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HUMAN RESOURCES

HOUSE FILE 435
BY MARTIN and GRUNDBERG

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

A BILL FOR

1 An Act relating to the establishment of a domestic abuse death
2 review team including providing for membership, duties,
3 immunity for members acting in their official capacity, and
4 providing confidentiality provisions.

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

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HF 435

1 Section 1. NEW SECTION. 236B.1 PURPOSE.

2 The purpose of the domestic abuse death review team is to
3 aid in the reduction of the incidences of serious injury or
4 death to individuals in domestic relationships by accurately
5 identifying the cause and manner of death.

6 Sec. 2. NEW SECTION. 236B.2 DEFINITIONS.

7 As used in this chapter, unless the context otherwise
8 requires:

9 1. "Department" means the Iowa department of public
10 health.

11 2. "Director" means the director of public health.

12 3. "Domestic abuse" means domestic abuse as defined in
13 section 236.2.

14 4. "Domestic abuse death" means a homicide or suicide
15 which involves or is the result of an assault as defined in
16 section 708.1 and to which any of the following circumstances
17 apply to the parties involved:

18 a. The alleged or convicted perpetrator is related to the
19 decedent as spouse, separated spouse, or former spouse.

20 b. The alleged or convicted perpetrator resided with the
21 decedent at the time of the assault which resulted in the
22 homicide or suicide.

23 c. The alleged or convicted perpetrator and the decedent
24 resided together within the past year but did not reside
25 together at the time of the assault which resulted in the
26 homicide or suicide.

27 d. The alleged or convicted perpetrator and decedent are
28 parents of the same minor child, whether they were married or
29 lived together at any time.

30 e. The alleged or convicted perpetrator was in an ongoing
31 relationship with the decedent.

32 f. The alleged or convicted perpetrator has been arrested
33 for or convicted of stalking the decedent.

34 g. The decedent was related by blood or affinity or lived
35 in the same household with or was in the workplace or

1 proximity of an individual who was threatened with domestic
2 abuse by the alleged or convicted perpetrator.

3 5. "Team" means the domestic abuse death review team.

4 Sec. 3. NEW SECTION. 236B.3 DOMESTIC ABUSE DEATH REVIEW
5 TEAM ESTABLISHED -- MEMBERS.

6 1. A domestic abuse death review team is established as an
7 independent unit in the department. The department shall
8 provide staffing and administrative support to the team and
9 shall establish a database of all known domestic abuse deaths.

10 2. The membership of the team is subject to the provisions
11 of sections 69.16 and 69.16A relating to political affiliation
12 and gender balance. The team shall include members residing
13 or working in both rural and urban areas of Iowa.

14 3. Team members who are not designated by another
15 appointing authority shall be appointed by the director.

16 4. Membership terms shall be three-year staggered terms.
17 A membership vacancy shall be filled in the same manner as the
18 original appointment.

19 5. The team shall elect a chairperson, a vice chairperson,
20 and other officers as deemed necessary by the team.

21 6. The team shall meet upon the call of the chairperson,
22 upon the request of a state agency, or as determined by a
23 majority of members of the team.

24 7. The members of the team are eligible for reimbursement
25 of actual and necessary expenses incurred in the performance
26 of their official duties.

27 8. The team shall include all of the following members:

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

30 b. A licensed physician who is knowledgeable concerning
31 domestic abuse deaths, suicide, and child deaths by homicide.

32 c. A licensed mental health professional who is
33 knowledgeable concerning domestic abuse.

34 d. A representative or designee of the Iowa coalition
35 against domestic violence.

- 1 e. One member of the Iowa child death review team who is
2 knowledgeable concerning domestic abuse.
- 3 f. A certified or licensed professional who is
4 knowledgeable concerning substance abuse.
- 5 g. A law enforcement investigator experienced in domestic
6 abuse investigation.
- 7 h. A county attorney.
- 8 i. A judicial officer appointed by the chief justice of
9 the supreme court.
- 10 j. A clerk of the district court appointed by the chief
11 justice of the supreme court.
- 12 k. A judicial district department of correctional
13 services' employee assigned batterers' treatment program
14 responsibilities.
- 15 l. An attorney licensed in this state who provides
16 criminal defense assistance or child custody representation,
17 and who is experienced in dissolution of marriage proceedings.
- 18 m. A former victim of domestic abuse or a family member of
19 a decedent whose death resulted from domestic abuse.
- 20 Sec. 4. NEW SECTION. 236B.4 LIAISONS.
- 21 The following individuals shall designate a liaison to
22 assist the team in fulfilling the team's duties:
- 23 1. The attorney general.
- 24 2. The director of the Iowa department of corrections.
- 25 3. The director of public health.
- 26 4. The director of human services.
- 27 5. The commissioner of public safety.
- 28 6. The administrator of the division for records and
29 statistics of the Iowa department of public health.
- 30 7. The director of the department of education.
- 31 8. The state court administrator.
- 32 9. The director of the department of human rights.
- 33 10. The director of the Iowa law enforcement academy or
34 the director's designee.
- 35 Sec. 5. NEW SECTION. 236B.5 DUTIES OF THE TEAM.

1 The team shall perform all of the following duties:

2 1. Collect, review, and analyze death certificates and
3 death data, including investigative reports, medical and
4 counseling records, victim service records, employment
5 records, child abuse reports, or other confidential
6 information concerning domestic abuse deaths, survivor
7 interviews and surveys, and other information deemed by the
8 team as necessary and appropriate concerning the causes and
9 manner of domestic abuse deaths.

10 2. Prepare an annual report to the governor, supreme
11 court, attorney general, and the general assembly concerning
12 the contributing factors of domestic abuse deaths.

13 3. Recommend community interventions to prevent domestic
14 abuse deaths based on an analysis of the contributing factors
15 to such deaths.

16 4. Recommend to agencies represented on the team changes
17 which may prevent domestic abuse deaths.

18 5. Maintain the confidentiality of any record or other
19 confidential information reviewed.

20 6. Establish committees or panels to which the team may
21 assign some of the team's responsibilities.

22 Sec. 6. NEW SECTION. 236B.6 DUTIES OF THE DEPARTMENT AND
23 OTHER ENTITIES.

24 1. The department shall adopt rules pursuant to chapter
25 17A relating to the administration of the domestic abuse death
26 review team.

27 2. To the extent possible, the department shall coordinate
28 the activities of the domestic abuse death review team and the
29 Iowa child death review team to achieve administrative
30 efficiency.

31 3. The department may inspect and reproduce information
32 and records which are confidential under section 22.7 or
33 chapter 236A for the purposes of administration of and
34 performance of official duties by the team.

35 4. Upon request of the department, the departments of

1 human services, public safety, workforce development, and
2 justice, county attorneys, county sheriffs, municipal police
3 departments, victim service providers, medical and counseling
4 providers, and other public authorities or private or
5 nonprofit agencies shall provide reasonable assistance to
6 administer the team.

7 Sec. 7. NEW SECTION. 236B.7 IMMUNITY.

8 1. A person in possession or control of investigative or
9 other information pertaining to a domestic abuse death shall
10 allow the inspection and reproduction of the information by
11 the department upon the request of the department, to be used
12 only in the administration of and duties performed by the
13 domestic abuse death review team. Information which is
14 confidential under section 22.7 or chapter 236A and
15 information received from such confidential information shall
16 be maintained as confidential information under this section.
17 A person is immune from liability for releasing information to
18 the department as required under this chapter.

19 2. A team member and their agent or employee are not
20 subject to and are immune from claims, suits, liability,
21 damages, or any civil or criminal recourse arising from any
22 act, proceeding, decision, or determination undertaken or
23 performed, or recommendation made, provided the individual has
24 acted in good faith and without malice in carrying out the
25 individual's official responsibilities, authority, duties,
26 powers, and privileges. Complainants shall bear the burden of
27 proving malice or lack of good faith on the part of the
28 individual to overcome the immunity provided to the individual
29 under this section.

30 Sec. 8. INITIAL TERMS. As nearly as possible, one-third
31 of the initial members shall serve for three years, one-third
32 of the initial members shall serve for two years, and one-
33 third of the initial members shall serve for one year, as
34 designated by the director.

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EXPLANATION

1 This bill establishes a domestic abuse death review team as
2 a unit within the Iowa department of public health which is to
3 provide administrative support to the team. The bill provides
4 for the purpose of the team, the membership of the team, the
5 appointment of liaisons from state agencies to assist the
6 team, and the duties of the team. The duties of the team
7 include the review and analysis of a variety of information
8 relating to domestic abuse deaths, the preparation of an
9 annual report to be submitted to the governor, the supreme
10 court, the attorney general, and the general assembly
11 concerning the factors contributing to domestic abuse deaths,
12 the provision of recommendations regarding community
13 interventions to prevent domestic abuse deaths, the provision
14 of recommendations regarding changes that agencies and others
15 might make in preventing domestic abuse deaths, and the
16 maintaining of the confidentiality of information reviewed.
17 The Iowa department of public health is directed to adopt
18 rules relating to the administration of the team. The bill
19 establishes immunity for team members from certain acts or
20 omissions made in the good faith performance of their official
21 duties. The department is also instructed to request
22 assistance from other agencies and entities in administering
23 the team. The bill provides that any information regarding a
24 domestic abuse death which is confidential is to be used
25 solely for the purposes of administration and the performance
26 of duties of the team, provides that confidential information
27 is to remain confidential under existing law, and provides
28 that liability is not incurred by a person for release of
29 confidential information to the department under the bill.
30 The bill provides that the department may use confidential
31 information for the purposes of administration and performance
32 of duties of the team.

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