substantiated child

1 abuse. Only a harm to a child placed on the registry in  
2 accordance with this subsection shall be considered to be  
3 substantiated child abuse. A determination of substantiated  
4 child abuse shall be based upon any of the following:

5 a. The case involving the report of harm to the child was  
6 referred for juvenile or criminal court action.

7 b. A child in need of assistance or other court proceeding  
8 is initiated based upon the report of harm to the child.

9 However, a proceeding or assessment based upon a report of  
10 harm to a child in which the child's parent or guardian who is  
11 legitimately practicing religious beliefs fails to secure  
12 necessary medical care for the child shall not be placed on  
13 the registry as substantiated child abuse.

14 c. In the opinion of a health practitioner or mental  
15 health professional, the harm to the child as a result of the  
16 acts or omission of the alleged person responsible for the  
17 care of the child required or should have required medical or  
18 mental health treatment.

19 d. Additional reports of harm to a child are made based  
20 upon the acts or omissions of the same person.

21 ~~10.~~ 9. Based on the investigation-conducted assessment  
22 performed pursuant to this section, the department shall offer  
23 to the family of any child believed to be the victim of abuse  
24 harm such services as are available and appear appropriate for  
25 either the child, the family, or both, if it is explained that  
26 the department has no legal authority to compel the family to  
27 accept the services.

28 ~~11.~~ 10. If, upon completion of the investigation  
29 assessment, the department of-human-services determines that  
30 the best interests of the child require juvenile court action,  
31 the department shall take the appropriate action to initiate  
32 such action under this chapter. If at any time during the  
33 assessment process the department believes court action is  
34 necessary to safeguard the child, the department shall act  
35 appropriately to initiate the action. The county attorney

1 shall assist the county department of human services as  
2 provided under section 232.90, subsection 2.

3 ~~12-~~ 11. The department of ~~human-services~~ shall assist the  
4 juvenile court or district court during all stages of court  
5 proceedings involving a suspected ~~child-abuse~~ case of harm to  
6 a child in accordance with the purposes of this chapter.

7 ~~13-~~ 12. The department of ~~human-services~~ shall provide for  
8 or arrange for and monitor services for ~~abused children who~~  
9 are victims of harm or of child abuse or at risk of harm or of  
10 child abuse and their families on a voluntary basis or under a  
11 final or intermediate order of the juvenile court. The  
12 department shall adopt rules defining services which the local  
13 planning groups authorized to develop plans may recommend.

14 ~~14-~~ 13. In every case involving harm to a child abuse  
15 which results in a child protective judicial proceeding,  
16 whether or not the proceeding arises under this chapter, a  
17 guardian ad litem shall be appointed by the court to represent  
18 the child in the proceedings. Before a guardian ad litem is  
19 appointed pursuant to this section, the court shall require  
20 the person responsible for the care of the child to complete  
21 under oath a detailed financial statement. If, on the basis  
22 of that financial statement, the court deems that the person  
23 responsible for the care of the child is able to bear the cost  
24 of the guardian ad litem, the court shall so order. In cases  
25 where the person responsible for the care of the child is  
26 unable to bear the cost of the guardian ad litem, the expense  
27 shall be paid out of the county treasury.

28 ~~15-~~ 14. If a fourth report is received from the same  
29 person who made three earlier ~~unfounded~~ reports which  
30 identified the same child as the ~~abused~~ child who was harmed  
31 and the same person responsible for the child as ~~the-alleged~~  
32 ~~abuser~~ causing the suspected harm which were determined by the  
33 department to be entirely false or without merit, the  
34 department may determine that the report is again ~~unfounded~~  
35 false or without merit due to the report's spurious or

1 frivolous nature and may in its discretion terminate its  
2 investigation assessment.

3 ~~±6-~~ 15. The department may request criminal history data  
4 from the department of public safety on regarding any person  
5 believed to be responsible for an-injury a harm to a child  
6 ~~which,-if-confirmed,-would-constitute-child-abuse.~~ The  
7 department shall establish procedures for determining when a  
8 criminal history records check under this subsection is  
9 necessary.

10 ~~±7-~~ 16. In each county or multicounty area in which more  
11 than fifty child-abuse reports of harm to a child are made per  
12 year, the department shall establish a multidisciplinary team,  
13 as defined in section 235A.13~~-subsection-7.~~ Upon the  
14 department's request, a multidisciplinary team shall assist  
15 the department in the assessment, diagnosis, and disposition  
16 of a child-abuse report of harm to a child.

17 17. In each county or multicounty area in which more than  
18 fifty reports of harm to a child are made per year, the  
19 department shall work with the communities in the county or  
20 multicounty area to develop a community-based plan for  
21 improving child protection in the area, including but not  
22 limited to developing an array of preventive and targeted  
23 family-based services.

24 18. Unless otherwise provided by this section or another  
25 applicable law, information in any assessment made under this  
26 section is confidential and notwithstanding chapter 22, the  
27 confidentiality of the information shall be maintained.

28 Sec. 11. Section 232.72, Code 1995, is amended to read as  
29 follows:

30 232.72 JURISDICTION -- TRANSFER.

31 "Department of human services" ~~or~~ "county-attorney"  
32 ordinarily ~~refer~~ refers to the local or county office serving  
33 the county in which the child's home is located.

34 However, if the person making the report pursuant to this  
35 chapter does not know where the child's home is located, or if

1 the child's home is not located in the service area where the  
2 health practitioner examines, attends, or treats the child,  
3 the report may be made to the state department of human  
4 services or to the local office serving the county where the  
5 person making the report resides or the county where the  
6 health practitioner examines, attends, or treats the child.  
7 These agencies shall promptly proceed as provided in section  
8 232.71, unless the matter is transferred as provided in this  
9 section.

10 If the child's home is located in a county not served by  
11 the office receiving the report, the department shall promptly  
12 transfer the matter by transmitting a copy of the report of  
13 injury and any other pertinent information to the office and  
14 ~~the county attorney~~ serving the other county. They That  
15 office shall promptly proceed as provided in section 232.71.

16 Sec. 12. Section 232.73, unnumbered paragraph 1, Code  
17 Supplement 1995, is amended to read as follows:

18 A person participating in good faith in the making of a  
19 report, photographs, or X rays, or in the performance of a  
20 medically relevant test pursuant to this chapter, or aiding  
21 and assisting in an investigation of a ~~child-abuse~~ report of  
22 harm to a child pursuant to section 232.71, shall have  
23 immunity from any liability, civil or criminal, which might  
24 otherwise be incurred or imposed. The person shall have the  
25 same immunity with respect to participation in good faith in  
26 any judicial proceeding resulting from the report or relating  
27 to the subject matter of the report.

28 Sec. 13. Section 232.74, Code 1995, is amended to read as  
29 follows:

30 232.74 EVIDENCE NOT PRIVILEGED OR EXCLUDED.

31 Sections 622.9 and 622.10 and any other statute or rule of  
32 evidence which excludes or makes privileged the testimony of a  
33 husband or wife against the other or the testimony of a health  
34 practitioner or mental health professional as to confidential  
35 communications, do not apply to evidence regarding a ~~child's~~

1 injuries harm to a child or the cause of the injuries harm in  
2 any judicial proceeding, civil or criminal, resulting from a  
3 report pursuant to this chapter or relating to the subject  
4 matter of such a report.

5 Sec. 14. Section 232.75, Code 1995, is amended to read as  
6 follows:

7 232.75 SANCTIONS.

8 1. Any person, official, agency, or institution, required  
9 by this chapter to report a suspected case of harm to a child  
10 abuse who knowingly and willfully fails to do so is guilty of  
11 a simple misdemeanor.

12 2. Any person, official, agency, or institution, required  
13 by section 232.69 to report a suspected case of harm to a  
14 child abuse who knowingly fails to do so is civilly liable for  
15 the damages proximately caused by such failure.

16 3. A person who reports or causes to be reported to the  
17 department ~~of-human-services~~ false information regarding an  
18 alleged act of harm to a child abuse, knowing that the  
19 information is false or that the act did not occur, commits a  
20 simple misdemeanor.

21 Sec. 15. Section 232.76, Code 1995, is amended to read as  
22 follows:

23 232.76 PUBLICITY AND EDUCATIONAL PROGRAMS.

24 The department, within the limits of available funds, shall  
25 conduct a continuing publicity and educational program for the  
26 personnel of the department, persons required to report, and  
27 any other appropriate persons to encourage the fullest  
28 possible degree of reporting of suspected cases of harm to a  
29 child abuse. Educational programs shall include but not be  
30 limited to the diagnosis and cause of harm to a child abuse,  
31 the responsibilities, obligations, duties and powers of  
32 persons and agencies under this chapter and the procedures of  
33 the department and the juvenile court with respect to  
34 suspected cases of harm to a child abuse and disposition of  
35 actual cases.



1 Sec. 16. Section 232.77, subsection 1, Code 1995, is  
2 amended to read as follows:

3 1. A person who is required to report a case of harm to a  
4 child abuse may take or cause to be taken, at public expense,  
5 photographs, X rays, or other physical examinations or tests  
6 of a child which would provide medical indication of  
7 allegations arising from a an assessment of harm to a child  
8 abuse-investigation. A health practitioner may, if medically  
9 indicated, cause to be performed radiological examination,  
10 physical examination, or other medical tests of the child. A  
11 person who takes any photographs or X rays or performs  
12 physical examinations or other tests pursuant to this section  
13 shall notify the department ~~of-human-services~~ that the  
14 photographs or X rays have been taken or the examinations or  
15 other tests have been performed. The person who made  
16 notification shall retain the photographs or X rays or  
17 examination or test findings for a reasonable time following  
18 the notification. Whenever the person is required to report  
19 under section 232.69, in that person's capacity as a member of  
20 the staff of a medical or other private or public institution,  
21 agency or facility, that person shall immediately notify the  
22 person in charge of the institution, agency, or facility or  
23 that person's designated delegate of the need for photographs  
24 or X rays or examinations or other tests.

25 Sec. 17. Section 235A.12, Code 1995, is amended to read as  
26 follows:

27 235A.12 LEGISLATIVE FINDINGS AND PURPOSES.

28 The general assembly finds and declares that a central  
29 registry is required to provide a single source for the ~~state-~~  
30 wide statewide collection, maintenance, and dissemination of  
31 child abuse information. ~~Such-a~~ The registry is ~~imperative~~  
32 vital for increased effectiveness in dealing with the problem  
33 of child abuse. The general assembly also finds that vigorous  
34 protection of rights of individual privacy is an indispensable  
35 element of a fair and effective system of collecting,

1 maintaining, and disseminating child abuse information.

2 The purposes of this section and sections 235A.13 to  
3 235A.23 are to facilitate the identification of victims or  
4 potential victims of child abuse and identification of  
5 perpetrators of child abuse by making available a single,  
6 statewide source of child abuse data; to facilitate research  
7 on child abuse by making available a single, statewide source  
8 of child abuse data; and to provide maximum safeguards against  
9 the unwarranted invasions of privacy which ~~such-a~~ the registry  
10 might otherwise entail.

11 Sec. 18. Section 235A.13, subsections 1, 3, 4, 5, 6, 7, 8,  
12 and 9, Code 1995, are amended to read as follows:

13 1. "Child abuse information" means any or all of the  
14 following data maintained by the department in ~~a manual or~~  
15 ~~automated data storage system and~~ the central registry created  
16 in section 235A.14 which is individually identified:

17 a. Report data.

18 ~~b. Investigation data.~~

19 ~~c. Disposition data.~~

20 b. Disposition data.

21 3. "Disposition data" means information pertaining to an a  
22 determination, opinion, or decision as to the occurrence of  
23 child abuse in accordance with section 232.71, including:

24 a. Any intermediate or ultimate determination, opinion, or  
25 decision reached by investigative assessment personnel.

26 b. Any determination, opinion, or decision reached in the  
27 course of judicial proceedings.

28 c. The present status of any case.

29 4. "Expungement" means the process of destroying child  
30 abuse information.

31 5. "Individually identified" means any report,  
32 ~~investigation~~ or disposition data which names the person or  
33 persons responsible or believed responsible for the harm to a  
34 child or child abuse.

35 ~~6. "Investigation data" means information pertaining to~~

1 ~~the-evaluation-of-report-data,-including:~~

2 ~~a.--Additional-information-as-to-the-nature,-extent-and~~  
3 ~~cause-of-the-injury,-and-the-identity-of-persons-responsible~~  
4 ~~therefor.~~

5 ~~b.--The-names-and-conditions-of-other-children-in-the-home.~~

6 ~~c.--The-child's-home-environment-and-relationships-with~~  
7 ~~parents-or-others-responsible-for-the-child's-care.~~

8 ~~7. 6. "Multidisciplinary team" means a group of~~  
9 ~~individuals who possess knowledge and skills related to the~~  
10 ~~diagnosis, assessment, and disposition of child-abuse cases of~~  
11 ~~harm to a child and who are professionals practicing in the~~  
12 ~~disciplines of medicine, nursing, public health, substance~~  
13 ~~abuse, mental health, social work, child development,~~  
14 ~~education, law, juvenile probation, or law enforcement, or a~~  
15 ~~group established pursuant to section 235B.1, subsection 1.~~

16 ~~8. 7. "Report data" means information pertaining to any~~  
17 ~~occasion-involving-or-reasonably-believed-to-involve a report~~  
18 ~~of harm to a child abuse,-including:~~

19 ~~a.--The-name-and-address-of-the-child-and-the-child's~~  
20 ~~parents-or-other-persons-responsible-for-the-child's-care.~~

21 ~~b.--The-age-of-the-child.~~

22 ~~c.--The-nature-and-extent-of-the-injury,-including-evidence~~  
23 ~~of-any-previous-injury.~~

24 ~~d.--Any-other-information-believed-to-be-helpful-in~~  
25 ~~establishing-the-cause-of-the-injury-and-the-identity-of-the~~  
26 ~~person-or-persons-responsible-therefor under section 232.71.~~

27 ~~9. 8. "Sealing" means the process of removing child abuse~~  
28 ~~information from authorized access as provided by this~~  
29 ~~chapter.~~

30 ~~Sec. 19. Section 235A.14, Code 1995, is amended to read as~~  
31 ~~follows:~~

32 ~~235A.14 CREATION AND MAINTENANCE OF A CENTRAL REGISTRY.~~

33 ~~1. There is created within the state department of human~~  
34 ~~services a central registry for child abuse information. The~~  
35 ~~department shall organize and staff the registry and adopt~~

1 rules for its operation.

2 2. The registry shall collect, maintain, and disseminate  
3 child abuse information as provided for by this chapter.

4 3. The department shall maintain a toll-free telephone  
5 line, which shall be available on a twenty-four hour a day,  
6 seven-day a week basis and which the department of human  
7 services and all other persons may use to report cases of  
8 suspected harm to a child abuse and that all persons  
9 authorized by this chapter may use for obtaining child abuse  
10 information.

11 4. An oral report of suspected harm to a child abuse  
12 initially made to the central registry shall be immediately  
13 transmitted by the department to the appropriate county office  
14 of the department of social human services or law enforcement  
15 agency, or both.

16 5. The registry, upon receipt of a report of suspected  
17 harm to a child abuse, shall search the records of the  
18 registry, and if the records of the registry reveal any  
19 previous report determination of substantiated child abuse  
20 under section 232.71 involving the same child or any other  
21 child in the same family, or if the records reveal any other  
22 pertinent information with respect to the same child or any  
23 other child in the same family, the appropriate office of the  
24 department of human services or law enforcement agency shall  
25 be immediately notified of that fact.

26 6. The central registry shall include ~~but-not-be-limited~~  
27 ~~to report data,-investigation-data~~ for cases of substantiated  
28 child abuse placed on the registry pursuant to section 232.71  
29 and disposition data. The central registry shall not include  
30 report and assessment information which is not placed on the  
31 central registry but is retained by the department.

32 Sec. 20. Section 235A.15, subsection 2, unnumbered  
33 paragraph 1, paragraphs a, b, c, and d, Code Supplement 1995,  
34 are amended to read as follows:

35 Access to ~~child-abuse-information-other-than-unfounded~~

1 ~~child-abuse-information~~ disposition data is authorized only to  
2 the following persons or entities:

3 a. Subjects of a report as follows:

4 (1) To a child named in a report as a victim of abuse harm  
5 or to the child's attorney or guardian ad litem.

6 (2) To a parent or the attorney for the parent of a child  
7 named in a report as a victim of abuse harm.

8 (3) To a guardian or legal custodian, or that person's at-  
9 torney, of a child named in a report as a victim of abuse  
10 harm.

11 (4) To a person or the attorney for the person named in a  
12 report as having abused caused harm to a child.

13 b. Persons involved in an investigation assessment of a  
14 report of harm to a child abuse as follows:

15 (1) To a health practitioner or mental health professional  
16 who is examining, attending, or treating a child whom such  
17 practitioner or professional believes or has reason to believe  
18 has been the victim of abuse harm or to a health practitioner  
19 or mental health professional whose consultation with respect  
20 to a child believed to have been the victim of abuse harm is  
21 requested by the department.

22 (2) To an employee or agent of the department of human  
23 services responsible for the investigation assessment of a  
24 child-abuse report of harm to a child.

25 (3) To a law enforcement officer responsible for assisting  
26 in an investigation of ~~a-child-abuse~~ an allegation of harm to  
27 a child or for the temporary emergency removal of a child from  
28 the child's home.

29 (4) To a multidisciplinary team, if the department of  
30 human services approves the composition of the  
31 multidisciplinary team and determines that access to the team  
32 is necessary to assist the department in the investigation,  
33 diagnosis, assessment, and disposition of a report of harm to  
34 a child abuse-case.

35 (5) In an individual case, to the mandatory reporter who

1 reported the harm to a child abuse.

2 c. Individuals, agencies, or facilities providing care to  
3 a child as follows:

4 (1) To a licensing authority for a facility providing care  
5 to a child named in a report, if the licensing authority is  
6 notified of a relationship between facility policy and the  
7 report of harm to the child abuse under section 232.71,  
8 subsection 4.

9 (2) To an authorized person or agency responsible for the  
10 care or supervision of a child named in a report as a victim  
11 of abuse harm or a person named in a report as having abused  
12 caused harm to a child, if the juvenile court or registry  
13 deems access to child abuse information by such the person or  
14 agency to be necessary.

15 (3) To an employee or agent of the department of human  
16 services responsible for registering or licensing or approving  
17 the registration or licensing of an agency or facility, or to  
18 an individual providing care to a child and regulated by the  
19 department.

20 (4) To an employee of the department of human services  
21 responsible for an adoptive placement, a certified adoption  
22 investigator, or licensed child placing agency responsible for  
23 an adoptive placement.

24 (5) To an administrator of a psychiatric medical  
25 institution for children licensed under chapter 135H.

26 (6) To an administrator of a child foster care facility  
27 licensed under chapter 237 if the information concerns a  
28 person employed or being considered for employment by the  
29 facility.

30 (7) To an administrator of a child day care facility  
31 registered or licensed under chapter 237A if the information  
32 concerns a person employed or being considered for employment  
33 by or living in the facility.

34 (8) To the superintendent of the Iowa braille and sight  
35 saving school if the information concerns a person employed or

1 being considered for employment or living in the school.

2 (9) To the superintendent of the school for the deaf if  
3 the information concerns a person employed or being considered  
4 for employment or living in the school.

5 (10) To an administrator of a community mental health  
6 center accredited under chapter 230A if the information  
7 concerns a person employed or being considered for employment  
8 by the center.

9 (11) To an administrator of a facility or program operated  
10 by the state, a city, or a county which provides services or  
11 care directly to children, if the information concerns a  
12 person employed by or being considered for employment by the  
13 facility or program.

14 (12) To an administrator of an agency certified by the  
15 department of human services to provide services under a  
16 medical assistance home and community-based services waiver,  
17 if the information concerns a person employed by or being  
18 considered by the agency for employment.

19 d. Relating to judicial and administrative proceedings as  
20 follows:

21 (1) To a juvenile court involved in an adjudication or  
22 disposition of a child named in a report.

23 (2) To a district court upon a finding that information is  
24 necessary for the resolution of an issue arising in any phase  
25 of a case involving harm to a child or child abuse.

26 (3) To a court or administrative agency hearing an appeal  
27 for correction of child abuse information as provided in  
28 section 235A.19.

29 (4) To an expert witness at any stage of an appeal  
30 necessary for correction of child abuse information as  
31 provided in section 235A.19.

32 (5) To a probation or parole officer, juvenile court  
33 officer, or adult correctional officer having custody or  
34 supervision of, or conducting an investigation for a court or  
35 the board of parole regarding, a person named in a report as a

1 victim of harm to a child abuse or as having abused caused  
2 harm to a child.

3 Sec. 21. Section 235A.15, subsection 2, paragraph e,  
4 subparagraph (1), Code Supplement 1995, is amended to read as  
5 follows:

6 (1) To a person conducting bona fide research on child  
7 abuse, but without information identifying individuals named  
8 in a child-abuse report of harm to a child, unless having that  
9 information open to review is essential to the research or  
10 evaluation and the authorized registry officials give prior  
11 written approval and the child, the child's guardian or  
12 guardian ad litem and the person named in a report as having  
13 abused caused harm to a child give permission to release the  
14 information.

15 Sec. 22. Section 235A.15, subsections 3 and 4, Code  
16 Supplement 1995, are amended to read as follows:

17 3. Access to unfounded-child-abuse-information report data  
18 whether placed in the registry or retained by the department  
19 is authorized only to those persons identified in subsection  
20 2, paragraph "a", paragraph "b", subparagraphs (2) and (5),  
21 and paragraph "e", subparagraph (2), and to the department of  
22 justice for purposes of the crime victim compensation program  
23 in accordance with section 912.10.

24 4. Access to founded-child-abuse-information disposition  
25 data is authorized to the department of personnel or to the  
26 personnel office of a public employer, as defined in section  
27 20.3, as necessary for presentation in grievance or  
28 arbitration procedures provided for in sections 19A.14 and  
29 20.18. Child-abuse-information Disposition data introduced  
30 into a grievance or arbitration proceeding shall not be  
31 considered a part of the public record of a case.

32 If a child who is a legal resident of another state is  
33 present in this state and a report of child-abuse harm is made  
34 concerning the child, the department shall act to ensure the  
35 safety of the child. The department shall contact the child's



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1 state of legal residency to coordinate the investigation or  
2 assessment of the report. If the child's state of residency  
3 refuses to conduct an investigation or to perform an  
4 assessment, the department shall commence perform an  
5 appropriate investigation assessment.

6 If a report of harm to a child abuse is made concerning an  
7 a person alleged perpetrator to have caused the harm who  
8 resides in this state and a child who resides in another  
9 state, the department shall assist the child's state of  
10 residency in conducting an investigation or performing an  
11 assessment of the report. The assistance shall include but is  
12 not limited to an offer to interview the alleged-perpetrator  
13 person and any other relevant source. If the child's state of  
14 residency refuses to conduct an investigation or perform an  
15 assessment of the report, the department shall commence an  
16 appropriate investigation or perform an assessment. The  
17 department shall seek to develop protocols with states  
18 contiguous to this state for coordination in the investigation  
19 or assessment of a report of harm to a child abuse when a  
20 person involved with the report is a resident of another  
21 state.

22 Sec. 23. Section 235A.17, subsection 2, Code 1995, is  
23 amended to read as follows:

24 2. The department of human services may notify orally the  
25 mandatory reporter in an individual child-abuse case of a  
26 report of harm to a child of the results of the case  
27 investigation assessment and of the confidentiality provisions  
28 of sections 235A.15 and 235A.21. The department shall  
29 subsequently transmit a written notice to the mandatory  
30 reporter of the results and confidentiality provisions. A  
31 copy of the written notice shall be transmitted to the  
32 registry and shall be maintained by the registry as provided  
33 in section 235A.18.

34 Sec. 24. Section 235A.18, Code Supplement 1995, is amended  
35 to read as follows:

1 235A.18 SEALING AND EXPUNGEMENT OF CHILD ABUSE

2 INFORMATION.

3 1. ~~Child-abuse-information~~ Only information relating to a  
4 harm to a child determined by the department of human services  
5 to be substantiated child abuse in accordance with section  
6 232.71 shall be maintained as child abuse information on the  
7 registry. Disposition data relating to a particular case of  
8 suspected substantiated child abuse shall be sealed ten years  
9 after the receipt of the initial report of such-abuse harm to  
10 a child by the registry unless good cause be shown why the  
11 information should remain open to authorized access. If a  
12 subsequent report of a suspected case of harm to a child abuse  
13 involving the child named in the initial report as the victim  
14 of abuse harm or a person named in such the initial report as  
15 having abused harmed a child is received-by placed on the  
16 registry within this ten-year period, the information shall be  
17 sealed ten years after receipt of the subsequent report unless  
18 good cause be shown why the information should remain open to  
19 authorized access. The information shall be expunged eight  
20 years after the date the information was sealed.

21 2. ~~Child-abuse-information-which-cannot-be-determined-by-a~~  
22 ~~preponderance-of-the-evidence-to-be-founded-or-unfounded-shall~~  
23 ~~be-sealed-one-year-after-the-receipt-of-the-initial-report-of~~  
24 ~~abuse-and-expunged-five-years-after-the-date-it-was-sealed.~~  
25 ~~Child-abuse-information-which-is-determined-by-a-preponderance~~  
26 ~~of-the-evidence-to-be-unfounded-shall-be-expunged-when-it-is~~  
27 ~~determined-to-be-unfounded.--A-report-shall-be-determined-to~~  
28 ~~be-unfounded-as-a-result-of-any-of-the-following:~~

29 a.--~~The-investigation-of-a-report-of-suspected-child-abuse~~  
30 ~~by-the-department:~~

31 b.--~~A-successful-appeal-as-provided-in-section-235A.19.~~

32 c.--~~A-court-finding-by-a-juvenile-or-district-court:~~

33 The juvenile or district court and county attorney shall  
34 expunge child abuse information upon notice from the registry.

35 3.--~~However, if a correction of child abuse information is~~

1 requested under section 235A.19 and the issue is not resolved  
2 at the end of the one-year period, the information shall be  
3 retained until the issue is resolved and if the child abuse  
4 information is not determined to be founded, the information  
5 shall be expunged at the appropriate time under subsection 2.  
6 ~~4.~~ 3. The registry, at least once a year, shall review and  
7 determine the current status of child abuse reports quantity  
8 and types of assessments of harm to a child determined to be  
9 substantiated child abuse which are have been transmitted or  
10 made to the registry after July 1, 1974, which are at least  
11 one-year-old and in connection with which no investigatory  
12 report has been filed by the department of human services  
13 pursuant to section 232.71. If no such investigatory report  
14 has been filed, the registry shall request the department of  
15 human services to file a report. In the event a report is not  
16 filed within ninety days subsequent to such a request, the  
17 report and information relating thereto shall be sealed and  
18 remain sealed unless good cause be shown why the information  
19 should remain open to authorized access.

20 4. Child abuse information placed on the registry before  
21 July 1, 1996, which a review by the department in accordance  
22 with the provisions of section 232.71, subsection 7, indicates  
23 would not be placed in the registry as substantiated child  
24 abuse shall be expunged from the registry. A review shall be  
25 performed under any of the following circumstances:

26 a. The review is requested by the subject of a report as  
27 identified in section 235A.15, subsection 2, paragraph "a".

28 b. The department performs the review while performing a  
29 registry check for a person authorized access to information  
30 on the registry under section 235A.15.

31 Sec. 25. Section 235A.19, subsections 1, 2, 3, 5, and 6,  
32 Code Supplement 1995, are amended to read as follows:

33 1. A subject of a child abuse report of harm to a child,  
34 as identified in section 235A.15, subsection 2, paragraph "a",  
35 shall have the right to examine child abuse information in the

1 registry or in a written assessment under section 232.71 which  
2 refers to the subject. The registry may prescribe reasonable  
3 hours and places of examination.

4 2. a. A subject of a child-abuse report of harm to a  
5 child may file with the department within six months of the  
6 date of the notice of the results of an investigation  
7 assessment required by section 232.71, ~~subsection-7,~~ a written  
8 statement to the effect that child abuse information or the  
9 assessment referring to the subject is in whole or in part  
10 erroneous, and may request a correction of that information or  
11 of the findings determinations of the investigation-report  
12 assessment. The department shall provide the subject with an  
13 opportunity for an evidentiary hearing pursuant to chapter 17A  
14 to correct the information or the findings, unless the  
15 department corrects the information or findings as requested.  
16 ~~The-department-shall-delay-the-expungement-of-information~~  
17 ~~which-is-not-determined-to-be-founded-until-the-conclusion-of~~  
18 ~~a-proceeding-to-correct-the-information-or-findings.~~ The  
19 department may defer the hearing until the conclusion of a  
20 pending juvenile or district court case relating to the  
21 information or findings.

22 b. The department shall not disclose any child abuse  
23 information until the conclusion of the proceeding to correct  
24 the information or findings, except as follows:

25 (1) As necessary for the proceeding itself.

26 (2) To the parties and attorneys involved in a judicial  
27 proceeding.

28 (3) For the regulation of child care or child placement.

29 (4) Pursuant to court order.

30 (5) To the subject of an-investigation the child abuse  
31 information or a-report an assessment.

32 (6) For the care or treatment of a child named in a report  
33 as a victim of abuse harm.

34 (7) To persons involved in an investigation assessment of  
35 a report of harm to a child abuse.

1 3. The subject of a child-abuse report of harm to a child  
2 may appeal the decision resulting from a hearing held pursuant  
3 to subsection 2 to the district court of Polk county or to the  
4 district court of the district in which the subject of the  
5 child-abuse report resides. Immediately upon appeal the court  
6 shall order the department to file with the court a certified  
7 copy of the child abuse information or of the assessment.  
8 Appeal shall be taken in accordance with chapter 17A.

9 5. Whenever the registry department corrects or eliminates  
10 information as requested or as ordered by the court, the  
11 registry department shall advise all persons who have received  
12 the incorrect information of such fact. Upon application to  
13 the court and service of notice on the registry, any subject  
14 of a child-abuse report of harm to a child may request and  
15 obtain a list of all persons who have received child abuse  
16 information or assessment referring to the subject.

17 6. In the course of any proceeding provided for by this  
18 section, the identity of the person who reported the disputed  
19 information and the identity of any person who has been  
20 reported as having abused caused harm to a child may be  
21 withheld upon a determination by the registry department that  
22 disclosure of their identities would be detrimental to their  
23 interests.

24 Sec. 26. Section 280.17, Code 1995, is amended to read as  
25 follows:

26 280.17 PROCEDURES FOR HANDLING CHILD-ABUSE REPORTS OF HARM  
27 TO A CHILD.

28 The board of directors of a public school and the  
29 authorities in control of a nonpublic school shall prescribe  
30 procedures, in accordance with the guidelines contained in the  
31 model policy developed by the department of education in  
32 consultation with the department of human services, and  
33 adopted by the department of education pursuant to chapter  
34 17A, for the handling of reports of child-abuse harm to a  
35 child, as defined in section 232.68, subsection 2 2A,

1 paragraph "a", "b", or "d", alleged to have been committed by  
2 an employee or agent of the public or nonpublic school.

3 Sec. 27. Section 910A.16, subsection 3, Code 1995, is  
4 amended to read as follows:

5 3. Such a professional shall notify the victim if the pro-  
6 fessional is required to report an incidence of harm to a  
7 child abuse involving the victim pursuant to section 232.69.

8 Sec. 28. REPEAL. Section 232.71A, Code Supplement 1995,  
9 is repealed.

10 EXPLANATION

11 This bill relates to child protection by revising  
12 definitions, reporting, and other child protection  
13 requirements. Current law providing for an investigation by  
14 the department of human services upon receipt of a report of  
15 suspected child abuse is replaced with a requirement for  
16 performance of an assessment.

17 The provisions of current law used to define the term  
18 "child abuse" are instead used to define the term "harm" to a  
19 child. If the department receives a valid report of harm to a  
20 child from a required reporter, an assessment is performed for  
21 purposes of protecting the child and determining if there are  
22 service needs for the child's family. The assessment approach  
23 is in current law as a pilot project under section 232.71A.  
24 The department is directed to make referrals to the county  
25 attorney and juvenile court if the department believes  
26 juvenile court action is warranted or if the case is  
27 determined to constitute substantiated child abuse.

28 Conforming amendments are made to change references to  
29 "child abuse" to "harm" to a child. The definition of child  
30 abuse is revised to mean harm to a child that has been  
31 determined to be of a serious nature in accordance with  
32 criteria in the bill, worthy of placement on the central abuse  
33 registry.

34 Child abuse registry provisions are amended to remove  
35 investigation data from coverage under the registry. In

1 addition, references to the term "founded child abuse" are  
2 revised to instead refer to "substantiated child abuse".  
3 References to "unfounded" or "undetermined" child abuse are  
4 stricken as these categories of information would not be  
5 included in the central registry.

6 The department is directed to perform a review of child  
7 abuse information placed in the registry prior to July 1,  
8 1996, upon request of a subject of a child abuse report or  
9 while performing a child abuse registry check. If the review  
10 indicates the information would no longer be placed in the  
11 registry in accordance with the criteria of the bill, the  
12 information is to be expunged.

13 Conforming amendments are made in references to child abuse  
14 under certain education chapters and the crime victim  
15 assistance chapter. Section 232.71A, relating to pilot  
16 projects for child abuse assessments, is repealed.

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SENATE FILE 2399

AN ACT

RELATING TO CHILD PROTECTION SYSTEM PROVISIONS INVOLVING THE CHILD ABUSE ASSESSMENT PILOT PROJECTS ADMINISTERED BY THE DEPARTMENT OF HUMAN SERVICES AND CERTAIN MULTIDISCIPLINARY TEAMS, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 232.71A, subsections 3, 5, 6, and 8, Code Supplement 1995, are amended to read as follows:

3. Upon receipt of a child abuse report in a pilot project area, the department shall notify the appropriate county attorney of the receipt of the report and shall perform an assessment. The department shall commence the assessment within ~~seventy-two~~ twenty-four 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.

5. A child abuse assessment shall be completed in writing within ~~twenty-one-calendar~~ twenty business 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 juvenile court and the county attorney with a written copy of any the written assessment which includes a recommendation for a juvenile or criminal court action or petition pertaining to the child abuse report. The juvenile court and the county attorney shall notify the department of any action taken concerning an assessment provided by the department.

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~~ December 16, 1996. The report shall include a the following information:

a. A description of successes and problems encountered in implementing the pilot projects.

b. An analysis of the effect of the pilot projects on utilizing the child abuse registry for the tracking of a pattern of child abuse incidents.

c. The outcome changes for children in the pilot project areas where the assessment approach is utilized in response to an allegation of child abuse versus the investigation approach utilized in other areas of the state.

d. A copy of any report provided by a county attorney in a pilot project area, a copy of any report provided by the county attorney's association, and a copy of any report provided by the juvenile court in a pilot project area.

PARAGRAPH DIVIDED. It is the intent of the general assembly to ~~implement~~ consider implementing statewide an assessment-based approach to respond to child abuse reports commencing ~~with-the-fiscal-year-beginning-July-17-1996~~ February 10, 1997.

Sec. 2. Section 232.71A, subsection 4, Code Supplement 1995, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. The department shall work with representatives of law enforcement at the local level to develop a protocol for joint investigative processes.

Sec. 3. Section 232.71A, subsection 7, paragraph a, Code Supplement 1995, is amended by adding the following new subparagraphs:



NEW SUBPARAGRAPH. (4) The department determines the abuse meets the definition of child abuse under section 232.68, subsection 2, paragraph "c", and the alleged perpetrator of the abuse is age fourteen or older. However, the juvenile court may order the removal from the central registry of the name of a perpetrator of abuse placed in the registry pursuant to this subparagraph who is age fourteen through seventeen upon a finding of good cause. The name of a perpetrator who is less than age fourteen shall not be placed in the central registry pursuant to this subparagraph.

NEW SUBPARAGRAPH. (5) The department determines the alleged perpetrator of the abuse will continue to pose a danger to the child who is the subject of the report of abuse or to another child with whom the alleged perpetrator may come into contact.

Sec. 4. Section 235A.15, subsection 2, paragraph e, Code Supplement 1995, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (15) To a person who submits written authorization from an individual allowing the person access to information pursuant to this subsection on behalf of the individual in order to verify whether the individual is named in a founded child abuse report as having abused a child.

Sec. 5. Section 910A.16, subsection 4, Code 1995, is amended to read as follows:

4. To the greatest extent possible, a multidisciplinary team involving the county attorney, law enforcement personnel, community-based child advocacy organizations, and personnel of the department of human services shall be utilized in investigating and prosecuting cases involving a violation of chapter 709 or 726 or other crime committed upon a victim as defined in subsection 1. A multidisciplinary team may also consult with or include juvenile court officers, medical and mental health professionals, court-appointed special advocates, guardians ad litem, and members of a multidisciplinary team created by the department of human services for child abuse investigations. The department of

justice may provide training and other assistance to support the activities of a multidisciplinary team referred to in this subsection.

Sec. 6. CHILD PROTECTION SYSTEM REVIEW. The department of human services shall convene a group consisting of interested members of the general assembly, persons involved with child protection, and other interested persons to consult with national experts in child protection. The group shall be convened during the 1996 legislative interim and may submit a report to the governor and the general assembly.

Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

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LEONARD L. BOSWELL  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2399, Seventy-sixth General Assembly.

\_\_\_\_\_  
JOHN F. DWYER  
Secretary of the Senate

Approved 4/30, 1996

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TERRY E. BRANSTAD April 30, 1996  
Governor