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HOUSE FILE 698
BY COMMITTEE ON HUMAN RESOURCES

Place On Calendar

(SUCCESSOR TO HSB 233)

Passed House, (p. 971) Date 4-2-97 Passed Senate, Date 4-16-97 (p. 1214)
Vote: Ayes 86 Nays 14 Vote: Ayes 49 Nays 0
Approved May 21, 1997

A BILL FOR

1 An Act relating to child abuse information and the central
2 registry for child abuse information maintained by the
3 department of human services and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 698

H-1470

- 1 Amend House File 698 as follows:
- 2 1. By striking page 2, line 21, through page 3,
- 3 line 22.
- 4 2. By striking page 17, line 11, through page 18,
- 5 line 12.
- 6 3. By renumbering as necessary.

By DODERER of Johnson

H-1470 FILED MARCH 31, 1997
Adopted 4-2-97 (P. 968)

HOUSE FILE 698

H-1499

- 1 Amend the amendment, H-1487, to House File 698 as
- 2 follows:
- 3 1. Page 1, line 41, by striking the word "twelve-
- 4 month" and inserting the following: "eighteen-month".
- 5 2. Page 2, line 42, by inserting after the word
- 6 "child." the following: "The group shall include but
- 7 is not limited to members of the child death review
- 8 team."

By BRAND of Tama
MURPHY of Dubuque

BURNETT of Story
MARTIN of Scott

H-1499 FILED APRIL 1, 1997
Adopted 4/2/97 (P. 970)

HT 698

DIVISION I

CHILD ABUSE REGISTRY

Section 1. Section 232.70, subsection 4, Code 1997, is amended to read as follows:

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

a. Immediately, upon receipt of an oral report, make a determination as to whether the report constitutes an allegation of child abuse as defined in section 232.687.

~~b. -- Make a report to the central registry if the oral report has been determined to constitute a child abuse allegation;~~

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

~~d. b.~~ Notify the appropriate county attorney of the receipt of any the report.

Sec. 2. Section 232.71, subsections 7, 8, and 9, Code 1997, are amended to read as follows:

7. The department, upon completion of its investigation, shall make a preliminary report of its investigation as required containing the information required by subsection 2. A copy of this report shall be transmitted to juvenile court within four regular working days after the department initially receives the abuse report unless the juvenile court grants an extension of time for good cause shown. If the preliminary report is not a complete report, a complete report shall be filed within ten working days of the receipt of the abuse report, unless the juvenile court grants an extension of time for good cause shown. If required under section 232.71D, the report of the investigation shall be placed in the central registry. The department shall notify a subject of the report of the result of the investigation, of the subject's right to correct the information pursuant to section 235A.19, and of the procedures to correct the information. The juvenile court shall notify the registry department of any action it takes

1 with respect to a suspected case of child abuse.

2 ~~8. The department of human services shall transmit a copy~~
3 ~~of the report of its investigation, including actions taken or~~
4 ~~contemplated, to the registry. The department of human~~
5 ~~services shall make periodic follow-up reports thereafter in a~~
6 ~~manner prescribed by the registry so that the registry is kept~~
7 ~~up-to-date and fully informed concerning the handling of a~~
8 ~~suspected case of child abuse.~~

9 9 8. The department of human services shall also transmit
10 a copy of the report of its investigation to the county
11 attorney. The county attorney shall notify the registry
12 department office which transmitted the report to the county
13 attorney of any actions or contemplated actions with respect
14 to a suspected alleged case of child abuse so that the
15 registry department office is kept up-to-date and fully
16 informed concerning the handling of such-a the case. If the
17 report was placed in the central registry in accordance with
18 section 232.71D, the department office shall notify the
19 registry of any actions or contemplated actions by the county
20 attorney concerning the report.

21 Sec. 3. Section 232.71, Code 1997, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 18. a. For the purposes of this
24 subsection, "petechia" means a pinpoint, round, nonraised,
25 purplish-red hemorrhage in the skin.

26 b. Unless otherwise prohibited under section 234.40 or
27 280.21, the reasonable and moderate use of physical discipline
28 or corporal punishment by a child's parent, guardian, or
29 custodian for purposes of restraining or correcting the child
30 shall not be determined to be child abuse. The age, physical
31 size, and condition of the child, the location of any injury,
32 and the frequency and recurrence of any injury shall be
33 considered when determining whether an injury resulted from
34 the reasonable and moderate use of physical discipline or
35 corporal punishment by a child's parent, guardian, or

1 custodian.

2 Unless determined to be the result of physical discipline
3 or corporal punishment that was not reasonable or moderate,
4 the presence of a bruise, petechia, or other superficial mark
5 which does not constitute a more significant injury, even if
6 the bruise, petechia, or other superficial mark exists for
7 more than twenty-four hours, shall not be determined to be
8 child abuse.

9 c. Acts of physical discipline or corporal punishment
10 which are not reasonable and moderate and which produce an
11 indicator of injury include but are not limited to any of the
12 following:

13 (1) Throwing, kicking, burning, biting, or cutting a
14 child.

15 (2) Striking a child with a closed fist.

16 (3) Striking or other action that results in a
17 nonaccidental injury to a child who is less than eighteen
18 months of age.

19 (4) Interfering with a child's breathing.

20 (5) Threatening a child with a dangerous weapon.

21 (6) Doing any other act that is likely to cause and does
22 cause bodily injury greater than transient pain.

23 Sec. 4. Section 232.71A, subsection 7, Code 1997, is
24 amended by striking the subsection.

25 Sec. 5. NEW SECTION. 232.71D FOUNDED CHILD ABUSE --
26 CENTRAL REGISTRY.

27 1. The requirements of this section shall apply to child
28 abuse information in the report of an investigation performed
29 in accordance with section 232.71 or in the report of an
30 assessment performed in accordance with section 232.71A.

31 2. If the department determines the child suffered
32 significant injury or was placed in great risk of injury, the
33 name of the child and the alleged perpetrator of the child
34 abuse shall be placed in the central registry as a case of
35 founded child abuse. Any of the following shall be considered

1 to be an indicator that the child suffered significant injury
2 or was placed in great risk of injury:

3 a. The case was referred for juvenile or criminal court
4 action as a result of the acts or omissions of the alleged
5 perpetrator.

6 b. In the opinion of a health practitioner or mental
7 health professional, the injury to the child was a result of
8 the acts or omissions of the alleged perpetrator and required
9 or should have required medical or mental health treatment.

10 c. The department receives a subsequent report and
11 determines that the child suffered significant injury or was
12 placed in great risk of injury due to the acts or omissions of
13 the same alleged perpetrator.

14 d. The department determines the acts or omissions of the
15 alleged perpetrator meet the definition of child abuse under
16 section 232.68, subsection 2, paragraph "b", involving mental
17 injury.

18 e. The department determines the acts or omissions meet
19 the definition of child abuse under section 232.68, subsection
20 2, paragraph "c", and the alleged perpetrator of the acts or
21 omissions is age fourteen or older. However, the juvenile
22 court may order the removal from the central registry of the
23 name of an alleged perpetrator placed in the registry pursuant
24 to this paragraph who is age fourteen through seventeen upon a
25 finding of good cause. The name of an alleged perpetrator who
26 is less than age fourteen shall not be placed in the central
27 registry pursuant to this paragraph.

28 f. The department determines the acts or omissions of the
29 alleged perpetrator meet the definition of child abuse under
30 section 232.68, subsection 2, paragraph "d", involving failure
31 to provide care necessary for the child's health and welfare
32 in any of the following ways:

- 33 (1) Failure to provide adequate food and nutrition.
34 (2) Failure to provide adequate shelter.
35 (3) Failure to provide adequate health care.

1 (4) Failure to provide adequate mental health care.

2 (5) Gross failure to meet emotional needs.

3 (6) Failure to respond to an infant's life-threatening
4 condition.

5 g. The department determines the acts or omissions of the
6 alleged perpetrator meet the definition of child abuse under
7 section 232.68, subsection 2, paragraph "e", involving
8 prostitution.

9 h. The department determines the acts or omissions of the
10 alleged perpetrator meet the definition of child abuse under
11 section 232.68, subsection 2, paragraph "f", involving the
12 presence of an illegal drug.

13 i. The alleged abuse took place under the care of a
14 licensed, registered, regulated, or unregistered child day
15 care provider.

16 j. The department determines the alleged perpetrator of
17 the child abuse will continue to pose a danger to the child
18 who is the subject of the report of child abuse or to another
19 child with whom the alleged perpetrator may come into contact.

20 3. If child abuse information is placed in the central
21 registry in accordance with this section, the department shall
22 make periodic follow-up reports in a manner prescribed by the
23 registry so that the registry is kept up-to-date and fully
24 informed concerning the case.

25 4. In any other case, the child abuse information in the
26 report of an investigation or an assessment shall not be
27 placed in the central registry and notwithstanding chapter 22,
28 the confidentiality of the information shall be maintained in
29 accordance with chapter 235A.

30 Sec. 6. Section 235A.15, Code 1997, is amended to read as
31 follows:

32 235A.15 AUTHORIZED ACCESS -- PROCEDURES INVOLVING OTHER
33 STATES.

34 1. Notwithstanding chapter 22, the confidentiality of all
35 child abuse information shall be maintained, except as

1 specifically provided by subsection 2, 3, or 4.

2 2. Access to child abuse information ~~other-than-unfounded~~
3 ~~child-abuse-information~~ is authorized only to the following
4 persons or entities:

5 a. Subjects of a report as follows:

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

8 (2) To a parent or to the attorney for the parent of a
9 child named in a report as a victim of abuse.

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

12 (4) To a person or the attorney for the person named in a
13 report as having abused a child.

14 b. Persons involved in an investigation of child abuse as
15 follows:

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

23 (2) To an employee or agent of the department of human
24 services responsible for the investigation of a child abuse
25 report.

26 (3) To a law enforcement officer responsible for assisting
27 in an investigation of a child abuse allegation or for the
28 temporary emergency removal of a child from 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 child abuse case.

34 (5) In an individual case, to the mandatory reporter who
35 reported the child abuse.

1 (6) To the county attorney.

2 (7) To the juvenile court.

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

7 (9) To a person or agency responsible for the care or
8 supervision of a child named in a report as a victim of abuse
9 or a person named in a report as having abused a child, if the
10 juvenile court or department deems access to child abuse
11 information by the person or agency to be necessary.

12 c. Individuals, agencies, or facilities providing care to
13 a child, but only with respect to disposition data for cases
14 of founded child abuse placed in the central registry in
15 accordance with section 232.71D as follows:

16 ~~{1}--To-a-licensing-authority-for-a-facility-providing-care~~
17 ~~to-a-child-named-in-a-report,-if-the-licensing-authority-is~~
18 ~~notified-of-a-relationship-between-facility-policy-and-the~~
19 ~~child-abuse-under-section-232.71,-subsection-4-~~

20 ~~{2}--To-an-authorized-person-or-agency-responsible-for-the~~
21 ~~care-or-supervision-of-a-child-named-in-a-report-as-a-victim~~
22 ~~of-abuse-or-a-person-named-in-a-report-as-having-abused-a~~
23 ~~child,-if-the-juvenile-court-or-registry-deems-access-to-child~~
24 ~~abuse-information-by-such-person-or-agency-to-be-necessary-~~

25 {3} (1) To an employee or agent of the department of human
26 services responsible for registering or licensing or approving
27 the registration or licensing of an agency or facility, or to
28 an individual providing care to a child and regulated by the
29 department.

30 {4} (2) To an employee of the department of human services
31 responsible for an adoptive placement, a certified adoption
32 investigator, or licensed child placing agency responsible for
33 an adoptive placement.

34 {5} (3) To an administrator of a psychiatric medical
35 institution for children licensed under chapter 135H.

1 ~~(6)~~ (4) To an administrator of a child foster care
2 facility licensed under chapter 237 if the information
3 concerns a person employed or being considered for employment
4 by the facility.

5 ~~(7)~~ (5) To an administrator of a child day care facility
6 registered or licensed under chapter 237A if the information
7 concerns a person employed or being considered for employment
8 by or living in the facility.

9 ~~(8)~~ (6) To the superintendent of the Iowa braille and
10 sight saving school if the information concerns a person
11 employed or being considered for employment or living in the
12 school.

13 ~~(9)~~ (7) To the superintendent of the school for the deaf
14 if the information concerns a person employed or being
15 considered for employment or living in the school.

16 ~~(10)~~ (8) To an administrator of a community mental health
17 center accredited under chapter 230A if the information
18 concerns a person employed or being considered for employment
19 by the center.

20 ~~(11)~~ (9) To an administrator of a facility or program
21 operated by the state, a city, or a county which provides
22 services or care directly to children, if the information
23 concerns a person employed by or being considered for
24 employment by the facility or program.

25 ~~(12)~~ (10) To an administrator of an agency certified by
26 the department of human services to provide services under a
27 medical assistance home and community-based services waiver,
28 if the information concerns a person employed by or being
29 considered by the agency for employment.

30 ~~(13)~~ (11) To the administrator of an agency providing
31 mental health, mental retardation, or developmental disability
32 services under a county management plan developed pursuant to
33 section 331.439, if the information concerns a person employed
34 by or being considered by the agency for employment.

35 d. Relating to judicial and administrative proceedings as

1 follows:

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

4 (2) To a district court upon a finding that information is
5 necessary for the resolution of an issue arising in any phase
6 of a case involving child abuse.

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

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

13 (5) To a probation or parole officer, juvenile court
14 officer, or adult correctional officer having custody or
15 supervision of, or conducting an investigation for a court or
16 the board of parole regarding, a person named in a report as a
17 victim of child abuse or as having abused a child.

18 e. Others as follows:

19 (1) To a person conducting bona fide research on child
20 abuse, but without information identifying individuals named
21 in a child abuse report, unless having that information open
22 to review is essential to the research or evaluation and the
23 authorized registry officials give prior written approval and
24 the child, the child's guardian or guardian ad litem and the
25 person named in a report as having abused a child give
26 permission to release the information.

27 (2) To registry or department personnel when necessary to
28 the performance of their official duties or to a person or
29 agency under contract with the department to carry out
30 official duties and functions of the registry.

31 (3) To the department of justice for the sole purpose of
32 the filing of a claim for restitution or compensation pursuant
33 to section 910A.5 and section 912.4, subsections 3 through 5.
34 Information provided pursuant to this subparagraph is subject
35 to the provisions of section 912.10.

1 (4) To a legally constituted child protection agency of
2 another state which is investigating or treating a child named
3 in a report as having been abused or which is investigating or
4 treating a person named as having abused a child.

5 ~~(5) -- To a public or licensed child-placing agency of~~
6 ~~another state responsible for an adoptive or foster care~~
7 ~~preplacement or placement evaluation.~~

8 ~~(6)~~ (5) To the attorney for the department of human
9 services who is responsible for representing the department.

10 f. Others but only with respect to disposition data for
11 cases of founded child abuse placed in the central registry
12 pursuant to section 232.71D as follows:

13 (1) To a public or licensed child-placing agency of
14 another state responsible for an adoptive or foster care
15 preplacement or placement evaluation.

16 ~~(7)~~ (2) To the state and local citizen foster care review
17 boards created pursuant to sections 237.16 and 237.19.

18 ~~(8)~~ (3) To an employee or agent of the department of human
19 services regarding a person who is providing child day care if
20 the person is not registered or licensed to operate a child
21 day care facility.

22 ~~(9)~~ (4) To the board of educational examiners created
23 under chapter 272 for purposes of determining whether a
24 practitioner's license should be denied or revoked.

25 ~~(10)~~ (5) To a legally constituted child protection agency
26 in another state if the agency is conducting a records check
27 of a person who is providing care or has applied to provide
28 care to a child in the other state.

29 ~~(11)~~ (6) To the legally authorized protection and advocacy
30 agency recognized in section 135C.2, if a person identified in
31 the information as a victim or a perpetrator of abuse resides
32 in or receives services from a facility or agency because the
33 person is diagnosed as having a developmental disability or a
34 mental illness.

35 ~~(12)~~ (7) To the department of human services for a record

1 check relating to employment or residence pursuant to section
2 218.13.

3 ~~(13)~~ (8) To an administrator of a child day care resource
4 and referral agency which has entered into an agreement
5 authorized by the department to provide child day care
6 resource and referral services. Access is authorized if the
7 information concerns a person providing child day care
8 services or a person employed by a provider of such services
9 and the agency includes the provider as a referral or the
10 provider has requested to be included as a referral.

11 ~~(14)~~ (9) To the Iowa board for the treatment of sexual
12 abusers for purposes of certifying sex offender treatment
13 providers.

14 ~~(15)~~ (10) To a person who submits written authorization
15 from an individual allowing the person access to information
16 pursuant to this subsection on behalf of the individual in
17 order to verify whether the individual is named in a founded
18 child abuse report as having abused a child.

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

25 4 3. Access to founded child abuse information placed in
26 the central registry pursuant to section 232.71D is authorized
27 to the department of personnel or to the personnel office of a
28 public employer, as defined in section 20.3, as necessary for
29 presentation in grievance or arbitration procedures provided
30 for in sections 19A.14 and 20.18. Child abuse information
31 introduced into a grievance or arbitration proceeding shall
32 not be considered a part of the public record of a case.

33 4. a. If a child who is a legal resident of another state
34 is present in this state and a report of child abuse is made
35 concerning the child, the department shall act to ensure the

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

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

19 Sec. 7. Section 235A.17, subsection 2, Code 1997, is
20 amended to read as follows:

21 2. The department of human services may notify orally the
22 mandatory reporter in an individual child abuse case of the
23 results of the case investigation and of the confidentiality
24 provisions of sections 235A.15 and 235A.21. The department
25 shall subsequently transmit a written notice to the mandatory
26 reporter of the results and confidentiality provisions. A If
27 the child abuse information has been placed in the registry as
28 founded child abuse pursuant to section 232.71D, a copy of the
29 written notice shall be transmitted to the registry and shall
30 be maintained by the registry as provided in section 235A.18.
31 Otherwise, a copy of the written notice shall be retained by
32 the department with the case file.

33 Sec. 8. Section 235A.18, Code 1997, is amended to read as
34 follows:

35 235A.18 SEALING AND EXPUNGEMENT OF FOUNDED CHILD ABUSE

1 INFORMATION.

2 1. Child abuse information relating to a particular case
3 of alleged abuse which has been determined to be founded child
4 abuse and placed in the central registry in accordance with
5 section 232.71D shall be maintained in the registry as
6 follows:

7 a. Child abuse information relating to a particular case
8 of suspected alleged child abuse shall be sealed ten years
9 after the receipt initial placement of the initial-report-of
10 such child abuse by information in the registry unless good
11 cause be shown why the information should remain open to
12 authorized access. If a subsequent report of a-suspected an
13 alleged case of child abuse involving the child named in the
14 initial report child abuse information as the victim of abuse
15 or a person named in such-report the information as having
16 abused a child is received by the registry department within
17 this ten-year period, the information shall be sealed ten
18 years after receipt of the subsequent report unless good cause
19 be shown why the information should remain open to authorized
20 access.

21 b. The-information Information sealed in accordance with
22 this section shall be expunged from the central registry eight
23 years after the date the information was sealed.

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

32 a.--The-investigation-of-a-report-of-suspected-child-abuse
33 by-the-department.

34 b.--A-successful-appeal-as-provided-in-section-235A:19.

35 c.--A-court-finding-by-a-juvenile-or-district-court.

1 The juvenile or district court and county attorney shall
2 expunge child abuse information upon notice from the registry.
3 The supreme court shall prescribe rules establishing the
4 period of time child abuse information is retained by the
5 juvenile and district court. A county attorney shall not
6 retain child abuse information in excess of the time period
7 the information would be retained under the rules prescribed
8 by the supreme court.

9 3. However, if a correction of child abuse information is
10 requested under section 235A.19 and the issue is not resolved
11 at the end of the one-year period, the information shall be
12 retained until the issue is resolved and if the child abuse
13 information is not determined to be founded, the information
14 shall be expunged from the central registry at the appropriate
15 time under subsection 2 1.

16 ~~4. The registry, at least once a year, shall review and~~
17 ~~determine the current status of child abuse reports which are~~
18 ~~transmitted or made to the registry after July 1, 1974, which~~
19 ~~are at least one year old and in connection with which no~~
20 ~~investigatory report has been filed by the department of human~~
21 ~~services pursuant to section 232.71. If no such investigatory~~
22 ~~report has been filed, the registry shall request the~~
23 ~~department of human services to file a report. In the event a~~
24 ~~report is not filed within ninety days subsequent to such a~~
25 ~~request, the report and information relating thereto shall be~~
26 ~~sealed and remain sealed unless good cause be shown why the~~
27 ~~information should remain open to authorized access. If~~
28 required by this subsection, for child abuse information in
29 the central registry as of July 1, 1997, the central registry
30 shall perform a review of the information utilizing the
31 requirements for referral of child abuse information to the
32 central registry as founded child abuse under section 232.71D.
33 If the review indicates the information would not be placed in
34 the registry as founded child abuse under section 232.71D, the
35 information shall be expunged from the central registry. If

1 the review indicates the child abuse information would be
2 placed in the central registry under section 232.71D, the
3 information shall be subject to the provisions of subsection
4 1, as to the time period the information is to be retained in
5 the registry. A review shall be performed under any of the
6 following conditions:

7 a. The department is considering the information while
8 performing a registry check under section 235A.15.

9 b. A review is indicated under a procedure for performing
10 reviews adopted by the department.

11 5. The department of human services shall adopt rules
12 establishing the period of time child abuse information which
13 is not maintained in the central registry is retained by the
14 department.

15 Sec. 9. Section 235A.19, subsection 1, Code 1997, is
16 amended to read as follows:

17 1. A subject of a child abuse report, as identified in
18 section 235A.15, subsection 2, paragraph "a", shall have the
19 right to examine child abuse information ~~in the registry~~ which
20 refers to the subject. The registry department of human
21 services may prescribe reasonable hours and places of
22 examination.

23 Sec. 10. Section 235A.19, subsection 2, paragraph a, Code
24 1997, is amended to read as follows:

25 a. A subject of a child abuse report may file with the
26 department within six months of the date of the notice of the
27 results of an investigation required by section 232.71,
28 subsection 7, or an assessment performed in accordance with
29 section 232.71A, a written statement to the effect that child
30 abuse information referring to the subject is in whole or in
31 part erroneous, and may request a correction of that
32 information or of the findings of the investigation or
33 assessment report. The department shall provide the subject
34 with an opportunity for an evidentiary hearing pursuant to
35 chapter 17A to correct the information or the findings, unless

1 the department corrects the information or findings as
2 requested. ~~The department shall delay the expungement of~~
3 ~~information which is not determined to be founded until the~~
4 ~~conclusion of a proceeding to correct the information or~~
5 ~~findings.~~ The department may defer the hearing until the
6 conclusion of a pending juvenile or district court case
7 relating to the information or findings.

8 Sec. 11. Section 235A.22, Code 1997, is amended to read as
9 follows:

10 235A.22 EDUCATION PROGRAM.

11 The department of human services shall require an
12 educational program for employees of the registry department
13 with access to child abuse information on the proper use and
14 control of child abuse information.

15 Sec. 12. Section 235A.23, Code 1997, is amended to read as
16 follows:

17 235A.23 REGISTRY REPORTS.

18 1. The registry department of human services may compile
19 statistics, conduct research, and issue reports on child
20 abuse, provided identifying details of the subject of child
21 abuse reports are deleted from any report issued.

22 2. The registry department shall issue an annual report on
23 its administrative operation, including information as to the
24 number of requests for child abuse data, the proportion of
25 requests attributable to each type of authorized access, the
26 frequency and nature of irregularities, and other pertinent
27 matters.

28 Sec. 13. REGISTRY REVIEWS. A person who is a subject of a
29 child abuse report which, as of July 1, 1997, is included as
30 information in the central registry under chapter 235A may
31 submit a written request for review and expungement of the
32 information from the central registry which refers to the
33 person. Child abuse information placed in the central
34 registry for a circumstance which is listed in section
35 232.71D, subsection 2, as enacted by this Act, is not eligible

1 for review. The request must be submitted during the period
2 beginning July 1, 1997, and ending December 31, 1997. The
3 department shall perform the review in accordance with the
4 provisions of section 235A.18, subsection 4, as enacted by
5 this Act. The department shall submit a report to the general
6 assembly on or before February 1, 1998, indicating the number
7 of requests received and projecting a time frame to complete
8 the reviews based upon the usage of specific staffing levels.

9 DIVISION II

10 ASSESSMENT-BASED AMENDMENTS -- REPEALS

11 Sec. 14. Section 232.71B, subsection 4, paragraph f, if
12 enacted by 1997 Iowa Acts, Senate File 230, is amended by
13 striking the paragraph and inserting in lieu thereof the
14 following:

15 f. For the purposes of this subsection, "petechia" means a
16 pinpoint, round, nonraised, purplish-red hemorrhage in the
17 skin. Unless otherwise prohibited under section 234.40 or
18 280.21, the reasonable and moderate use of physical discipline
19 or corporal punishment by a child's parent, guardian, or
20 custodian for purposes of restraining or correcting the child
21 shall not be determined to be child abuse. The age, physical
22 size, and condition of the child, the location of any injury,
23 and the frequency and recurrence of any injury shall be
24 considered when determining whether an injury resulted from
25 the reasonable and moderate use of physical discipline or
26 corporal punishment by a child's parent, guardian, or
27 custodian.

28 Unless determined to be the result of physical discipline
29 or corporal punishment which was not reasonable or moderate,
30 the presence of a bruise, petechia, or other superficial mark
31 which does not constitute a more significant injury, even if
32 the bruise, petechia, or other, superficial mark exists for
33 more than twenty-four hours, shall not be determined to be
34 child abuse. Acts of physical discipline or corporal
35 punishment which are not reasonable and moderate and which

1 produce an indicator of injury include but are not limited to
2 any of the following:

- 3 (1) Throwing, kicking, burning, biting, or cutting a
4 child.
- 5 (2) Striking a child with a closed fist.
- 6 (3) Striking or other action that results in a
7 nonaccidental injury to a child who is less than eighteen
8 months of age.
- 9 (4) Interfering with a child's breathing.
- 10 (5) Threatening a child with a dangerous weapon.
- 11 (6) Doing any other act that is likely to cause and does
12 cause bodily injury greater than transient pain.

13 Sec. 15. Section 232.71B, subsection 11, if enacted by
14 1997 Iowa Acts, Senate File 230, is amended by adding the
15 following new paragraph:

16 NEW PARAGRAPH. g. The department shall notify the
17 subjects of the child abuse report, as identified in section
18 235A.15, subsection 2, paragraph "a", of the results of the
19 assessment, of the subject's right, pursuant to section
20 235A.19, to correct the child abuse information which refers
21 to the subject, and of the procedures to correct the
22 information.

23 Sec. 16. Section 232.71D, subsection 1, as enacted by this
24 Act, is amended by striking the words "in the report of an
25 investigation performed in accordance with section 232.71 or".

26 Sec. 17. Section 232.71D, subsection 4, as enacted by this
27 Act, is amended by striking the words "an investigation or".

28 Sec. 18. EFFECTIVE DATE. Enactment of this division of
29 this Act is contingent upon the enactment of 1997 Iowa Acts,
30 Senate File 230. If Senate File 230 is enacted, this division
31 of this Act takes effect July 1, 1998.

32 EXPLANATION

33 This bill relates to the central registry for child abuse
34 information in the department of human services by providing
35 criteria for the types of information to be placed in the

1 registry and providing for the time period information is
2 maintained.

3 Code section 232.70, relating to the reporting procedure
4 for child abuse, is amended to provide that upon receipt of a
5 child abuse report, the department does not automatically
6 forward the report to the central child abuse registry.

7 Code section 232.71, relating to child abuse
8 investigations, is amended to provide that only serious cases
9 of child abuse are placed in the central registry following an
10 investigation, as provided in new Code section 232.71D which
11 appears later in the bill. Requirements for provision of
12 follow-up information when a report is placed in the central
13 registry are shifted to new Code section 232.71D.

14 Code section 232.71 is amended with a new subsection
15 outlining the process to be used by the department in
16 conducting an investigation in response to a child abuse
17 report. The new language instructs the department that unless
18 prohibited by law, reasonable and moderate use of physical
19 discipline or corporal punishment by a child's parent,
20 guardian, or custodian for purposes of restraining or
21 correcting the child shall not be determined to be child
22 abuse. Code section 234.40 prohibits the use of corporal
23 punishment by a foster parent and Code section 280.21
24 prohibits the use of corporal punishment by school employees.
25 The bill includes a list of acts which produce an indicator of
26 injury and which are not to be considered as reasonable and
27 moderate use of physical discipline or corporal punishment.
28 In division II of the bill the same language replaces language
29 in new Code section 232.71B, in Senate File 230, if enacted.
30 Under Senate File 230, if enacted, section 232.71 will be
31 repealed July 1, 1998. The replaced provision instructs the
32 department that corporal punishment by the person responsible
33 for the care of a child which does not result in a physical
34 injury to the child shall not be considered child abuse.

35 Code section 232.71A, relating to assessments performed by

1 the department in response to a report of child abuse, is
2 amended to strike the subsection relating to placement of
3 founded child abuse information in the central child abuse
4 registry. The stricken language is replaced in new Code
5 section 232.71D.

6 New Code section 232.71D provides that following either an
7 investigation or an assessment, if the department determines a
8 child suffered significant injury or was placed in great risk
9 of injury, the child abuse information is transmitted to the
10 central child abuse registry. Any of the following shall be
11 considered an indicator that the child has suffered
12 significant injury or was placed in great risk of injury:
13 referral of the case for juvenile or criminal court action,
14 the injury to the child required or should have required
15 medical or mental health treatment, a subsequent report is
16 made and the department determines the child suffered
17 significant injury or was placed in great risk of significant
18 injury, the alleged child abuse was sexual abuse, or the
19 alleged perpetrator will continue to pose a risk to the child
20 or to another child with whom the alleged perpetrator may come
21 into contact. Additional indicators include abuse by mental
22 injury, abuse involving prostitution, abuse involving the
23 presence of an illegal drug, abuse involving a child day care
24 provider, and abuse involving specific types of failure to
25 provide for the health and welfare of the child. In any other
26 case the child abuse information is not placed in the central
27 registry.

28 The bill makes various amendments to Code chapter 235A,
29 relating to the central child abuse registry and to child
30 abuse information confidentiality and access requirements.

31 Code chapter 235A addresses confidentiality for all
32 components of the child protection system: child abuse
33 reports, investigations, and dispositions. Under current law,
34 Code section 235A.15 provides for access to all types of child
35 abuse information and lists who has access to the various

1 types of information. The bill revises the access
2 requirements.

3 Code section 235A.15, subsection 2, paragraph "b", is
4 amended so that the list of persons involved in an
5 investigation retain access to all types of information but
6 the list is expanded to include situations where licensing
7 authorities are notified concerning policies of a facility
8 providing care to a child named in a report and to agencies,
9 persons, and alleged abusers if the juvenile court or
10 department deems the access as necessary. In addition, the
11 county attorney and juvenile court are included in the list of
12 persons with authorized access.

13 Code section 235A.15, subsection 2, paragraph "c", is
14 amended so that licensing authorities and persons deemed
15 necessary added above are stricken from the list of persons
16 providing care to a child. The bill also amends that
17 paragraph "c" to restrict access to child abuse information by
18 individuals, agencies, or facilities providing care to a child
19 to only disposition data for cases of founded child abuse
20 placed on the central registry in accordance with new Code
21 section 232.71D.

22 Code section 235A.15, subsection 2, paragraph "e", is
23 amended to remove child placing agencies in other states from
24 the list of persons with access to all types of child abuse
25 information. Instead, such agencies would have access only to
26 founded disposition data placed in the central registry in
27 accordance with new Code section 232.71D.

28 Code section 235A.15, subsection 2, is amended with a new
29 paragraph "f", which restricts an extensive list of persons
30 who currently have general registry access to have access only
31 to founded child abuse information placed in the central
32 registry in accordance with section 232.71D.

33 Code section 235A.17 relates to redissemination of child
34 abuse information in the registry. The bill amends references
35 to the registry in provisions relating to notification of

1 investigation results to the mandatory reporter who reported
2 child abuse.

3 Code section 235A.18 relates to sealing and expungement of
4 child abuse information in the registry. Under current law
5 there are three possible findings resulting from a child abuse
6 investigation: founded, undetermined, and unfounded. This
7 Code section then provides for the length of time child abuse
8 information is retained in the registry, depending upon the
9 finding. Under the bill, only founded information referred to
10 the registry under Code section 232.71D will be placed in the
11 registry. Consequently, the bill eliminates the registry's
12 records retention requirements for the undetermined and
13 unfounded categories.

14 Code section 235A.18 provides for the registry to review
15 and remove information placed in the registry under the law in
16 effect prior to July 1, 1997, if the information would not be
17 placed in the registry under the criteria established in the
18 bill in new Code section 232.71D.

19 The supreme court is to prescribe rules for the period of
20 time child abuse information is to be retained by the court.
21 The county attorney is to abide by the time periods applicable
22 to the court for retaining child abuse information. The
23 department of human services is to adopt rules for the same
24 purpose for child abuse information which is not placed in the
25 registry.

26 Code section 235A.19 relates to examination of records and
27 requests for correction or expungement and appeals by a
28 subject of a child abuse report. This section is amended to
29 provide for review and appeal of child abuse information by a
30 subject, whether or not the information is placed in the
31 registry. In addition, the bill deletes a reference to
32 expungement of unfounded information.

33 Code section 235A.22 which requires education of registry
34 employees concerning use of control of child abuse information
35 is amended to apply to the department's employees with access

1 to child abuse information.

2 Code section 235A.23, relating to registry reports, is
3 expanded to apply to the overall department of human services.

4 Division I includes a temporary law provision authorizing
5 subjects of child abuse information placed in the central
6 registry as founded child abuse to request a review of the
7 information referring to the subject. Alleged abuse involving
8 the criteria in new Code section 232.71D, included in the
9 bill, is not eligible for review. The request must be
10 submitted during the period of July 1, 1997, through December
11 31, 1997. The review is to be performed utilizing the
12 criteria contained in new Code section 232.71D. The
13 department is to report to the general assembly regarding the
14 number of review requests received and a time frame to perform
15 the reviews.

16 In division II of the bill, in addition to the instructions
17 regarding physical discipline or corporal punishment
18 previously described, the bill further amends Senate File 230.
19 The amendment reinserts language in current law requiring the
20 department of human services to notify a subject of a child
21 abuse report concerning the results of an assessment and of
22 the subject's right to correct child abuse information which
23 refers to the subject.

24 Division II strikes references to the investigation-based
25 approach from new Code section 232.71D which is in the bill.

26 Division II only takes effect in the event Senate File 230
27 is enacted. If Senate File 230 is enacted, division II of
28 this bill takes effect July 1, 1998.

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HOUSE FILE 698

H-1487

1 Amend House File 698 as follows:

A 2 1. By striking page 2, line 21 through page 3,
3 line 22.

4 2. By striking page 3, line 31 through page 4,
5 line 2 and inserting the following:

6 "2. If the alleged child abuse meets the
7 definition of child abuse under section 232.68,
8 subsection 2, paragraph "a" or "d", and the department
9 determines the injury or risk of harm to the child was
10 minor and isolated and is unlikely to reoccur, the
11 names of the child and the alleged perpetrator of the
12 child abuse shall not be placed in the central
13 registry as a case of founded child abuse.

14 3. Except as otherwise provided in section 232.68,
15 subsection 2, paragraph "d", regarding parents
16 legitimately practicing religious beliefs, the names
17 of the child and the alleged perpetrator shall be
18 placed in the central registry as a case of founded
19 child abuse under any of the following circumstances:"

20 3. Page 4, line 5, by inserting after the word
21 "perpetrator" the following: "or a criminal or
22 juvenile court action was initiated by the county
23 attorney or juvenile court within twelve months of the
24 date of the department's report concerning the case,
25 in which the alleged perpetrator was convicted of a
26 crime involving the child or there was a delinquency
27 or child in need of assistance adjudication".

28 4. Page 4, by striking lines 6 through 9 and
29 inserting the following:

B 30 "b. The department determines the acts or
31 omissions of the alleged perpetrator meet the
32 definition of child abuse under section 232.68,
33 subsection 2, paragraph "a", involving nonaccidental
34 physical injury suffered by the child and the injury
35 was not minor, isolated, and unlikely to reoccur."

36 5. Page 4, by striking lines 10 through 13 and
37 inserting the following:

38 "c. The department determines the acts or
39 omissions of the alleged perpetrator meet the
40 definition of child abuse and the department has
41 previously determined within the twelve-month period
42 preceding the issuance of the department's report that
43 the acts or omissions of the alleged perpetrator in
44 another case met the definition of child abuse."

45 6. Page 4, line 31, by inserting after the word
46 "welfare" the following: ", and any injury to the
47 child or risk to the child's health and welfare was
48 not minor, isolated, and unlikely to reoccur,".

49 7. Page 5, by striking lines 13 through 15 and
inserting the following:

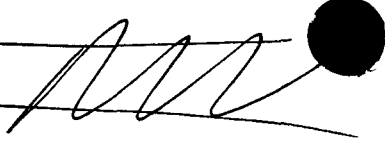
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Page 2

~~1 " . i. The alleged abuse took place in any of
2 the following licensed, registered, unregistered, or
3 regulated facilities or services:~~



B

- 4 (1) Substance abuse program licensed under chapter
- 5 125.
- 6 (2) Hospital licensed under chapter 135B.
- 7 (3) Health care facility or residential care
- 8 facility licensed under chapter 135C.
- 9 (4) Psychiatric medical institution licensed under
- 10 chapter 135H.
- 11 (5) Medical assistance home and community-based
- 12 waiver for persons with mental retardation residential
- 13 program regulated by the department.
- 14 (6) An institution controlled by the department
- 15 and enumerated in section 218.1.
- 16 (7) Mental health center, juvenile shelter care
- 17 facility, or juvenile detention facility.
- 18 (8) Child foster care licensee under chapter 237.
- 19 (9) Child day care provider under chapter 237A.
- 20 (10) Public or private school which provides
- 21 overnight care."

22 8. Page 14, line 35, by inserting after the word
 23 "registry." the following: "The time period used by
 24 the department for retaining child abuse information
 25 which is expunged from the central registry under this
 26 subsection shall credit the amount of time the child
 27 abuse information has been on the central registry and
 28 after applying the credit, the information shall not
 29 be retained by the department any longer than the time
 30 period for information which is not placed on the
 31 central registry."

32 9. Page 15, by striking line 8 and inserting the
 33 following: "performing a record check evaluation
 34 under law or administrative rule."

35 10. Page 17, by inserting after line 8 the
 36 following:

37 "Sec. ____ . MINOR INJURY CRITERIA. The department
 38 of human services shall convene a group of child abuse
 39 experts to develop uniform criteria for identifying
 40 what constitutes a minor physical injury and the
 41 circumstances in which a minor injury does not cause
 42 concern about the safety or risk of harm to a child.
 43 The group shall present recommended criteria and other
 44 recommendations to the governor and the general
 45 assembly on or before November 1, 1997."

46 11. By striking page 17, line 11 through page 18,
 47 line 12.

48 12. By renumbering as necessary.

By BODDICKER of Cedar
 MURPHY of Dubuque

H-1487 FILED MARCH 31, 1997

A. Withdrawn 4/2/97 (p. 970)
 B. adopted 4-2-97 (p. 971)

S- 1/2/97 Norman Lee
S- 4/3/97 Do Pass
S- 4/10/97 Unfinished Business Calendar

HOUSE FILE 698
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 233)

(As Amended and Passed by the House, April 2, 1997)

Passed House, Date 4-21-97 (P. 1370) Passed Senate, Date 4-16-97 (P. 1214)
Vote: Ayes 85 Nays 14 Vote: Ayes 49 Nays 0
Approved May 21, 1997 Passed 4/22/97 (P. 1325)
Vote 50-0

A BILL FOR

1 An Act relating to child abuse information and the central
2 registry for child abuse information maintained by the
3 department of human services and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

Deleted Language *

DIVISION I

CHILD ABUSE REGISTRY

1
2
3 Section 1. Section 232.70, subsection 4, Code 1997, is
4 amended to read as follows:

5 4. ~~The~~ Upon receipt of a report the department of-human
6 ~~services~~ shall do all of the following:

7 a. Immediately, upon receipt of an oral report, make a
8 determination as to whether the report constitutes an
9 allegation of child abuse as defined in section 232.68~~7~~.

10 ~~b.---Make-a-report-to-the-central-registry-if-the-oral~~
11 ~~report-has-been-determined-to-constitute-a-child-abuse~~
12 ~~allegation;~~

13 ~~c.---Forward-a-copy-of-the-written-report-to-the-registry;~~
14 and

15 ~~d.~~ b. Notify the appropriate county attorney of the
16 receipt of any the report.

17 Sec. 2. Section 232.71, subsections 7, 8, and 9, Code
18 1997, are amended to read as follows:

19 7. The department, upon completion of its investigation,
20 shall make a preliminary report of its investigation as
21 required containing the information required by subsection 2.
22 A copy of this report shall be transmitted to juvenile court
23 within four regular working days after the department
24 initially receives the abuse report unless the juvenile court
25 grants an extension of time for good cause shown. If the
26 preliminary report is not a complete report, a complete report
27 shall be filed within ten working days of the receipt of the
28 abuse report, unless the juvenile court grants an extension of
29 time for good cause shown. If required under section 232.71D,
30 the report of the investigation shall be placed in the central
31 registry. The department shall notify a subject of the report
32 of the result of the investigation, of the subject's right to
33 correct the information pursuant to section 235A.19, and of
34 the procedures to correct the information. The juvenile court
35 shall notify the registry department of any action it takes

1 with respect to a suspected case of child abuse.

2 ~~8.--The department of human services shall transmit a copy~~
3 ~~of the report of its investigation, including actions taken or~~
4 ~~contemplated, to the registry.--The department of human~~
5 ~~services shall make periodic follow-up reports thereafter in a~~
6 ~~manner prescribed by the registry so that the registry is kept~~
7 ~~up-to-date and fully informed concerning the handling of a~~
8 ~~suspected case of child abuse.~~

9 9 8. The department of human services shall also transmit
10 a copy of the report of its investigation to the county
11 attorney. The county attorney shall notify the registry
12 department office which transmitted the report to the county
13 attorney of any actions or contemplated actions with respect
14 to a suspected alleged case of child abuse so that the
15 registry department office is kept up-to-date and fully
16 informed concerning the handling of such-a the case. If the
17 report was placed in the central registry in accordance with
18 section 232.71D, the department office shall notify the
19 registry of any actions or contemplated actions by the county
20 attorney concerning the report.

* 21 Sec. 3. Section 232.71A, subsection 7, Code 1997, is
22 amended by striking the subsection.

23 Sec. 4. NEW SECTION. 232.71D FOUNDED CHILD ABUSE --
24 CENTRAL REGISTRY.

25 1. The requirements of this section shall apply to child
26 abuse information in the report of an investigation performed
27 in accordance with section 232.71 or in the report of an
28 assessment performed in accordance with section 232.71A.

* 29 2. If the alleged child abuse meets the definition of
30 child abuse under section 232.68, subsection 2, paragraph "a"
31 or "d", and the department determines the injury or risk of
32 harm to the child was minor and isolated and is unlikely to
33 reoccur, the names of the child and the alleged perpetrator of
34 the child abuse shall not be placed in the central registry as
35 a case of founded child abuse.

1 3. Except as otherwise provided in section 232.68,
2 subsection 2, paragraph "d", regarding parents legitimately
3 practicing religious beliefs, the names of the child and the
4 alleged perpetrator shall be placed in the central registry as
5 a case of founded child abuse under any of the following
6 circumstances:

7 a. The case was referred for juvenile or criminal court
8 action as a result of the acts or omissions of the alleged
9 perpetrator or a criminal or juvenile court action was
10 initiated by the county attorney or juvenile court within
11 twelve months of the date of the department's report
12 concerning the case, in which the alleged perpetrator was
13 convicted of a crime involving the child or there was a
14 delinquency or child in need of assistance adjudication.

15 b. The department determines the acts or omissions of the
16 alleged perpetrator meet the definition of child abuse under
17 section 232.68, subsection 2, paragraph "a", involving
18 nonaccidental physical injury suffered by the child and the
19 injury was not minor, isolated, and unlikely to reoccur.

20 c. The department determines the acts or omissions of the
21 alleged perpetrator meet the definition of child abuse and the
22 department has previously determined within the eighteen-month
23 period preceding the issuance of the department's report that
24 the acts or omissions of the alleged perpetrator in another
25 case met the definition of child abuse.

26 d. The department determines the acts or omissions of the
27 alleged perpetrator meet the definition of child abuse under
28 section 232.68, subsection 2, paragraph "b", involving mental
29 injury.

30 e. The department determines the acts or omissions meet
31 the definition of child abuse under section 232.68, subsection
32 2, paragraph "c", and the alleged perpetrator of the acts or
33 omissions is age fourteen or older. However, the juvenile
34 court may order the removal from the central registry of the
35 name of an alleged perpetrator placed in the registry pursuant

1 to this paragraph who is age fourteen through seventeen upon a
2 finding of good cause. The name of an alleged perpetrator who
3 is less than age fourteen shall not be placed in the central
4 registry pursuant to this paragraph.

5 f. The department determines the acts or omissions of the
6 alleged perpetrator meet the definition of child abuse under
7 section 232.68, subsection 2, paragraph "d", involving failure
8 to provide care necessary for the child's health and welfare,
9 and any injury to the child or risk to the child's health and
10 welfare was not minor, isolated, and unlikely to reoccur, in
11 any of the following ways:

- 12 (1) Failure to provide adequate food and nutrition.
- 13 (2) Failure to provide adequate shelter.
- 14 (3) Failure to provide adequate health care.
- 15 (4) Failure to provide adequate mental health care.
- 16 (5) Gross failure to meet emotional needs.
- 17 (6) Failure to respond to an infant's life-threatening
18 condition.

19 g. The department determines the acts or omissions of the
20 alleged perpetrator meet the definition of child abuse under
21 section 232.68, subsection 2, paragraph "e", involving
22 prostitution.

23 h. The department determines the acts or omissions of the
24 alleged perpetrator meet the definition of child abuse under
25 section 232.68, subsection 2, paragraph "f", involving the
26 presence of an illegal drug.

27 i. The alleged abuse took place in any of the following
28 licensed, registered, unregistered, or regulated facilities or
29 services:

- 30 (1) Substance abuse program licensed under chapter 125.
- 31 (2) Hospital licensed under chapter 135B.
- 32 (3) Health care facility or residential care facility
33 licensed under chapter 135C.
- 34 (4) Psychiatric medical institution licensed under chapter
35 135H.

1 (5) Medical assistance home and community-based waiver for
2 persons with mental retardation residential program regulated
3 by the department.

4 (6) An institution controlled by the department and
5 enumerated in section 218.1.

6 (7) Mental health center, juvenile shelter care facility,
7 or juvenile detention facility.

8 (8) Child foster care licensee under chapter 237.

9 (9) Child day care provider under chapter 237A.

10 (10) Public or private school which provides overnight
11 care.

12 j. The department determines the alleged perpetrator of
13 the child abuse will continue to pose a danger to the child
14 who is the subject of the report of child abuse or to another
15 child with whom the alleged perpetrator may come into contact.

16 3. If child abuse information is placed in the central
17 registry in accordance with this section, the department shall
18 make periodic follow-up reports in a manner prescribed by the
19 registry so that the registry is kept up-to-date and fully
20 informed concerning the case.

21 4. In any other case, the child abuse information in the
22 report of an investigation or an assessment shall not be
23 placed in the central registry and notwithstanding chapter 22,
24 the confidentiality of the information shall be maintained in
25 accordance with chapter 235A.

26 Sec. 5. Section 235A.15, Code 1997, is amended to read as
27 follows:

28 235A.15 AUTHORIZED ACCESS -- PROCEDURES INVOLVING OTHER
29 STATES.

30 1. Notwithstanding chapter 22, the confidentiality of all
31 child abuse information shall be maintained, except as
32 specifically provided by subsection 2, 3, or 4.

33 2. Access to child abuse information ~~other-than-unfounded~~
34 ~~child-abuse-information~~ is authorized only to the following
35 persons or entities:

1 a. Subjects of a report as follows:

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

4 (2) To a parent or to the attorney for the parent of a
5 child named in a report as a victim of abuse.

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

8 (4) To a person or the attorney for the person named in a
9 report as having abused a child.

10 b. Persons involved in an investigation of child abuse as
11 follows:

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

19 (2) To an employee or agent of the department of human
20 services responsible for the investigation of a child abuse
21 report.

22 (3) To a law enforcement officer responsible for assisting
23 in an investigation of a child abuse allegation or for the
24 temporary emergency removal of a child from the child's home.

25 (4) To a multidisciplinary team, if the department of
26 human services approves the composition of the
27 multidisciplinary team and determines that access to the team
28 is necessary to assist the department in the investigation,
29 diagnosis, assessment, and disposition of a child abuse case.

30 (5) In an individual case, to the mandatory reporter who
31 reported the child abuse.

32 (6) To the county attorney.

33 (7) To the juvenile court.

34 (8) To a licensing authority for a facility providing care
35 to a child named in a report, if the licensing authority is

1 notified of a relationship between facility policy and the
2 alleged child abuse under section 232.71, subsection 4.

3 (9) To a person or agency responsible for the care or
4 supervision of a child named in a report as a victim of abuse
5 or a person named in a report as having abused a child, if the
6 juvenile court or department deems access to child abuse
7 information by the person or agency to be necessary.

8 c. Individuals, agencies, or facilities providing care to
9 a child, but only with respect to disposition data for cases
10 of founded child abuse placed in the central registry in
11 accordance with section 232.71D as follows:

12 ~~(1) -- To a licensing authority for a facility providing care~~
13 ~~to a child named in a report, if the licensing authority is~~
14 ~~notified of a relationship between facility policy and the~~
15 ~~child abuse under section 232.71, subsection 4.~~

16 ~~(2) -- To an authorized person or agency responsible for the~~
17 ~~care or supervision of a child named in a report as a victim~~
18 ~~of abuse or a person named in a report as having abused a~~
19 ~~child, if the juvenile court or registry deems access to child~~
20 ~~abuse information by such person or agency to be necessary.~~

21 (3) (1) To an employee or agent of the department of human
22 services responsible for registering or licensing or approving
23 the registration or licensing of an agency or facility, or to
24 an individual providing care to a child and regulated by the
25 department.

26 (4) (2) To an employee of the department of human services
27 responsible for an adoptive placement, a certified adoption
28 investigator, or licensed child placing agency responsible for
29 an adoptive placement.

30 (5) (3) To an administrator of a psychiatric medical
31 institution for children licensed under chapter 135H.

32 (6) (4) To an administrator of a child foster care
33 facility licensed under chapter 237 if the information
34 concerns a person employed or being considered for employment
35 by the facility.

1 ~~(7)~~ (5) To an administrator of a child day care facility
2 registered or licensed under chapter 237A if the information
3 concerns a person employed or being considered for employment
4 by or living in the facility.

5 ~~(8)~~ (6) To the superintendent of the Iowa braille and
6 sight saving school if the information concerns a person
7 employed or being considered for employment or living in the
8 school.

9 ~~(9)~~ (7) To the superintendent of the school for the deaf
10 if the information concerns a person employed or being
11 considered for employment or living in the school.

12 ~~(10)~~ (8) To an administrator of a community mental health
13 center accredited under chapter 230A if the information
14 concerns a person employed or being considered for employment
15 by the center.

16 ~~(11)~~ (9) To an administrator of a facility or program
17 operated by the state, a city, or a county which provides
18 services or care directly to children, if the information
19 concerns a person employed by or being considered for
20 employment by the facility or program.

21 ~~(12)~~ (10) To an administrator of an agency certified by
22 the department of human services to provide services under a
23 medical assistance home and community-based services waiver,
24 if the information concerns a person employed by or being
25 considered by the agency for employment.

26 ~~(13)~~ (11) To the administrator of an agency providing
27 mental health, mental retardation, or developmental disability
28 services under a county management plan developed pursuant to
29 section 331.439, if the information concerns a person employed
30 by or being considered by the agency for employment.

31 d. Relating to judicial and administrative proceedings as
32 follows:

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

35 (2) To a district court upon a finding that information is

1 necessary for the resolution of an issue arising in any phase
2 of a case involving child abuse.

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

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

9 (5) To a probation or parole officer, juvenile court
10 officer, or adult correctional officer having custody or
11 supervision of, or conducting an investigation for a court or
12 the board of parole regarding, a person named in a report as a
13 victim of child abuse or as having abused a child.

14 e. Others as follows:

15 (1) To a person conducting bona fide research on child
16 abuse, but without information identifying individuals named
17 in a child abuse report, unless having that information open
18 to review is essential to the research or evaluation and the
19 authorized registry officials give prior written approval and
20 the child, the child's guardian or guardian ad litem and the
21 person named in a report as having abused a child give
22 permission to release the information.

23 (2) To registry or department personnel when necessary to
24 the performance of their official duties or to a person or
25 agency under contract with the department to carry out
26 official duties and functions of the registry.

27 (3) To the department of justice for the sole purpose of
28 the filing of a claim for restitution or compensation pursuant
29 to section 910A.5 and section 912.4, subsections 3 through 5.
30 Information provided pursuant to this subparagraph is subject
31 to the provisions of section 912.10.

32 (4) To a legally constituted child protection agency of
33 another state which is investigating or treating a child named
34 in a report as having been abused or which is investigating or
35 treating a person named as having abused a child.

1 ~~(5) -- To a public or licensed child-placing agency of~~
2 ~~another state responsible for an adoptive or foster care~~
3 ~~preplacement or placement evaluation.~~

4 ~~(6)~~ (5) To the attorney for the department of human
5 services who is responsible for representing the department.

6 f. Others but only with respect to disposition data for
7 cases of founded child abuse placed in the central registry
8 pursuant to section 232.71D as follows:

9 (1) To a public or licensed child-placing agency of
10 another state responsible for an adoptive or foster care
11 preplacement or placement evaluation.

12 ~~(7)~~ (2) To the state and local citizen foster care review
13 boards created pursuant to sections 237.16 and 237.19.

14 ~~(8)~~ (3) To an employee or agent of the department of human
15 services regarding a person who is providing child day care if
16 the person is not registered or licensed to operate a child
17 day care facility.

18 ~~(9)~~ (4) To the board of educational examiners created
19 under chapter 272 for purposes of determining whether a
20 practitioner's license should be denied or revoked.

21 ~~(10)~~ (5) To a legally constituted child protection agency
22 in another state if the agency is conducting a records check
23 of a person who is providing care or has applied to provide
24 care to a child in the other state.

25 ~~(11)~~ (6) To the legally authorized protection and advocacy
26 agency recognized in section 135C.2, if a person identified in
27 the information as a victim or a perpetrator of abuse resides
28 in or receives services from a facility or agency because the
29 person is diagnosed as having a developmental disability or a
30 mental illness.

31 ~~(12)~~ (7) To the department of human services for a record
32 check relating to employment or residence pursuant to section
33 218.13.

34 ~~(13)~~ (8) To an administrator of a child day care resource
35 and referral agency which has entered into an agreement

1 authorized by the department to provide child day care
2 resource and referral services. Access is authorized if the
3 information concerns a person providing child day care
4 services or a person employed by a provider of such services
5 and the agency includes the provider as a referral or the
6 provider has requested to be included as a referral.

7 ~~(14)~~ (9) To the Iowa board for the treatment of sexual
8 abusers for purposes of certifying sex offender treatment
9 providers.

10 ~~(15)~~ (10) To a person who submits written authorization
11 from an individual allowing the person access to information
12 pursuant to this subsection on behalf of the individual in
13 order to verify whether the individual is named in a founded
14 child abuse report as having abused a child.

15 ~~3.--Access-to-unfounded-child-abuse-information-is~~
16 ~~authorized-only-to-those-persons-identified-in-subsection-2,~~
17 ~~paragraph-"a",-paragraph-"b",-subparagraphs-(2)-and-(5),-and~~
18 ~~paragraph-"e",-subparagraph-(2),-and-to-the-department-of~~
19 ~~justice-for-purposes-of-the-crime-victim-compensation-program~~
20 ~~in-accordance-with-section-912.10.~~

21 4 3. Access to founded child abuse information placed in
22 the central registry pursuant to section 232.71D is authorized
23 to the department of personnel or to the personnel office of a
24 public employer, as defined in section 20.3, as necessary for
25 presentation in grievance or arbitration procedures provided
26 for in sections 19A.14 and 20.18. Child abuse information
27 introduced into a grievance or arbitration proceeding shall
28 not be considered a part of the public record of a case.

29 4. a. If a child who is a legal resident of another state
30 is present in this state and a report of child abuse is made
31 concerning the child, the department shall act to ensure the
32 safety of the child. The department shall contact the child's
33 state of legal residency to coordinate the investigation of
34 the report. If the child's state of residency refuses to
35 conduct an investigation, the department shall commence an

1 appropriate investigation.

2 b. If a report of child abuse is made concerning an
3 alleged perpetrator who resides in this state and a child who
4 resides in another state, the department shall assist the
5 child's state of residency in conducting an investigation of
6 the report. The assistance shall include but is not limited
7 to an offer to interview the alleged perpetrator and any other
8 relevant source. If the child's state of residency refuses to
9 conduct an investigation of the report, the department shall
10 commence an appropriate investigation. The department shall
11 seek to develop protocols with states contiguous to this state
12 for coordination in the investigation of a report of child
13 abuse when a person involved with the report is a resident of
14 another state.

15 Sec. 6. Section 235A.17, subsection 2, Code 1997, is
16 amended to read as follows:

17 2. The department of human services may notify orally the
18 mandatory reporter in an individual child abuse case of the
19 results of the case investigation and of the confidentiality
20 provisions of sections 235A.15 and 235A.21. The department
21 shall subsequently transmit a written notice to the mandatory
22 reporter of the results and confidentiality provisions. A If
23 the child abuse information has been placed in the registry as
24 founded child abuse pursuant to section 232.71D, a copy of the
25 written notice shall be transmitted to the registry and shall
26 be maintained by the registry as provided in section 235A.18.
27 Otherwise, a copy of the written notice shall be retained by
28 the department with the case file.

29 Sec. 7. Section 235A.18, Code 1997, is amended to read as
30 follows:

31 235A.18 SEALING AND EXPUNGEMENT OF FOUNDED CHILD ABUSE
32 INFORMATION.

33 1. Child abuse information relating to a particular case
34 of alleged abuse which has been determined to be founded child
35 abuse and placed in the central registry in accordance with

1 section 232.71D shall be maintained in the registry as
2 follows:

3 a. Child abuse information relating to a particular case
4 of suspected alleged child abuse shall be sealed ten years
5 after the receipt initial placement of the ~~initial-report-of~~
6 such child abuse by information in the registry unless good
7 cause be shown why the information should remain open to
8 authorized access. If a subsequent report of ~~a-suspected an~~
9 alleged case of child abuse involving the child named in the
10 initial report child abuse information as the victim of abuse
11 or a person named in ~~such-report~~ the information as having
12 abused a child is received by the registry department within
13 this ten-year period, the information shall be sealed ten
14 years after receipt of the subsequent report unless good cause
15 be shown why the information should remain open to authorized
16 access.

17 b. ~~The-information~~ Information sealed in accordance with
18 this section shall be expunged from the central registry eight
19 years after the date the information was sealed.

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

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

30 b.--A successful appeal as provided in section 235A.19:

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

32 The juvenile or district court and county attorney shall
33 expunge child abuse information upon notice from the registry.
34 The supreme court shall prescribe rules establishing the
35 period of time child abuse information is retained by the

1 juvenile and district court. A county attorney shall not
2 retain child abuse information in excess of the time period
3 the information would be retained under the rules prescribed
4 by the supreme court.

5 3. However, if a correction of child abuse information is
6 requested under section 235A.19 and the issue is not resolved
7 at the end of the one-year period, the information shall be
8 retained until the issue is resolved and if the child abuse
9 information is not determined to be founded, the information
10 shall be expunged from the central registry at the appropriate
11 time under subsection 2 1.

12 ~~4. The registry, at least once a year, shall review and~~
13 ~~determine the current status of child abuse reports which are~~
14 ~~transmitted or made to the registry after July 1, 1974, which~~
15 ~~are at least one year old and in connection with which no~~
16 ~~investigatory report has been filed by the department of human~~
17 ~~services pursuant to section 232.71. If no such investigatory~~
18 ~~report has been filed, the registry shall request the~~
19 ~~department of human services to file a report. In the event a~~
20 ~~report is not filed within ninety days subsequent to such a~~
21 ~~request, the report and information relating thereto shall be~~
22 ~~sealed and remain sealed unless good cause be shown why the~~
23 ~~information should remain open to authorized access. If~~
24 required by this subsection, for child abuse information in
25 the central registry as of July 1, 1997, the central registry
26 shall perform a review of the information utilizing the
27 requirements for referral of child abuse information to the
28 central registry as founded child abuse under section 232.71D.
29 If the review indicates the information would not be placed in
30 the registry as founded child abuse under section 232.71D, the
31 information shall be expunged from the central registry. The
32 time period used by the department for retaining child abuse
33 information which is expunged from the central registry under
34 this subsection shall credit the amount of time the child
35 abuse information has been on the central registry and after

1 applying the credit, the information shall not be retained by
2 the department any longer than the time period for information
3 which is not placed on the central registry. If the review
4 indicates the child abuse information would be placed in the
5 central registry under section 232.71D, the information shall
6 be subject to the provisions of subsection 1, as to the time
7 period the information is to be retained in the registry. A
8 review shall be performed under any of the following
9 conditions:

10 a. The department is considering the information while
11 performing a record check evaluation under law or
12 administrative rule.

13 b. A review is indicated under a procedure for performing
14 reviews adopted by the department.

15 5. The department of human services shall adopt rules
16 establishing the period of time child abuse information which
17 is not maintained in the central registry is retained by the
18 department.

19 Sec. 8. Section 235A.19, subsection 1, Code 1997, is
20 amended to read as follows:

21 1. A subject of a child abuse report, as identified in
22 section 235A.15, subsection 2, paragraph "a", shall have the
23 right to examine child abuse information ~~in the registry~~ which
24 refers to the subject. The registry department of human
25 services may prescribe reasonable hours and places of
26 examination.

27 Sec. 9. Section 235A.19, subsection 2, paragraph a, Code
28 1997, is amended to read as follows:

29 a. A subject of a child abuse report may file with the
30 department within six months of the date of the notice of the
31 results of an investigation required by section 232.71,
32 subsection 7, or an assessment performed in accordance with
33 section 232.71A, a written statement to the effect that child
34 abuse information referring to the subject is in whole or in
35 part erroneous, and may request a correction of that

1 information or of the findings of the investigation or
2 assessment report. The department shall provide the subject
3 with an opportunity for an evidentiary hearing pursuant to
4 chapter 17A to correct the information or the findings, unless
5 the department corrects the information or findings as
6 requested. ~~The department shall delay the expungement of~~
7 ~~information which is not determined to be founded until the~~
8 ~~conclusion of a proceeding to correct the information or~~
9 ~~findings.~~ The department may defer the hearing until the
10 conclusion of a pending juvenile or district court case
11 relating to the information or findings.

12 Sec. 10. Section 235A.22, Code 1997, is amended to read as
13 follows:

14 235A.22 EDUCATION PROGRAM.

15 The department of human services shall require an
16 educational program for employees of the registry department
17 with access to child abuse information on the proper use and
18 control of child abuse information.

19 Sec. 11. Section 235A.23, Code 1997, is amended to read as
20 follows:

21 235A.23 REGISTRY REPORTS.

22 1. The registry department of human services may compile
23 statistics, conduct research, and issue reports on child
24 abuse, provided identifying details of the subject of child
25 abuse reports are deleted from any report issued.

26 2. The registry department shall issue an annual report on
27 its administrative operation, including information as to the
28 number of requests for child abuse data, the proportion of
29 requests attributable to each type of authorized access, the
30 frequency and nature of irregularities, and other pertinent
31 matters.

32 Sec. 12. REGISTRY REVIEWS. A person who is a subject of a
33 child abuse report which, as of July 1, 1997, is included as
34 information in the central registry under chapter 235A may
35 submit a written request for review and expungement of the

1 information from the central registry which refers to the
2 person. Child abuse information placed in the central
3 registry for a circumstance which is listed in section
4 232.71D, subsection 2, as enacted by this Act, is not eligible
5 for review. The request must be submitted during the period
6 beginning July 1, 1997, and ending December 31, 1997. The
7 department shall perform the review in accordance with the
8 provisions of section 235A.18, subsection 4, as enacted by
9 this Act. The department shall submit a report to the general
10 assembly on or before February 1, 1998, indicating the number
11 of requests received and projecting a time frame to complete
12 the reviews based upon the usage of specific staffing levels.

* 13 Sec. 13. MINOR INJURY CRITERIA. The department of human
14 services shall convene a group of child abuse experts to
15 develop uniform criteria for identifying what constitutes a
16 minor physical injury and the circumstances in which a minor
17 injury does not cause concern about the safety or risk of harm
18 to a child. The group shall include but is not limited to
19 members of the child death review team. The group shall
20 present recommended criteria and other recommendations to the
21 governor and the general assembly on or before November 1,
22 1997.

23 DIVISION II

24 ASSESSMENT-BASED AMENDMENTS -- REPEALS

25 Sec. 14. Section 232.71B, subsection 11, if enacted by
26 1997 Iowa Acts, Senate File 230, is amended by adding the
27 following new paragraph:

28 NEW PARAGRAPH. g. The department shall notify the
29 subjects of the child abuse report, as identified in section
30 235A.15, subsection 2, paragraph "a", of the results of the
31 assessment, of the subject's right, pursuant to section
32 235A.19, to correct the child abuse information which refers
33 to the subject, and of the procedures to correct the
34 information.

35 Sec. 15. Section 232.71D, subsection 1, as enacted by this

1 Act, is amended by striking the words "in the report of an
2 investigation performed in accordance with section 232.71 or".

3 Sec. 16. Section 232.71D, subsection 4, as enacted by this
4 Act, is amended by striking the words "an investigation or".

5 Sec. 17. EFFECTIVE DATE. Enactment of this division of
6 this Act is contingent upon the enactment of 1997 Iowa Acts,
7 Senate File 230. If Senate File 230 is enacted, this division
8 of this Act takes effect July 1, 1998.

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HOUSE FILE 698

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1 Amend House File 698, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 3 the
4 following:
5 "Sec. ____ . Section 232.68, unnumbered paragraph 1,
6 Code 1997, is amended to read as follows:
7 The definitions in section 235A.13 are applicable
8 to this part 2 of division III. As used in sections
9 232.67 through 232.77 and 235A.12 through 235A.23,
10 unless the context otherwise requires:"
11 2. Page 1, by striking lines 33 and 34 and
12 inserting the following: "correct the ~~information~~
13 report data and disposition data pursuant to section
14 235A.19, and of the procedures to correct the
15 information data. The juvenile court".
16 3. Page 3, by striking line 19 and inserting the
17 following: "injury was not minor and isolated and is
18 likely to reoccur."
19 4. Page 3, line 24, by striking the word
20 "another" and inserting the following: "a prior".
21 5. Page 4, by striking line 10 and inserting the
22 following: "welfare was not minor and isolated and is
23 likely to reoccur, in".
24 6. Page 5, line 3, by inserting after the word
25 "department" the following: "of human services and
26 the department of inspections and appeals".
27 7. Page 5, by inserting after line 11 the
28 following:
29 "(11) The Iowa braille and sight saving school and
30 the Iowa school for the deaf controlled by the state
31 board of regents."
32 8. Page 5, line 16, by striking the words "child
33 abuse information is" and inserting the following:
34 "report data and disposition data are".
35 9. Page 5, by striking lines 21 through 25 and
36 inserting the following:
37 "4. a. The confidentiality of all of the
38 following shall be maintained in accordance with
39 section 217.30:
40 (1) Investigation or assessment data.
41 (2) Information pertaining to an allegation of
42 child abuse for which there was no investigation or
43 assessment performed.
44 (3) Information pertaining to an allegation of
45 child abuse which was determined to not meet the
46 definition of child abuse.
47 (4) Report data and disposition data pertaining to
48 an allegation of child abuse determined to meet the
49 definition of child abuse which is not subject to
50 placement in the central registry. Individuals

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Page 2

1 identified in section 235A.15, subsection 3, are
 2 authorized to have access to such data under section
 3 217.30.

4 b. The confidentiality of report data and
 5 disposition data pertaining to an allegation of child
 6 abuse determined to meet the definition of child abuse
 7 which is subject to placement in the central registry,
 8 shall be maintained as provided in chapter 235A."

9 10. Page 5, by inserting before line 26 the
 10 following:

11 "Sec. ____ . Section 235A.13, Code 1997, is amended
 12 by adding the following new subsection:

13 NEW SUBSECTION. 2A. "Department" means the
 14 department of human services.

15 Sec. ____ . Section 235A.13, subsections 1, 6, and
 16 8, Code 1997, are amended to read as follows:

17 1. "Child abuse information" means any or all of
 18 the following data maintained by the department in a
 19 manual or automated data storage system and
 20 individually identified:

- 21 a. Report data.
- 22 b. Investigation or assessment data.
- 23 c. Disposition data.

24 6. "Investigation or assessment data" means any of
 25 the following information pertaining to the
 26 department's evaluation of report-data, including a
 27 family:

28 ~~a. --Additional information as to the nature, extent~~
 29 ~~and cause of the injury, and the identity of persons~~
 30 ~~responsible therefor.~~

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

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

36 a. Identification of the strengths and needs of
 37 the child, and of the child's parent, home, and
 38 family.

39 b. Identification of services available from the
 40 department and informal and formal services and other
 41 support available in the community to meet identified
 42 strengths and needs.

43 8. "Report data" means any of the following
 44 information pertaining to any occasion involving or
 45 reasonably believed to involve an investigation or
 46 assessment of an allegation of child abuse, including
 47 in which the department has determined the alleged
 48 child abuse meets the definition of child abuse:

- 49 a. The name and address of the child and the
- 50 child's parents or other persons responsible for the

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- 1 child's care.
2 b. The age of the child.
3 c. The nature and extent of the injury, including
4 evidence of any previous injury.
5 d. ~~Any other~~ Additional information believed to be
6 helpful in establishing as to the nature, extent, and
7 cause of the injury, and the identity of the person or
8 persons alleged to be responsible therefor for the
9 injury.
10 e. The names and conditions of other children in
11 the child's home.
12 f. Any other information believed to be helpful in
13 establishing the information in paragraph "d".
14 Sec. ____ . Section 235A.14, subsection 6, Code
15 1997, is amended to read as follows
16 6. The central registry shall include ~~but not be~~
17 ~~limited to~~ report data, investigation data and
18 disposition data which is subject to placement in the
19 central registry under section 232.71D. The central
20 registry shall not include assessment data."
21 11. Page 5, line 33, by striking the words "child
22 abuse information" and inserting the following:
23 "~~child abuse information~~".
24 12. Page 5, line 34, by striking the word "is"
25 and inserting the following: "is report data and
26 disposition data subject to placement in the central
27 registry pursuant to section 232.71D are".
28 13. Page 6, line 10, by inserting after the word
29 "investigation" the following: "or assessment".
30 14. Page 6, line 20, by inserting after the word
31 "investigation" the following: "or assessment".
32 15. Page 7, lines 6 and 7, by striking the words
33 "~~child abuse information~~" and inserting the following:
34 "report data and disposition data".
35 16. Page 7, line 9, by inserting after the word
36 "data" the following: "and, if authorized in law to
37 the extent necessary for purposes of an employment
38 evaluation, report data,".
39 17. Page 7, by striking lines 21 through 29 and
40 inserting the following:
41 "~~{3}--To an employee or agent of the department of~~
42 ~~human services responsible for registering or~~
43 ~~licensing or approving the registration or licensing~~
44 ~~of an agency or facility, or to an individual~~
45 ~~providing care to a child and regulated by the~~
46 ~~department.~~
47 "~~{4}--To an employee of the department of human~~
48 ~~services responsible for an adoptive placement, a~~
49 ~~certified adoption investigator, or licensed child~~
50 ~~placing agency responsible for an adoptive placement."~~

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Page 4

1 18. Page 7, line 30, by striking the figure "3"
2 and inserting the following: "1".
3 19. Page 7, line 32, by striking the figure "4"
4 and inserting the following: "2".
5 20. Page 7, line 33, by striking the word
6 "information" and inserting the following:
7 "~~information~~ data".
8 21. Page 8, line 1, by striking the figure "5"
9 and inserting the following: "3".
10 22. Page 8, line 2, by striking the word
11 "information" and inserting the following:
12 "~~information~~ data".
13 23. Page 8, line 5, by striking the figure "6"
14 and inserting the following: "4".
15 24. Page 8, line 6, by striking the word
16 "information" and inserting the following:
17 "~~information~~ data".
18 25. Page 8, line 9, by striking the figure "7"
19 and inserting the following: "5".
20 26. Page 8, line 10, by striking the word
21 "information" and inserting the following:
22 "~~information~~ data".
23 27. Page 8, line 12, by striking the figure "8"
24 and inserting the following: "6".
25 28. Page 8, line 13, by striking the word
26 "information" and inserting the following:
27 "~~information~~ data".
28 29. Page 8, line 16, by striking the figure "9"
29 and inserting the following: "7".
30 30. Page 8, line 18, by striking the word
31 "information" and inserting the following:
32 "~~information~~ data".
33 31. Page 8, line 21, by striking the figure "10"
34 and inserting the following: "8".
35 32. Page 8, line 24, by striking the word
36 "information" and inserting the following:
37 "~~information~~ data".
38 33. Page 8, line 26, by striking the figure "11"
39 and inserting the following: "9".
40 34. Page 8, line 29, by striking the word
41 "information" and inserting the following:
42 "~~information~~ data".
43 35. Page 8, by inserting after line 30 the
44 following:
45 "(10) To an administrator of a child day care
46 resource and referral agency which has entered into an
47 agreement authorized by the department to provide
48 child day care resource and referral services. Access
49 is authorized if the data concerns a person providing
50 child day care services or a person employed by a

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1 provider of such services and the agency includes the
2 provider as a referral or the provider has requested
3 to be included as a referral."

4 36. Page 8, line 31, by striking the word
5 "Relating" and inserting the following: "Relating
6 Report data and disposition data, and investigation or
7 assessment data to the extent necessary for resolution
8 of the proceeding, relating".

9 37. Page 8, line 35, by striking the word
10 "information" and inserting the following:
11 "information data".

12 38. Page 9, line 4, by striking the words "child
13 abuse information" and inserting the following:
14 "child-abuse-information report data and disposition
15 data".

16 39. Page 9, line 7, by striking the words "child
17 abuse information" and inserting the following:
18 "child-abuse-information report data and disposition
19 data".

20 40. Page 9, line 14, by inserting after the word
21 "follows" the following: ", but only with respect to
22 report data and disposition data for cases of founded
23 child abuse subject to placement in the registry
24 pursuant to section 232.71D".

25 41. Page 9, line 16, by striking the word
26 "information" and inserting the following:
27 "information data".

28 42. Page 9, line 17, by striking the word
29 "information" and inserting the following:
30 "information data".

31 43. Page 9, line 22, by striking the word
32 "information" and inserting the following:
33 "information data".

34 44. Page 9, line 26, by striking the word
35 "registry" and inserting the following: "registry
36 department".

37 45. Page 9, line 30, by striking the word
38 "Information" and inserting the following: "Data".

39 46. Page 9, line 33, by inserting after the word
40 "investigating" the following: "or assessing".

41 47. Page 9, line 34, by inserting after the word
42 "investigating" the following: "or assessing".

43 48. Page 10, by striking lines 1 through 3 and
44 inserting the following:

45 "(5) To a public or licensed child-placing agency
46 of another state responsible for an adoptive or foster
47 care preplacement or placement evaluation."

48 49. Page 10, line 4, by striking the figures "{6}
49 (5)" and inserting the following: "(6)".

50 50. Page 10, by striking lines 6 through 11.

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- 1 51. Page 10, line 12, by striking the figures
2 "~~(7)~~ (2)" and inserting the following: "(7)".
- 3 52. Page 10, line 14, by striking the figures
4 "~~(8)~~ (3)" and inserting the following: "(8)".
- 5 53. Page 10, line 18, by striking the figures
6 "~~(9)~~ (4)" and inserting the following: "(9)".
- 7 54. Page 10, line 21, by striking the figures
8 "~~(10)~~ (5)" and inserting the following: "(10)".
- 9 55. Page 10, line 25, by striking the figures
10 "~~(11)~~ (6)" and inserting the following: "(11)".
- 11 56. Page 10, line 31, by striking the figures
12 "~~(12)~~ (7)" and inserting the following: "(12)".
- 13 57. By striking page 10, line 34, through page
14 11, line 6, and inserting the following:
15 "~~(13)~~--To an administrator of a child day care
16 resource and referral agency which has entered into an
17 agreement authorized by the department to provide
18 child day care resource and referral services.--Access
19 is authorized if the information concerns a person
20 providing child day care services or a person employed
21 by a provider of such services and the agency includes
22 the provider as a referral or the provider has
23 requested to be included as a referral."
24 58. Page 11, line 7, by striking the figure "(9)"
25 and inserting the following: "(13)".
- 26 59. Page 11, by inserting after line 9 the
27 following:
28 "(14) To an employee or agent of the department
29 responsible for registering or licensing or approving
30 the registration or licensing of an agency or
31 facility, or to an individual providing care to a
32 child and regulated by the department.
33 (15) To an employee of the department responsible
34 for an adoptive placement, a certified adoption
35 investigator, or licensed child placing agency
36 responsible for an adoptive placement.
37 f. The following, but only with respect to
38 disposition data for cases of founded child abuse
39 subject to placement in the central registry pursuant
40 to section 232.71D:"
- 41 60. Page 11, line 10, by striking the figure
42 "(10)".
- 43 61. Page 11, line 11, by striking the word
44 "information" and inserting the following:
45 "information data".
- 46 62. Page 11, by inserting after line 20 the
47 following:
48 "3. Access to report data and disposition data for
49 a case of child abuse determined to meet the
50 definition of child abuse, which data is not subject

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- 1 to placement in the central registry pursuant to
2 section 232.71D, is authorized only to the following
3 persons:
- 4 a. Subjects of a report identified in subsection
5 2, paragraph "a".
- 6 b. Persons involved in an investigation or
7 assessment of child abuse identified in subsection 2,
8 paragraph "b", subparagraphs (2), (3), (4), (6), (7),
9 and (9).
- 10 c. Others identified in subsection 2, paragraph
11 "e", subparagraphs (2), (3), and (6).
- 12 4. Access to report data for a case of child abuse
13 determined to not meet the definition of child abuse,
14 which data is not subject to placement in the central
15 registry pursuant to section 232.71D, is authorized
16 only to the following:
- 17 a. Subjects of a report identified in subsection
18 2, paragraph "a".
- 19 b. Persons involved in an investigation or
20 assessment of child abuse identified in subsection 2,
21 paragraph "b", subparagraphs (2), (6), and (7).
- 22 c. Others identified in subsection 2, paragraph
23 "e", subparagraph (2)."
- 24 63. Page 11, by striking line 21 and inserting
25 the following:
- 26 "3. Access to ~~founded-child-abuse-information~~
27 disposition data subject to placement in".
- 28 64. Page 11, line 26, by striking the words
29 "Child abuse information" and inserting the following:
30 "~~Child-abuse-information~~ Disposition data".
- 31 65. Page 11, line 33, by inserting after the word
32 "investigation" the following: "or assessment".
- 33 66. Page 11, line 35, by inserting after the word
34 "investigation" the following: "or assessment".
- 35 67. Page 12, line 1, by inserting after the word
36 "investigation" the following: "or assessment".
- 37 68. Page 12, line 5, by inserting after the word
38 "investigation" the following: "or assessment".
- 39 69. Page 12, line 9, by inserting after the word
40 "investigation" the following: "or assessment".
- 41 70. Page 12, line 10, by inserting after the word
42 "investigation" the following: "or assessment".
- 43 71. Page 12, line 12, by inserting after the word
44 "investigation" the following: "or assessment".
- 45 72. Page 12, line 23, by striking the words
46 "child abuse information has" and inserting the
47 following: "report data and disposition data have".
- 48 73. Page 12, line 33, by striking the words
49 "Child abuse information" and inserting the following:
50 "Report data and disposition data".

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- 1 74. Page 13, line 3, by striking the words "Child
2 abuse information" and inserting the following:
3 "Child-abuse-information Report and disposition data".
4 75. Page 13, line 6, by striking the words "child
5 abuse by information" and inserting the following:
6 "abuse-by data".
7 76. Page 13, line 7, by striking the word
8 "information" and inserting the following:
9 "information data".
10 77. Page 13, line 10, by striking the words
11 "child abuse information" and inserting the following:
12 "data placed in the registry".
13 78. Page 13, line 11, by striking the word
14 "information" and inserting the following: "data".
15 79. Page 13, line 13, by striking the word
16 "information" and inserting the following:
17 "information data".
18 80. Page 13, line 15, by striking the word
19 "information" and inserting the following:
20 "information data".
21 81. Page 13, line 17, by striking the word
22 "Information" and inserting the following: "Data".
23 82. Page 13, line 18, by striking the words "from
24 the central registry".
25 83. Page 13, line 19, by striking the word
26 "information" and inserting the following:
27 "information data".
28 84. Page 14, by striking lines 5 through 12 and
29 inserting the following:
30 "~~3.--However, if a correction of child abuse~~
31 ~~information is requested under section 235A.19 and the~~
32 ~~issue is not resolved at the end of the one year~~
33 ~~period, the information shall be retained until the~~
34 ~~issue is resolved and if the child abuse information~~
35 ~~is not determined to be founded, the information shall~~
36 ~~be expunged at the appropriate time under subsection~~
37 ~~2.~~
38 4. 3. The registry, at least once a year, shall
39 review and".
40 85. By striking page 14, line 31, through page
41 15, line 3, and inserting the following: "information
42 shall be expunged from the central registry. Child
43 abuse information which is expunged from the central
44 registry under this subsection shall not be retained
45 by the department any longer than the time period in
46 rule for retaining information which is not placed in
47 the central registry, allowing credit for the amount
48 of time the information was held in the central
49 registry. If the review".
50 86. By striking page 15, line 19, through page

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1 16, line 11, and inserting the following:

2 "Sec. _____. Section 235A.19, Code 1997, is amended
3 to read as follows:

4 235A.19 EXAMINATION, REQUESTS FOR CORRECTION OR
5 EXPUNGEMENT AND APPEAL.

6 1. A subject of a child abuse report, as
7 identified in section 235A.15, subsection 2, paragraph
8 "a", shall have the right to examine child-abuse
9 information-in-the-registry report data and
10 disposition data which refers to the subject. The
11 registry department may prescribe reasonable hours and
12 places of examination.

13 2. a. A subject of a child abuse report may file
14 with the department within six months of the date of
15 the notice of the results of an investigation required
16 by section 232.71, subsection 7, or an assessment
17 performed in accordance with section 232.71A, a
18 written statement to the effect that child-abuse
19 information report data and disposition data referring
20 to the subject is in whole or in part erroneous, and
21 may request a correction of that information data or
22 of the findings of the investigation or assessment
23 report. The department shall provide the subject with
24 an opportunity for an evidentiary hearing pursuant to
25 chapter 17A to correct the information data or the
26 findings, unless the department corrects the
27 information data or findings as requested. ~~The~~
28 ~~department shall delay the expungement of information~~
29 ~~which is not determined to be founded until the~~
30 ~~conclusion of a proceeding to correct the information~~
31 ~~or findings.~~ The department may defer the hearing
32 until the conclusion of a pending juvenile or district
33 court case relating to the information data or
34 findings.

35 b. The department shall not disclose any child
36 abuse-information report data or disposition data
37 until the conclusion of the proceeding to correct the
38 information data or findings, except as follows:

39 (1) As necessary for the proceeding itself.

40 (2) To the parties and attorneys involved in a
41 judicial proceeding.

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

44 (4) Pursuant to court order.

45 (5) To the subject of an investigation or
46 assessment or a report.

47 (6) For the care or treatment of a child named in
48 a report as a victim of abuse.

49 (7) To persons involved in an investigation or
50 assessment of child abuse.

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

11 4. Upon the request of the appellant, the record
12 and evidence in such cases shall be closed to all but
13 the court and its officers, and access thereto to the
14 record and evidence shall be prohibited unless
15 otherwise ordered by the court. The clerk shall
16 maintain a separate docket for such actions. No A
17 person other than the appellant shall not permit a
18 copy of any of the testimony or pleadings or the
19 substance thereof of the testimony or pleadings to be
20 made available to any person other than a party to the
21 action or the party's attorney. Violation of the
22 provisions of this subsection shall be a public
23 offense punishable under section 235A.21.

24 5. Whenever the registry department corrects or
25 eliminates information data as requested or as ordered
26 by the court, the registry department shall advise all
27 persons who have received the incorrect information
28 data of such fact. Upon application to the court and
29 service of notice on the registry department, any
30 subject of a child abuse report may request and obtain
31 a list of all persons who have received child-abuse
32 information report data or disposition data referring
33 to the subject.

34 6. In the course of any proceeding provided for by
35 this section, the identity of the person who reported
36 the disputed information data and the identity of any
37 person who has been reported as having abused a child
38 may be withheld upon a determination by the registry
39 department that disclosure of their identities would
40 be detrimental to their interests."

41 87. Page 16, by inserting after line 31 the
42 following:

43 "Sec. _____. 1997 Iowa Acts, Senate File 176,
44 section 2, if enacted, is amended by striking the
45 section and inserting in lieu thereof the following:
46 SEC. 2. Section 232.70, Code 1997, is amended by
47 adding the following new subsection:

48 NEW SUBSECTION. 7. If a report would be
49 determined to constitute an allegation of child abuse
50 as defined under section 232.68, subsection 2,

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1 paragraph "c" or "e", except that the suspected abuse
2 resulted from the acts or omissions of a person other
3 than a person responsible for the care of the child,
4 the department shall refer the report to the
5 appropriate law enforcement agency having jurisdiction
6 to investigate the allegation. The department shall
7 refer the report orally as soon as practicable and in
8 writing within seventy-two hours of receiving the
9 report.

10 Sec. _____. 1997 Iowa Acts, Senate File 230,
11 sections 14, 15, and 16 amending section 235A.15, if
12 enacted, are repealed.

13 Sec. _____. 1997 Iowa Acts, Senate File 230,
14 sections 18 and 19, amending section 235A.18, Code
15 1997, if enacted, are repealed.

16 Sec. _____. 1997 Iowa Acts, Senate File 230, section
17 20, amending section 235A.19, subsection 2, paragraph
18 a, if enacted, is repealed."

19 88. Page 16, line 32, by inserting before the
20 word "REGISTRY" the following: "RETROACTIVE".

21 89. Page 17, line 14, by inserting before the
22 word "child" the following: "experienced parents from
23 families of various sizes and with children of various
24 ages and".

25 90. Page 17, line 32, by striking the words
26 "child abuse information" and inserting the following:
27 "report data or disposition data".

28 91. Page 17, line 34, by striking the word
29 "information" and inserting the following: "data".

30 92. By striking page 17, line 35, through page
31 18, line 4, and inserting the following:

32 "Sec. _____. Section 232.71D, subsection 1, as
33 enacted by this Act, is amended to read as follows:

34 1. The requirements of this section shall apply to
35 child abuse information ~~in the report of an~~
36 ~~investigation performed in accordance with section~~
37 ~~232.71 or in the report of~~ relating to a report of
38 child abuse and to an assessment performed in
39 accordance with section 232.71A 232.71B.

40 Sec. _____. Section 232.71D, subsection 5, paragraph
41 a, subparagraphs (1) and (2), Code 1997, as enacted by
42 this Act, are amended to read as follows:

43 (1) ~~Investigation or assessment~~ Assessment data.

44 (2) Information pertaining to an allegation of
45 child abuse for which there was no ~~investigation or~~
46 assessment performed.

47 Sec. _____. Section 235A.13, unnumbered paragraph 1,
48 Code 1997, is amended to read as follows:

49 As used in chapter 232, division III, part 2, and
50 sections 235A.13 to 235A.23, unless the context

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1 otherwise requires:

2 Sec. _____. Section 235A.13, subsection 1, paragraph
3 b, Code 1997, as amended by this Act, is amended to
4 read as follows:

5 b. Investigation-or-assessment Assessment data.

6 Sec. _____. Section 235A.13, subsection 5, Code 1997,
7 is amended to read as follows:

8 5. "Individually identified" means any report,
9 investigation assessment, or disposition data which
10 names the person or persons responsible or believed
11 responsible for the child abuse.

12 Sec. _____. Section 235A.13, subsection 6,
13 unnumbered paragraph 1, Code 1997, as amended by this
14 Act, is amended to read as follows:

15 "Investigation-or-assessment Assessment data" means
16 any of the following information pertaining to the
17 department's evaluation of a family:

18 Sec. _____. Section 235A.13, subsection 8,
19 unnumbered paragraph 1, Code 1997, as amended by this
20 Act, is amended to read as follows:

21 "Report data" means any of the following
22 information pertaining to an investigation-or
23 assessment of an allegation of child abuse in which
24 the department has determined the alleged child abuse
25 meets the definition of child abuse:

26 Sec. _____. Section 235A.15, subsection 2, paragraph
27 b, unnumbered paragraph 1, Code 1997, as amended by
28 this Act, is amended to read as follows:

29 b. Persons involved in an investigation assessment
30 of child abuse as follows:

31 Sec. _____. Section 235A.15, subsection 2, paragraph
32 b, subparagraphs (2), (3), (4), and (8), Code 1997, as
33 amended by this Act, are amended to read as follows:

34 (2) To an employee or agent of the department of
35 human services responsible for the investigation
36 assessment of a child abuse report.

37 (3) To a law enforcement officer responsible for
38 assisting in an investigation assessment of a child
39 abuse allegation or for the temporary emergency
40 removal of a child from the child's home.

41 (4) To a multidisciplinary team, if the department
42 of human services approves the composition of the
43 multidisciplinary team and determines that access to
44 the team is necessary to assist the department in the
45 investigation, diagnosis, assessment, and disposition
46 of a child abuse case.

47 (8) To a licensing authority for a facility
48 providing care to a child named in a report, if the
49 licensing authority is notified of a relationship
50 between facility policy and the alleged child abuse

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1 under section ~~232.717~~-subsection-4 232.71B.

2 Sec. _____. Section 235A.15, subsection 2, paragraph
3 d, unnumbered paragraph 1, Code 1997, as amended by
4 this Act, is amended to read as follows:

5 Report data and disposition data, and investigation
6 or assessment data to the extent necessary for
7 resolution of the proceeding, relating to judicial and
8 administrative proceedings as follows:

9 Sec. _____. Section 235A.15, subsection 3, paragraph
10 b, Code 1997, as amended by this Act, is amended to
11 read as follows:

12 b. Persons involved in an investigation-or
13 assessment of child abuse identified in subsection 2,
14 paragraph "b", subparagraphs (2), (3), (4), (6), (7),
15 and (9).

16 Sec. _____. Section 235A.15, subsection 4, paragraph
17 b, Code 1997, as amended by this Act, is amended to
18 read as follows:

19 b. Persons involved in an investigation-or
20 assessment of child abuse identified in subsection 2,
21 paragraph "b", subparagraphs (2), (6), and (7).

22 Sec. _____. Section 235A.15, subsection 6, Code
23 1997, as amended by this Act, is amended to read as
24 follows:

25 6. a. If a child who is a legal resident of
26 another state is present in this state and a report of
27 child abuse is made concerning the child, the
28 department shall act to ensure the safety of the
29 child. The department shall contact the child's state
30 of legal residency to coordinate the investigation
31 assessment of the report. If the child's state of
32 residency refuses to conduct an investigation, the
33 department shall commence an appropriate investigation
34 assessment.

35 b. If a report of child abuse is made concerning
36 an alleged perpetrator who resides in this state and a
37 child who resides in another state, the department
38 shall assist the child's state of residency in
39 conducting an investigation assessment of the report.
40 The assistance shall include but is not limited to an
41 offer to interview the alleged perpetrator and any
42 other relevant source. If the child's state of
43 residency refuses to conduct an investigation of the
44 report, the department shall commence an appropriate
45 investigation assessment. The department shall seek
46 to develop protocols with states contiguous to this
47 state for coordination in the investigation or
48 assessment of a report of child abuse when a person
49 involved with the report is a resident of another
50 state.

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1 Sec. ____ . Section 235A.17, subsection 2, Code
2 1997, as amended by this Act, is amended to read as
3 follows:

4 2. The department of human services may notify
5 orally the mandatory reporter in an individual child
6 abuse case of the results of the case investigation
7 assessment and of the confidentiality provisions of
8 sections 235A.15 and 235A.21. The department shall
9 subsequently transmit a written notice to the
10 mandatory reporter of the results and confidentiality
11 provisions. If the report data and disposition data
12 have been placed in the registry as founded child
13 abuse pursuant to section 232.71D, a copy of the
14 written notice shall be transmitted to the registry
15 and shall be maintained by the registry as provided in
16 section 235A.18. Otherwise, a copy of the written
17 notice shall be retained by the department with the
18 case file.

19 Sec. ____ . Section 235A.19, subsection 2, paragraph
20 a, Code 1997, as amended by this Act, is amended to
21 read as follows:

22 a. A subject of a child abuse report may file with
23 the department within six months of the date of the
24 notice of the results of ~~an investigation required by~~
25 ~~section 232.717, subsection 77, or~~ an assessment
26 performed in accordance with section 232.71A, a
27 written statement to the effect that report data and
28 disposition data referring to the subject is in whole
29 or in part erroneous, and may request a correction of
30 that data or of the findings of the ~~investigation or~~
31 ~~assessment report~~. The department shall provide the
32 subject with an opportunity for an evidentiary hearing
33 pursuant to chapter 17A to correct the data or the
34 findings, unless the department corrects the data or
35 findings as requested. The department may defer the
36 hearing until the conclusion of a pending juvenile or
37 district court case relating to the data or findings.

38 Sec. ____ . Section 235A.19, subsection 2, paragraph
39 b, subparagraphs (5) and (7), Code 1997, as amended by
40 this Act, are amended to read as follows:

41 (5) To the subject of an ~~investigation or~~
42 ~~assessment or a report~~.

43 (7) To persons involved in an ~~investigation or~~
44 ~~assessment of child abuse~~."

45 93. By renumbering as necessary.

By ELAINE SZYMONIAK
NANCY BOETTGER
JAMES E. BLACK

S-3477 FILED APRIL 10, 1997

Adopted as amended 4-16-97 (p.1214)

HOUSE FILE 698

S-3547

1 Amend the amendment, S-3477, to House File 698, as
2 amended, passed, and reprinted by the House, as
3 follows:

DIV 4 1. Page 2, by inserting after line 42 the

A 5 following:

6 "c. Any written record made by the department or
7 an employee of the department in an investigation or
8 assessment of a report of a child abuse."

DIV 9 2. Page 10, by inserting after line 40 the

B 10 following:

11 "Sec. ____ . Section 235A.20, Code 1997, is amended
12 to read as follows:

13 235A.20 CIVIL REMEDY.

14 Any aggrieved person may institute a civil action
15 for damages under chapter 669 or 670 or to restrain
16 the dissemination of child abuse information in
17 violation of this chapter, and any person, agency or
18 other recipient proven to have disseminated or to have
19 requested and received child abuse information in
20 violation of this chapter, or any employee of the
21 department who destroys investigation or assessment
22 data except in accordance with rule as established by
23 the department for retention of child abuse
24 information under section 235A.18 shall be liable for
25 actual damages and exemplary damages for each
26 violation and shall be liable for court costs,
27 expenses, and reasonable attorney's fees incurred by
28 the party bringing the action. In no case shall the
29 award for damages be less than one hundred dollars.

30 Sec. ____ . Section 235A.21, subsection 1, Code
31 1997, is amended to read as follows:

32 1. Any person who willfully requests, obtains, or
33 seeks to obtain child abuse information under false
34 pretenses, or who willfully communicates or seeks to
35 communicate child abuse information to any agency or
36 person except in accordance with sections 235A.15 and
37 235A.17, or any person connected with any research
38 authorized pursuant to section 235A.15 who willfully
39 falsifies child abuse information or any records
40 relating ~~thereto~~ to child abuse information, or any
41 employee of the department who destroys investigation
42 or assessment data except in accordance with rule as
43 established by the department for retention of child
44 abuse information under section 235A.18 is guilty of a
45 serious misdemeanor. Any person who knowingly, but
46 without criminal purposes, communicates or seeks to
47 communicate child abuse information except in
48 accordance with sections 235A.15 and 235A.17 shall be
49 guilty of a simple misdemeanor."

50 3. By renumbering as necessary.

By STEVE KING

S-3547 FILED APRIL 16, 1997

DIV A - WITHDRAWN, DIV B - ADOPTED (p. 1214)

S-3528

1 Amend the amendment, S-3477, to House File 698, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by striking lines 17 and 18 and
5 inserting the following: "following: "injury was not
6 minor or was not isolated or is likely to reoccur.""

7 2. Page 1, by striking lines 22 and 23 and
8 inserting the following: "following: "injury was not
9 minor or was not isolated or is likely to reoccur,
10 in"."

11 3. Page 1, line 46, by inserting after the word
12 "abuse." the following: "Individuals identified in
13 section 235A.15, subsection 4, are authorized to have
14 access to such information under section 217.30."

15 4. Page 11, by inserting after line 20 the
16 following:

17 "____. Page 17, line 4, by striking the figure "2"
18 and inserting the following: "3"."

19 5. Page 11, by inserting after line 24 the
20 following:

21 "____. Page 17, by inserting after line 22 the
22 following:

23 "Sec. ____ . EVALUATION. It is the intent of the
24 general assembly that the department of human services
25 will seek funding for the fiscal year beginning July
26 1, 1998, and ending June 30, 1999, for an independent
27 evaluation of the changes implemented in the state's
28 child protection system pursuant to the enactments of
29 the Seventy-seventh General Assembly, 1997 Session.
30 The evaluation should be conducted during the fiscal
31 year beginning July 1, 1998, for submission to the
32 governor and general assembly during the 1999
33 legislative session. The evaluation should include
34 but is not limited to a determination of whether the
35 system changes have improved the safety of children
36 and the support of families in the community, and
37 should identify indicators of increased community
38 involvement in child protection.""

By ELAINE SZYMONIAK

S-3528 FILED APRIL 15, 1997

Adopted 4-16-97 (p. 1209)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 698

S-3643

1 Amend the Senate amendment, H-1796, to House File
2 698, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 15 the
5 following:
6 "____. Page 2, line 34, by inserting after the
7 word "abuse" the following: "and any other child
8 abuse information".
9 _____. Page 3, line 4, by inserting after the word
10 "perpetrator" the following: "and the report data and
11 disposition data".
12 2. Page 1, line 22, by striking the word "injury"
13 and inserting the following: "welfare".
14 3. Page 1, by striking lines 32 through 34 and
15 inserting the following:
16 "____. Page 5, by striking line 16 and inserting
17 the following:
18 "4. If report data and disposition data are placed
19 in the central".
20 4. Page 1, line 37, by striking the figure "4"
21 and inserting the following: "5".
22 5. Page 7, line 28, by striking the figure "3."
23 and inserting the following: "4 5."
24 6. Page 7, by inserting after line 32 the
25 following:
26 "____. Page 11, line 29, by striking the figure
27 "4" and inserting the following: "6".
28 7. Page 9, by inserting after line 1 the
29 following:
30 "____. Page 15, line 15, by striking the figure
31 "5" and inserting the following: "4".
32 8. Page 11, line 3, by inserting before the word
33 "destroys" the following: "knowingly".
34 9. Page 11, line 23, by inserting before the word
35 "destroys" the following: "knowingly".
36 10. Page 12, by inserting after line 13 the
37 following:
38 "____. Page 17, line 8, by striking the figure "4"
39 and inserting the following: "3".
40 11. Page 16, by inserting after line 5 the
41 following:
42 "Sec. _____. Section 235A.20, Code 1997, as amended
43 by this Act, is amended to read as follows:
44 235A.20 CIVIL REMEDY.
45 Any aggrieved person may institute a civil action
46 for damages under chapter 669 or 670 or to restrain
47 the dissemination of child abuse information in
48 violation of this chapter, and any person, agency or
49 other recipient proven to have disseminated or to have
50 requested and received child abuse information in

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1 violation of this chapter, or any employee of the
2 department who knowingly destroys ~~investigation-or~~
3 assessment data except in accordance with rule as
4 established by the department for retention of child
5 abuse information under section 235A.18 shall be
6 liable for actual damages and exemplary damages for
7 each violation and shall be liable for court costs,
8 expenses, and reasonable attorney's fees incurred by
9 the party bringing the action. In no case shall the
10 award for damages be less than one hundred dollars.

11 Sec. _____. Section 235A.21, subsection 1, Code
12 1997, as amended by this Act, is amended to read as
13 follows:

14 1. Any person who willfully requests, obtains, or
15 seeks to obtain child abuse information under false
16 pretenses, or who willfully communicates or seeks to
17 communicate child abuse information to any agency or
18 person except in accordance with sections 235A.15 and
19 235A.17, or any person connected with any research
20 authorized pursuant to section 235A.15 who willfully
21 falsifies child abuse information or any records
22 relating to child abuse information, or any employee
23 of the department who knowingly destroys ~~investigation~~
24 ~~or~~ assessment data except in accordance with rule as
25 established by the department for retention of child
26 abuse information under section 235A.18 is guilty of a
27 serious misdemeanor. Any person who knowingly, but
28 without criminal purposes, communicates or seeks to
29 communicate child abuse information except in
30 accordance with sections 235A.15 and 235A.17 shall be
31 guilty of a simple misdemeanor.""

32 12. By renumbering, relettering, redesignating,
33 and correcting internal designations and references as
34 necessary.

RECEIVED FROM THE HOUSE

S-3643 FILED APRIL 21, 1997

Senate Concurred
4/22/97
(P. 1325)

HOUSE FILE 698

H-1814

1 Amend the Senate amendment, H-1796, to House File
2 698, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 15 the
5 following:
6 "____. Page 2, line 34, by inserting after the
7 word "abuse" the following: "and any other child
8 abuse information".
9 _____. Page 3, line 4, by inserting after the word
10 "perpetrator" the following: "and the report data and
11 disposition data".
12 2. Page 1, line 22, by striking the word "injury"
13 and inserting the following: "welfare".
14 3. Page 1, by striking lines 32 through 34 and
15 inserting the following:
16 "____. Page 5, by striking line 16 and inserting
17 the following:
18 "4. If report data and disposition data are placed
19 in the central".
20 4. Page 1, line 37, by striking the figure "4"
21 and inserting the following: "5".
22 5. Page 7, line 28, by striking the figure "3."
23 and inserting the following: "4 5."
24 6. Page 7, by inserting after line 32 the
25 following:
26 "____. Page 11, line 29, by striking the figure
27 "4" and inserting the following: "6".
28 7. Page 9, by inserting after line 1 the
29 following:
30 "____. Page 15, line 15, by striking the figure
31 "5" and inserting the following: "4".
32 8. Page 11, line 3, by inserting before the word
33 "destroys" the following: "knowingly".
34 9. Page 11, line 23, by inserting before the word
35 "destroys" the following: "knowingly".
36 10. Page 12, by inserting after line 13 the
37 following:
38 "____. Page 17, line 8, by striking the figure "4"
39 and inserting the following: "3".
40 11. Page 16, by inserting after line 5 the
41 following:
42 "Sec. _____. Section 235A.20, Code 1997, as amended
43 by this Act, is amended to read as follows:
44 235A.20 CIVIL REMEDY.
45 Any aggrieved person may institute a civil action
46 for damages under chapter 669 or 670 or to restrain
47 the dissemination of child abuse information in
48 violation of this chapter, and any person, agency or
49 other recipient proven to have disseminated or to have
50 requested and received child abuse information in

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1 violation of this chapter, or any employee of the
2 department who knowingly destroys ~~investigation-or~~
3 assessment data except in accordance with rule as
4 established by the department for retention of child
5 abuse information under section 235A.18 shall be
6 liable for actual damages and exemplary damages for
7 each violation and shall be liable for court costs,
8 expenses, and reasonable attorney's fees incurred by
9 the party bringing the action. In no case shall the
10 award for damages be less than one hundred dollars.
11 Sec. ____ . Section 235A.21, subsection 1, Code
12 1997, as amended by this Act, is amended to read as
13 follows:

14 1. Any person who willfully requests, obtains, or
15 seeks to obtain child abuse information under false
16 pretenses, or who willfully communicates or seeks to
17 communicate child abuse information to any agency or
18 person except in accordance with sections 235A.15 and
19 235A.17, or any person connected with any research
20 authorized pursuant to section 235A.15 who willfully
21 falsifies child abuse information or any records
22 relating to child abuse information, or any employee
23 of the department who knowingly destroys ~~investigation~~
24 ~~or~~ assessment data except in accordance with rule as
25 established by the department for retention of child
26 abuse information under section 235A.18 is guilty of a
27 serious misdemeanor. Any person who knowingly, but
28 without criminal purposes, communicates or seeks to
29 communicate child abuse information except in
30 accordance with sections 235A.15 and 235A.17 shall be
31 guilty of a simple misdemeanor.""

32 12. By renumbering, relettering, redesignating,
33 and correcting internal designations and references as
34 necessary.

By BODDICKER of Cedar
MURPHY of Dubuque

H-1814 FILED APRIL 17, 1997

adapted

4-21-97

(p. 1370)

SENATE AMENDMENT TO HOUSE FILE 698

H-1796

- 1 Amend House File 698, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 3 the
4 following:
5 "Sec. ____ . Section 232.68, unnumbered paragraph 1,
6 Code 1997, is amended to read as follows:
7 The definitions in section 235A.13 are applicable
8 to this part 2 of division III. As used in sections
9 232.67 through 232.77 and 235A.12 through 235A.23,
10 unless the context otherwise requires:"
- 11 2. Page 1, by striking lines 33 and 34 and
12 inserting the following: "correct the information
13 report data and disposition data pursuant to section
14 235A.19, and of the procedures to correct the
15 information data. The juvenile court".
- 16 3. Page 3, by striking line 19 and inserting the
17 following: "injury was not minor or was not isolated
18 or is likely to reoccur."
- 19 4. Page 3, line 24, by striking the word
20 "another" and inserting the following: "a prior".
- 21 5. Page 4, by striking line 10 and inserting the
22 following: "injury was not minor or was not isolated
23 or is likely to reoccur, in".
- 24 6. Page 5, line 3, by inserting after the word
25 "department" the following: "of human services and
26 the department of inspections and appeals".
- 27 7. Page 5, by inserting after line 11 the
28 following:
29 "(11) The Iowa braille and sight saving school and
30 the Iowa school for the deaf controlled by the state
31 board of regents."
- 32 8. Page 5, line 16, by striking the words "child
33 abuse information is" and inserting the following:
34 "report data and disposition data are".
- 35 9. Page 5, by striking lines 21 through 25 and
36 inserting the following:
37 "4. a. The confidentiality of all of the
38 following shall be maintained in accordance with
39 section 217.30:
40 (1) Investigation or assessment data.
41 (2) Information pertaining to an allegation of
42 child abuse for which there was no investigation or
43 assessment performed.
44 (3) Information pertaining to an allegation of
45 child abuse which was determined to not meet the
46 definition of child abuse. Individuals identified in
47 section 235A.15, subsection 4, are authorized to have
48 access to such information under section 217.30.
49 (4) Report data and disposition data pertaining to
50 an allegation of child abuse determined to meet the

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1 definition of child abuse which is not subject to
 2 placement in the central registry. Individuals
 3 identified in section 235A.15, subsection 3, are
 4 authorized to have access to such data under section
 5 217.30.

6 b. The confidentiality of report data and
 7 disposition data pertaining to an allegation of child
 8 abuse determined to meet the definition of child abuse
 9 which is subject to placement in the central registry,
 10 shall be maintained as provided in chapter 235A."

11 10. Page 5, by inserting before line 26 the
 12 following:

13 "Sec. _____. Section 235A.13, Code 1997, is amended
 14 by adding the following new subsection:

15 NEW SUBSECTION. 2A. "Department" means the
 16 department of human services.

17 Sec. _____. Section 235A.13, subsections 1, 6, and
 18 8, Code 1997, are amended to read as follows:

19 1. "Child abuse information" means any or all of
 20 the following data maintained by the department in a
 21 manual or automated data storage system and
 22 individually identified:

23 a. Report data.

24 b. Investigation or assessment data.

25 c. Disposition data.

26 6. "Investigation or assessment data" means any of
 27 the following information pertaining to the
 28 department's evaluation of report-data, including a
 29 family:

30 ~~a.---Additional information as to the nature, extent~~
 31 ~~and cause of the injury, and the identity of persons~~
 32 ~~responsible therefor.~~

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

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

38 a. Identification of the strengths and needs of
 39 the child, and of the child's parent, home, and
 40 family.

41 b. Identification of services available from the
 42 department and informal and formal services and other
 43 support available in the community to meet identified
 44 strengths and needs.

45 8. "Report data" means any of the following
 46 information pertaining to any occasion involving or
 47 reasonably believed to involve an investigation or
 48 assessment of an allegation of child abuse, including
 49 in which the department has determined the alleged
 50 child abuse meets the definition of child abuse:

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- 1 a. The name and address of the child and the
2 child's parents or other persons responsible for the
3 child's care.
- 4 b. The age of the child.
- 5 c. The nature and extent of the injury, including
6 evidence of any previous injury.
- 7 d. ~~Any other Additional information believed to be~~
8 ~~helpful in establishing as to the nature, extent, and~~
9 ~~cause of the injury, and the identity of the person or~~
10 ~~persons alleged to be responsible therefor for the~~
11 ~~injury.~~
- 12 e. The names and conditions of other children in
13 the child's home.
- 14 f. Any other information believed to be helpful in
15 establishing the information in paragraph "d".
- 16 Sec. ____ . Section 235A.14, subsection 6, Code
17 1997, is amended to read as follows
- 18 6. The central registry shall include ~~but not be~~
19 ~~limited to~~ report data, ~~investigation data~~ and
20 disposition data which is subject to placement in the
21 central registry under section 232.71D. The central
22 registry shall not include assessment data."
- 23 11. Page 5, line 33, by striking the words "child
24 abuse information" and inserting the following:
25 "~~child abuse information~~".
- 26 12. Page 5, line 34, by striking the word "is"
27 and inserting the following: "is report data and
28 disposition data subject to placement in the central
29 registry pursuant to section 232.71D are".
- 30 13. Page 6, line 10, by inserting after the word
31 "investigation" the following: "or assessment".
- 32 14. Page 6, line 20, by inserting after the word
33 "investigation" the following: "or assessment".
- 34 15. Page 7, lines 6 and 7, by striking the words
35 "child abuse information" and inserting the following:
36 "report data and disposition data".
- 37 16. Page 7, line 9, by inserting after the word
38 "data" the following: "and, if authorized in law to
39 the extent necessary for purposes of an employment
40 evaluation, report data,".
- 41 17. Page 7, by striking lines 21 through 29 and
42 inserting the following:
43 "~~{3}--To an employee or agent of the department of~~
44 ~~human services responsible for registering or~~
45 ~~licensing or approving the registration or licensing~~
46 ~~of an agency or facility, or to an individual~~
47 ~~providing care to a child and regulated by the~~
48 ~~department.~~
- 49 ~~{4}--To an employee of the department of human~~
50 ~~services responsible for an adoptive placement, a~~

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1 ~~certified-adoption-investigator, or licensed child~~
2 ~~placing agency responsible for an adoptive placement."~~
3 18. Page 7, line 30, by striking the figure "3"
4 and inserting the following: "1".
5 19. Page 7, line 32, by striking the figure "4"
6 and inserting the following: "2".
7 20. Page 7, line 33, by striking the word
8 "information" and inserting the following:
9 "information data".
10 21. Page 8, line 1, by striking the figure "5"
11 and inserting the following: "3".
12 22. Page 8, line 2, by striking the word
13 "information" and inserting the following:
14 "information data".
15 23. Page 8, line 5, by striking the figure "6"
16 and inserting the following: "4".
17 24. Page 8, line 6, by striking the word
18 "information" and inserting the following:
19 "information data".
20 25. Page 8, line 9, by striking the figure "7"
21 and inserting the following: "5".
22 26. Page 8, line 10, by striking the word
23 "information" and inserting the following:
24 "information data".
25 27. Page 8, line 12, by striking the figure "8"
26 and inserting the following: "6".
27 28. Page 8, line 13, by striking the word
28 "information" and inserting the following:
29 "information data".
30 29. Page 8, line 16, by striking the figure "9"
31 and inserting the following: "7".
32 30. Page 8, line 18, by striking the word
33 "information" and inserting the following:
34 "information data".
35 31. Page 8, line 21, by striking the figure "10"
36 and inserting the following: "8".
37 32. Page 8, line 24, by striking the word
38 "information" and inserting the following:
39 "information data".
40 33. Page 8, line 26, by striking the figure "11"
41 and inserting the following: "9".
42 34. Page 8, line 29, by striking the word
43 "information" and inserting the following:
44 "information data".
45 35. Page 8, by inserting after line 30 the
46 following:
47 "(10) To an administrator of a child day care
48 resource and referral agency which has entered into an
49 agreement authorized by the department to provide
50 child day care resource and referral services. Access
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1 is authorized if the data concerns a person providing
2 child day care services or a person employed by a
3 provider of such services and the agency includes the
4 provider as a referral or the provider has requested
5 to be included as a referral."

6 36. Page 8, line 31, by striking the word
7 "Relating" and inserting the following: "Relating
8 Report data and disposition data, and investigation or
9 assessment data to the extent necessary for resolution
10 of the proceeding, relating".

11 37. Page 8, line 35, by striking the word
12 "information" and inserting the following:
13 "information data".

14 38. Page 9, line 4, by striking the words "child
15 abuse information" and inserting the following:
16 "child-abuse-information report data and disposition
17 data".

18 39. Page 9, line 7, by striking the words "child
19 abuse information" and inserting the following:
20 "child-abuse-information report data and disposition
21 data".

22 40. Page 9, line 14, by inserting after the word
23 "follows" the following: ", but only with respect to
24 report data and disposition data for cases of founded
25 child abuse subject to placement in the registry
26 pursuant to section 232.71D".

27 41. Page 9, line 16, by striking the word
28 "information" and inserting the following:
29 "information data".

30 42. Page 9, line 17, by striking the word
31 "information" and inserting the following:
32 "information data".

33 43. Page 9, line 22, by striking the word
34 "information" and inserting the following:
35 "information data".

36 44. Page 9, line 26, by striking the word
37 "registry" and inserting the following: "registry
38 department".

39 45. Page 9, line 30, by striking the word
40 "Information" and inserting the following: "Data".

41 46. Page 9, line 33, by inserting after the word
42 "investigating" the following: "or assessing".

43 47. Page 9, line 34, by inserting after the word
44 "investigating" the following: "or assessing".

45 48. Page 10, by striking lines 1 through 3 and
46 inserting the following:

47 "(5) To a public or licensed child-placing agency
48 of another state responsible for an adoptive or foster
49 care preplacement or placement evaluation."

50 49. Page 10, line 4, by striking the figures "{6}

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- 1 (5)" and inserting the following: "(6)".
- 2 50. Page 10, by striking lines 6 through 11.
- 3 51. Page 10, line 12, by striking the figures
- 4 "+7) (2)" and inserting the following: "(7)".
- 5 52. Page 10, line 14, by striking the figures
- 6 "+8) (3)" and inserting the following: "(8)".
- 7 53. Page 10, line 18, by striking the figures
- 8 "+9) (4)" and inserting the following: "(9)".
- 9 54. Page 10, line 21, by striking the figures
- 10 "+10) (5)" and inserting the following: "(10)".
- 11 55. Page 10, line 25, by striking the figures
- 12 "+11) (6)" and inserting the following: "(11)".
- 13 56. Page 10, line 31, by striking the figures
- 14 "+12) (7)" and inserting the following: "(12)".
- 15 57. By striking page 10, line 34, through page
- 16 11, line 6, and inserting the following:
- 17 "~~+13) -- To an administrator of a child day care~~
- 18 ~~resource and referral agency which has entered into an~~
- 19 ~~agreement authorized by the department to provide~~
- 20 ~~child day care resource and referral services. -- Access~~
- 21 ~~is authorized if the information concerns a person~~
- 22 ~~providing child day care services or a person employed~~
- 23 ~~by a provider of such services and the agency includes~~
- 24 ~~the provider as a referral or the provider has~~
- 25 ~~requested to be included as a referral."~~
- 26 58. Page 11, line 7, by striking the figure "(9)"
- 27 and inserting the following: "(13)".
- 28 59. Page 11, by inserting after line 9 the
- 29 following:
- 30 "(14) To an employee or agent of the department
- 31 responsible for registering or licensing or approving
- 32 the registration or licensing of an agency or
- 33 facility, or to an individual providing care to a
- 34 child and regulated by the department.
- 35 (15) To an employee of the department responsible
- 36 for an adoptive placement, a certified adoption
- 37 investigator, or licensed child placing agency
- 38 responsible for an adoptive placement.
- 39 f. The following, but only with respect to
- 40 disposition data for cases of founded child abuse
- 41 subject to placement in the central registry pursuant
- 42 to section 232.71D:"
- 43 60. Page 11, line 10, by striking the figure
- 44 "(10)".
- 45 61. Page 11, line 11, by striking the word
- 46 "information" and inserting the following:
- 47 "information data".
- 48 62. Page 11, by inserting after line 20 the
- 49 following:
- 50 "3. Access to report data and disposition data for

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1 a case of child abuse determined to meet the
2 definition of child abuse, which data is not subject
3 to placement in the central registry pursuant to
4 section 232.71D, is authorized only to the following
5 persons:

6 a. Subjects of a report identified in subsection
7 2, paragraph "a".

8 b. Persons involved in an investigation or
9 assessment of child abuse identified in subsection 2,
10 paragraph "b", subparagraphs (2), (3), (4), (6), (7),
11 and (9).

12 c. Others identified in subsection 2, paragraph
13 "e", subparagraphs (2), (3), and (6).

14 4. Access to report data for a case of child abuse
15 determined to not meet the definition of child abuse,
16 which data is not subject to placement in the central
17 registry pursuant to section 232.71D, is authorized
18 only to the following:

19 a. Subjects of a report identified in subsection
20 2, paragraph "a".

21 b. Persons involved in an investigation or
22 assessment of child abuse identified in subsection 2,
23 paragraph "b", subparagraphs (2), (6), and (7).

24 c. Others identified in subsection 2, paragraph
25 "e", subparagraph (2)."

26 63. Page 11, by striking line 21 and inserting
27 the following:

28 "3. Access to ~~founded-child-abuse-information~~
29 disposition data subject to placement in".

30 64. Page 11, line 26, by striking the words
31 "Child abuse information" and inserting the following:
32 "Child-abuse-information Disposition data".

33 65. Page 11, line 33, by inserting after the word
34 "investigation" the following: "or assessment".

35 66. Page 11, line 35, by inserting after the word
36 "investigation" the following: "or assessment".

37 67. Page 12, line 1, by inserting after the word
38 "investigation" the following: "or assessment".

39 68. Page 12, line 5, by inserting after the word
40 "investigation" the following: "or assessment".

41 69. Page 12, line 9, by inserting after the word
42 "investigation" the following: "or assessment".

43 70. Page 12, line 10, by inserting after the word
44 "investigation" the following: "or assessment".

45 71. Page 12, line 12, by inserting after the word
46 "investigation" the following: "or assessment".

47 72. Page 12, line 23, by striking the words
48 "child abuse information has" and inserting the
49 following: "report data and disposition data have".

50 73. Page 12, line 33, by striking the words

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1 "Child abuse information" and inserting the following:
2 "Report data and disposition data".
3 74. Page 13, line 3, by striking the words "Child
4 abuse information" and inserting the following:
5 "Child-abuse-information Report and disposition data".
6 75. Page 13, line 6, by striking the words "child
7 abuse by information" and inserting the following:
8 "abuse-by data".
9 76. Page 13, line 7, by striking the word
10 "information" and inserting the following:
11 "information data".
12 77. Page 13, line 10, by striking the words
13 "child abuse information" and inserting the following:
14 "data placed in the registry".
15 78. Page 13, line 11, by striking the word
16 "information" and inserting the following: "data".
17 79. Page 13, line 13, by striking the word
18 "information" and inserting the following:
19 "information data".
20 80. Page 13, line 15, by striking the word
21 "information" and inserting the following:
22 "information data".
23 81. Page 13, line 17, by striking the word
24 "Information" and inserting the following: "Data".
25 82. Page 13, line 18, by striking the words "from
26 the central registry".
27 83. Page 13, line 19, by striking the word
28 "information" and inserting the following:
29 "information data".
30 84. Page 14, by striking lines 5 through 12 and
31 inserting the following:
32 "~~3.--However, if a correction of child abuse~~
33 ~~information is requested under section 235A-19 and the~~
34 ~~issue is not resolved at the end of the one-year~~
35 ~~period, the information shall be retained until the~~
36 ~~issue is resolved and if the child abuse information~~
37 ~~is not determined to be founded, the information shall~~
38 ~~be expunged at the appropriate time under subsection~~
39 ~~2.~~
40 4. 3. The registry, at least once a year, shall
41 review and".
42 85. By striking page 14, line 31, through page
43 15, line 3, and inserting the following: "information
44 shall be expunged from the central registry. Child
45 abuse information which is expunged from the central
46 registry under this subsection shall not be retained
47 by the department any longer than the time period in
48 rule for retaining information which is not placed in
49 the central registry, allowing credit for the amount
50 of time the information was held in the central

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1 registry. If the review".
2 86. By striking page 15, line 19, through page
3 16, line 11, and inserting the following:
4 "Sec. ____ . Section 235A.19, Code 1997, is amended
5 to read as follows:
6 235A.19 EXAMINATION, REQUESTS FOR CORRECTION OR
7 EXPUNGEMENT AND APPEAL.
8 1. A subject of a child abuse report, as
9 identified in section 235A.15, subsection 2, paragraph
10 "a", shall have the right to examine ~~child-abuse~~
11 ~~information-in-the-registry~~ report data and
12 disposition data which refers to the subject. The
13 registry department may prescribe reasonable hours and
14 places of examination.
15 2. a. A subject of a child abuse report may file
16 with the department within six months of the date of
17 the notice of the results of an investigation required
18 by section 232.71, subsection 7, or an assessment
19 performed in accordance with section 232.71A, a
20 written statement to the effect that ~~child-abuse~~
21 information report data and disposition data referring
22 to the subject is in whole or in part erroneous, and
23 may request a correction of that information data or
24 of the findings of the investigation or assessment
25 report. The department shall provide the subject with
26 an opportunity for an evidentiary hearing pursuant to
27 chapter 17A to correct the information data or the
28 findings, unless the department corrects the
29 information data or findings as requested. ~~The~~
30 ~~department-shall-delay-the-expungement-of-information~~
31 ~~which-is-not-determined-to-be-founded-until-the~~
32 ~~conclusion-of-a-proceeding-to-correct-the-information~~
33 ~~or-findings.~~ The department may defer the hearing
34 until the conclusion of a pending juvenile or district
35 court case relating to the information data or
36 findings.
37 b. The department shall not disclose any ~~child~~
38 ~~abuse-information~~ report data or disposition data
39 until the conclusion of the proceeding to correct the
40 information data or findings, except as follows:
41 (1) As necessary for the proceeding itself.
42 (2) To the parties and attorneys involved in a
43 judicial proceeding.
44 (3) For the regulation of child care or child
45 placement.
46 (4) Pursuant to court order.
47 (5) To the subject of an investigation or
48 assessment or a report.
49 (6) For the care or treatment of a child named in
50 a report as a victim of abuse.

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1 (7) To persons involved in an investigation or
2 assessment of child abuse.
3 3. The subject of a child abuse report may appeal
4 the decision resulting from a hearing held pursuant to
5 subsection 2 to the district court of Polk county or
6 to the district court of the district in which the
7 subject of the child abuse report resides.
8 Immediately upon appeal the court shall order the
9 department to file with the court a certified copy of
10 the child-abuse-information report data or disposition
11 data. Appeal shall be taken in accordance with
12 chapter 17A.

13 4. Upon the request of the appellant, the record
14 and evidence in such cases shall be closed to all but
15 the court and its officers, and access thereto to the
16 record and evidence shall be prohibited unless
17 otherwise ordered by the court. The clerk shall
18 maintain a separate docket for such actions. No A
19 person other than the appellant shall not permit a
20 copy of any of the testimony or pleadings or the
21 substance thereof of the testimony or pleadings to be
22 made available to any person other than a party to the
23 action or the party's attorney. Violation of the
24 provisions of this subsection shall be a public
25 offense punishable under section 235A.21.

26 5. Whenever the registry department corrects or
27 eliminates information data as requested or as ordered
28 by the court, the registry department shall advise all
29 persons who have received the incorrect information
30 data of such fact. Upon application to the court and
31 service of notice on the registry department, any
32 subject of a child abuse report may request and obtain
33 a list of all persons who have received child-abuse
34 information report data or disposition data referring
35 to the subject.

36 6. In the course of any proceeding provided for by
37 this section, the identity of the person who reported
38 the disputed information data and the identity of any
39 person who has been reported as having abused a child
40 may be withheld upon a determination by the registry
41 department that disclosure of their identities would
42 be detrimental to their interests.

43 Sec. _____. Section 235A.20, Code 1997, is amended
44 to read as follows:

45 235A.20 CIVIL REMEDY.

46 Any aggrieved person may institute a civil action
47 for damages under chapter 669 or 670 or to restrain
48 the dissemination of child abuse information in
49 violation of this chapter, and any person, agency or
50 other recipient proven to have disseminated or to have

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1 requested and received child abuse information in
2 violation of this chapter, or any employee of the
3 department who destroys investigation or assessment
4 data except in accordance with rule as established by
5 the department for retention of child abuse
6 information under section 235A.18 shall be liable for
7 actual damages and exemplary damages for each
8 violation and shall be liable for court costs,
9 expenses, and reasonable attorney's fees incurred by
10 the party bringing the action. In no case shall the
11 award for damages be less than one hundred dollars.

12 Sec. _____. Section 235A.21, subsection 1, Code
13 1997, is amended to read as follows:

14 1. Any person who willfully requests, obtains, or
15 seeks to obtain child abuse information under false
16 pretenses, or who willfully communicates or seeks to
17 communicate child abuse information to any agency or
18 person except in accordance with sections 235A.15 and
19 235A.17, or any person connected with any research
20 authorized pursuant to section 235A.15 who willfully
21 falsifies child abuse information or any records
22 relating thereto to child abuse information, or any
23 employee of the department who destroys investigation
24 or assessment data except in accordance with rule as
25 established by the department for retention of child
26 abuse information under section 235A.18 is guilty of a
27 serious misdemeanor. Any person who knowingly, but
28 without criminal purposes, communicates or seeks to
29 communicate child abuse information except in
30 accordance with sections 235A.15 and 235A.17 shall be
31 guilty of a simple misdemeanor."

32 87. Page 16, by inserting after line 31 the
33 following:

34 "Sec. _____. 1997 Iowa Acts, Senate File 176,
35 section 2, if enacted, is amended by striking the
36 section and inserting in lieu thereof the following:

37 SEC. 2. Section 232.70, Code 1997, is amended by
38 adding the following new subsection:

39 NEW SUBSECTION. 7. If a report would be
40 determined to constitute an allegation of child abuse
41 as defined under section 232.68, subsection 2,
42 paragraph "c" or "e", except that the suspected abuse
43 resulted from the acts or omissions of a person other
44 than a person responsible for the care of the child,
45 the department shall refer the report to the
46 appropriate law enforcement agency having jurisdiction
47 to investigate the allegation. The department shall
48 refer the report orally as soon as practicable and in
49 writing within seventy-two hours of receiving the
50 report.

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1 Sec. _____. 1997 Iowa Acts, Senate File 230,
2 sections 14, 15, and 16 amending section 235A.15, if
3 enacted, are repealed.

4 Sec. _____. 1997 Iowa Acts, Senate File 230,
5 sections 18 and 19, amending section 235A.18, Code
6 1997, if enacted, are repealed.

7 Sec. _____. 1997 Iowa Acts, Senate File 230, section
8 20, amending section 235A.19, subsection 2, paragraph
9 a, if enacted, is repealed."

10 88. Page 16, line 32, by inserting before the
11 word "REGISTRY" the following: "RETROACTIVE".

12 89. Page 17, line 4, by striking the figure "2"
13 and inserting the following: "3".

14 90. Page 17, line 14, by inserting before the
15 word "child" the following: "experienced parents from
16 families of various sizes and with children of various
17 ages and".

18 91. Page 17, by inserting after line 22 the
19 following:

20 "Sec. _____. EVALUATION. It is the intent of the
21 general assembly that the department of human services
22 will seek funding for the fiscal year beginning July
23 1, 1998, and ending June 30, 1999, for an independent
24 evaluation of the changes implemented in the state's
25 child protection system pursuant to the enactments of
26 the Seventy-seventh General Assembly, 1997 Session.
27 The evaluation should be conducted during the fiscal
28 year beginning July 1, 1998, for submission to the
29 governor and general assembly during the 1999
30 legislative session. The evaluation should include
31 but is not limited to a determination of whether the
32 system changes have improved the safety of children
33 and the support of families in the community, and
34 should identify indicators of increased community
35 involvement in child protection."

36 92. Page 17, line 32, by striking the words
37 "child abuse information" and inserting the following:
38 "report data or disposition data".

39 93. Page 17, line 34, by striking the word
40 "information" and inserting the following: "data".

41 94. By striking page 17, line 35, through page
42 18, line 4, and inserting the following:

43 "Sec. _____. Section 232.71D, subsection 1, as
44 enacted by this Act, is amended to read as follows:

45 1. The requirements of this section shall apply to
46 child abuse information ~~in the report of an~~
47 ~~investigation performed in accordance with section~~
48 ~~232-71 or in the report of~~ relating to a report of
49 child abuse and to an assessment performed in
50 accordance with section 232-71A 232.71B.

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1 Sec. _____. Section 232.71D, subsection 5, paragraph
2 a, subparagraphs (1) and (2), Code 1997, as enacted by
3 this Act, are amended to read as follows:

4 (1) ~~Investigation-or-assessment~~ Assessment data.

5 (2) Information pertaining to an allegation of
6 child abuse for which there was no ~~investigation-or~~
7 assessment performed.

8 Sec. _____. Section 235A.13, unnumbered paragraph 1,
9 Code 1997, is amended to read as follows:

10 As used in chapter 232, division III, part 2, and
11 sections 235A.13 to 235A.23, unless the context
12 otherwise requires:

13 Sec. _____. Section 235A.13, subsection 1, paragraph
14 b, Code 1997, as amended by this Act, is amended to
15 read as follows:

16 b. ~~Investigation-or-assessment~~ Assessment data.

17 Sec. _____. Section 235A.13, subsection 5, Code 1997,
18 is amended to read as follows:

19 5. "Individually identified" means any report,
20 investigation assessment, or disposition data which
21 names the person or persons responsible or believed
22 responsible for the child abuse.

23 Sec. _____. Section 235A.13, subsection 6,
24 unnumbered paragraph 1, Code 1997, as amended by this
25 Act, is amended to read as follows:

26 "~~Investigation-or-assessment~~ Assessment data" means
27 any of the following information pertaining to the
28 department's evaluation of a family:

29 Sec. _____. Section 235A.13, subsection 8,
30 unnumbered paragraph 1, Code 1997, as amended by this
31 Act, is amended to read as follows:

32 "Report data" means any of the following
33 information pertaining to an ~~investigation-or~~
34 assessment of an allegation of child abuse in which
35 the department has determined the alleged child abuse
36 meets the definition of child abuse:

37 Sec. _____. Section 235A.15, subsection 2, paragraph
38 b, unnumbered paragraph 1, Code 1997, as amended by
39 this Act, is amended to read as follows:

40 b. Persons involved in an investigation assessment
41 of child abuse as follows:

42 Sec. _____. Section 235A.15, subsection 2, paragraph
43 b, subparagraphs (2), (3), (4), and (8), Code 1997, as
44 amended by this Act, are amended to read as follows:

45 (2) To an employee or agent of the department of
46 human services responsible for the investigation
47 assessment of a child abuse report.

48 (3) To a law enforcement officer responsible for
49 assisting in an investigation assessment of a child
50 abuse allegation or for the temporary emergency

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1 removal of a child from the child's home.

2 (4) To a multidisciplinary team, if the department
3 of human services approves the composition of the
4 multidisciplinary team and determines that access to
5 the team is necessary to assist the department in the
6 ~~investigation~~, diagnosis, assessment, and disposition
7 of a child abuse case.

8 (8) To a licensing authority for a facility
9 providing care to a child named in a report, if the
10 licensing authority is notified of a relationship
11 between facility policy and the alleged child abuse
12 under section ~~232-717~~-~~subsection-4~~ 232.71B.

13 Sec. _____. Section 235A.15, subsection 2, paragraph
14 d, unnumbered paragraph 1, Code 1997, as amended by
15 this Act, is amended to read as follows:

16 Report data and disposition data, and ~~investigation~~
17 ~~or~~ assessment data to the extent necessary for
18 resolution of the proceeding, relating to judicial and
19 administrative proceedings as follows:

20 Sec. _____. Section 235A.15, subsection 3, paragraph
21 b, Code 1997, as amended by this Act, is amended to
22 read as follows:

23 b. Persons involved in an ~~investigation-or~~
24 assessment of child abuse identified in subsection 2,
25 paragraph "b", subparagraphs (2), (3), (4), (6), (7),
26 and (9).

27 Sec. _____. Section 235A.15, subsection 4, paragraph
28 b, Code 1997, as amended by this Act, is amended to
29 read as follows:

30 b. Persons involved in an ~~investigation-or~~
31 assessment of child abuse identified in subsection 2,
32 paragraph "b", subparagraphs (2), (6), and (7).

33 Sec. _____. Section 235A.15, subsection 6, Code
34 1997, as amended by this Act, is amended to read as
35 follows:

36 6. a. If a child who is a legal resident of
37 another state is present in this state and a report of
38 child abuse is made concerning the child, the
39 department shall act to ensure the safety of the
40 child. The department shall contact the child's state
41 of legal residency to coordinate the ~~investigation~~
42 assessment of the report. If the child's state of
43 residency refuses to conduct an investigation, the
44 department shall commence an appropriate ~~investigation~~
45 assessment.

46 b. If a report of child abuse is made concerning
47 an alleged perpetrator who resides in this state and a
48 child who resides in another state, the department
49 shall assist the child's state of residency in
50 conducting an ~~investigation~~ assessment of the report.

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1 The assistance shall include but is not limited to an
2 offer to interview the alleged perpetrator and any
3 other relevant source. If the child's state of
4 residency refuses to conduct an investigation of the
5 report, the department shall commence an appropriate
6 investigation assessment. The department shall seek
7 to develop protocols with states contiguous to this
8 state for coordination in the investigation or
9 assessment of a report of child abuse when a person
10 involved with the report is a resident of another
11 state.

12 Sec. _____. Section 235A.17, subsection 2, Code
13 1997, as amended by this Act, is amended to read as
14 follows:

15 2. The department of human services may notify
16 orally the mandatory reporter in an individual child
17 abuse case of the results of the case investigation
18 assessment and of the confidentiality provisions of
19 sections 235A.15 and 235A.21. The department shall
20 subsequently transmit a written notice to the
21 mandatory reporter of the results and confidentiality
22 provisions. If the report data and disposition data
23 have been placed in the registry as founded child
24 abuse pursuant to section 232.71D, a copy of the
25 written notice shall be transmitted to the registry
26 and shall be maintained by the registry as provided in
27 section 235A.18. Otherwise, a copy of the written
28 notice shall be retained by the department with the
29 case file.

30 Sec. _____. Section 235A.19, subsection 2, paragraph
31 a, Code 1997, as amended by this Act, is amended to
32 read as follows:

33 a. A subject of a child abuse report may file with
34 the department within six months of the date of the
35 notice of the results of ~~an investigation required by~~
36 ~~section-232.717-subsection-77-or~~ an assessment
37 performed in accordance with section 232.71A, a
38 written statement to the effect that report data and
39 disposition data referring to the subject is in whole
40 or in part erroneous, and may request a correction of
41 that data or of the findings of the ~~investigation-or~~
42 assessment report. The department shall provide the
43 subject with an opportunity for an evidentiary hearing
44 pursuant to chapter 17A to correct the data or the
45 findings, unless the department corrects the data or
46 findings as requested. The department may defer the
47 hearing until the conclusion of a pending juvenile or
48 district court case relating to the data or findings.

49 Sec. _____. Section 235A.19, subsection 2, paragraph
50 b, subparagraphs (5) and (7), Code 1997, as amended by

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- 1 this Act, are amended to read as follows:
- 2 (5) To the subject of an investigation-or
- 3 assessment or a report.
- 4 (7) To persons involved in an investigation-or
- 5 assessment of child abuse."
- 6 95. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-1796 FILED APRIL 17, 1997

House Concurred
4-21-96
(P.1370)

HUMAN RESOURCES

Succeeded By
SF/TF 608

HOUSE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON BODDICKER)

*Boddicker
Carroll
Brand*

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

A BILL FOR

1 An Act relating to child abuse information and the central
2 registry for child abuse information maintained by the
3 department of human services and providing an effective date.

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

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DIVISION I
CHILD ABUSE REGISTRY

Section 1. Section 232.70, subsection 4, Code 1997, is amended to read as follows:

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

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

~~b. -- Make a report to the central registry if the oral report has been determined to constitute a child abuse allegation;~~

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

~~d. b.~~ Notify the appropriate county attorney of the receipt of any the report.

Sec. 2. Section 232.71, subsections 7, 8, and 9, Code 1997, are amended to read as follows:

7. The department, upon completion of its investigation, shall make a preliminary report of its investigation as required containing the information required by subsection 2.

A copy of this report shall be transmitted to juvenile court within four regular working days after the department initially receives the abuse report unless the juvenile court grants an extension of time for good cause shown. If the preliminary report is not a complete report, a complete report shall be filed within ten working days of the receipt of the abuse report, unless the juvenile court grants an extension of time for good cause shown. If required under section 232.71D, the report of the investigation shall be placed in the central registry. The department shall notify a subject of the report of the result of the investigation, of the subject's right to correct the information pursuant to section 235A.19, and of the procedures to correct the information. The juvenile court shall notify the registry department of any action it takes

1 with respect to a suspected case of child abuse.

2 ~~0. The department of human services shall transmit a copy~~
3 ~~of the report of its investigation, including actions taken or~~
4 ~~contemplated, to the registry. The department of human~~
5 ~~services shall make periodic follow-up reports thereafter in a~~
6 ~~manner prescribed by the registry so that the registry is kept~~
7 ~~up-to-date and fully informed concerning the handling of a~~
8 ~~suspected case of child abuse.~~

9 9 8. The department of human services shall also transmit
10 a copy of the report of its investigation to the county
11 attorney. The county attorney shall notify the registry
12 department office which transmitted the report to the county
13 attorney of any actions or contemplated actions with respect
14 to a suspected alleged case of child abuse so that the
15 registry department office is kept up-to-date and fully
16 informed concerning the handling of such a the case. If the
17 report was placed in the central registry in accordance with
18 section 232.71D, the department office shall notify the
19 registry of any actions or contemplated actions by the county
20 attorney concerning the report.

21 Sec. 3. Section 232.71, Code 1997, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 18. a. For the purposes of this
24 subsection, "petechia" means a pinpoint, round, nonraised,
25 purplish-red hemorrhage in the skin.

26 b. Unless otherwise prohibited under section 234.40 or
27 280.21, the reasonable and moderate use of physical discipline
28 or corporal punishment by a child's parent, guardian, or
29 custodian for purposes of restraining or correcting the child
30 shall not be determined to be child abuse. The age, physical
31 size, and condition of the child, the location of any injury,
32 and the frequency and recurrence of any injury shall be
33 considered when determining whether an injury resulted from
34 the reasonable and moderate use of physical discipline or
35 corporal punishment by a child's parent, guardian, or

1 custodian.

2 Unless determined to be the result of physical discipline
3 or corporal punishment that was not reasonable or moderate,
4 the presence of a bruise, petechia, or other superficial mark
5 which does not constitute a more significant injury, even if
6 the bruise, petechia, or other superficial mark exists for
7 more than twenty-four hours, shall not be determined to be
8 child abuse.

9 c. Acts of physical discipline or corporal punishment
10 which are not reasonable and moderate include but are not
11 limited to any of the following:

12 (1) Throwing, kicking, burning, biting, or cutting a
13 child.

14 (2) Striking a child with a closed fist.

15 (3) Striking or other action that results in a
16 nonaccidental injury to a child who is less than eighteen
17 months of age.

18 (4) Interfering with a child's breathing.

19 (5) Threatening a child with a dangerous weapon.

20 (6) Doing any other act that is likely to cause and does
21 cause bodily injury greater than transient pain.

22 Sec. 4. Section 232.71A, subsection 7, Code 1997, is
23 amended by striking the subsection.

24 Sec. 5. NEW SECTION. 232.71D FOUNDED CHILD ABUSE --
25 CENTRAL REGISTRY.

26 1. The requirements of this section shall apply to child
27 abuse information in the report of an investigation performed
28 in accordance with section 232.71 or in the report of an
29 assessment performed in accordance with section 232.71A.

30 2. If the department determines the child suffered
31 significant injury or was placed in great risk of injury, the
32 name of the child and the alleged perpetrator of the child
33 abuse shall be placed in the central registry as a case of
34 founded child abuse. The child shall be considered to have
35 suffered significant injury or was placed in great risk of

1 injury and the child abuse information shall be placed in the
2 central registry as founded child abuse under any of the
3 following circumstances:

4 a. The case was referred for juvenile or criminal court
5 action as a result of the acts or omissions of the alleged
6 perpetrator.

7 b. In the opinion of a health practitioner or mental
8 health professional, the injury to the child was a result of
9 the acts or omissions of the alleged perpetrator and required
10 or should have required medical or mental health treatment.
11 However, if the injury to the child was a physical injury
12 resulting from the disciplinary action of the child's parent
13 and the physical injury did not require medical or mental
14 health treatment the injury shall not be considered to be
15 founded child abuse.

16 c. The department receives a subsequent report and
17 determines that the child suffered significant injury or was
18 placed in great risk of injury due to the acts or omissions of
19 the same alleged perpetrator.

20 d. The department determines the acts or omissions meet
21 the definition of child abuse under section 232.68, subsection
22 2, paragraph "c", and the alleged perpetrator of the acts or
23 omissions is age fourteen or older. However, the juvenile
24 court may order the removal from the central registry of the
25 name of an alleged perpetrator placed in the registry pursuant
26 to this paragraph who is age fourteen through seventeen upon a
27 finding of good cause. The name of an alleged perpetrator who
28 is less than age fourteen shall not be placed in the central
29 registry pursuant to this paragraph.

30 e. The department determines the alleged perpetrator of
31 the child abuse will continue to pose a danger to the child
32 who is the subject of the report of child abuse or to another
33 child with whom the alleged perpetrator may come into contact.

34 3. If child abuse information is placed in the central
35 registry in accordance with this section, the department shall

1 make periodic follow-up reports in a manner prescribed by the
2 registry so that the registry is kept up-to-date and fully
3 informed concerning the case.

4 4. In any other case, the child abuse information in the
5 report of an investigation or an assessment shall not be
6 placed in the central registry and notwithstanding chapter 22,
7 the confidentiality of the information shall be maintained in
8 accordance with chapter 235A.

9 Sec. 6. Section 235A.15, Code 1997, is amended to read as
10 follows:

11 235A.15 AUTHORIZED ACCESS -- PROCEDURES INVOLVING OTHER
12 STATES.

13 1. Notwithstanding chapter 22, the confidentiality of all
14 child abuse information shall be maintained, except as
15 specifically provided by subsection 2, 3, or 4.

16 2. Access to child abuse information ~~other-than-unfounded~~
17 ~~child-abuse-information~~ is authorized only to the following
18 persons or entities:

19 a. Subjects of a report as follows:

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

22 (2) To a parent or the attorney for the parent of a child
23 named in a report as a victim of abuse.

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

26 (4) To a person or the attorney for the person named in a
27 report as having abused a child.

28 b. Persons involved in an investigation of child abuse as
29 follows:

30 (1) To a health practitioner or mental health professional
31 who is examining, attending, or treating a child whom such
32 practitioner or professional believes or has reason to believe
33 has been the victim of abuse or to a health practitioner or
34 mental health professional whose consultation with respect to
35 a child believed to have been the victim of abuse is requested

1 by the department.

2 (2) To an employee or agent of the department of human
3 services responsible for the investigation of a child abuse
4 report.

5 (3) To a law enforcement officer responsible for assisting
6 in an investigation of a child abuse allegation or for the
7 temporary emergency removal of a child from the child's home.

8 (4) To a multidisciplinary team, if the department of
9 human services approves the composition of the
10 multidisciplinary team and determines that access to the team
11 is necessary to assist the department in the investigation,
12 diagnosis, assessment, and disposition of a child abuse case.

13 (5) In an individual case, to the mandatory reporter who
14 reported the child abuse.

15 (6) To the county attorney.

16 (7) To the juvenile court.

17 (8) To a licensing authority for a facility providing care
18 to a child named in a report, if the licensing authority is
19 notified of a relationship between facility policy and the
20 alleged child abuse under section 232.71, subsection 4.

21 (9) To a person or agency responsible for the care or
22 supervision of a child named in a report as a victim of abuse
23 or a person named in a report as having abused a child, if the
24 juvenile court or department deems access to child abuse
25 information by the person or agency to be necessary.

26 c. Individuals, agencies, or facilities providing care to
27 a child, but only with respect to disposition data for cases
28 of founded child abuse placed in the central registry in
29 accordance with section 232.71D as follows:

30 ~~(1)--To-a-licensing-authority-for-a-facility-providing-care~~
31 ~~to-a-child-named-in-a-report,if-the-licensing-authority-is~~
32 ~~notified-of-a-relationship-between-facility-policy-and-the~~
33 ~~child-abuse-under-section-232-71,subsection-4.~~

34 ~~(2)--To-an-authorized-person-or-agency-responsible-for-the~~
35 ~~care-or-supervision-of-a-child-named-in-a-report-as-a-victim~~

~~1 of-abuse-or-a-person-named-in-a-report-as-having-abused-a~~
~~2 child,-if-the-juvenile-court-or-registry-deems-access-to-child~~
~~3 abuse-information-by-such-person-or-agency-to-be-necessary-~~

4 †3) (1) To an employee or agent of the department of human
5 services responsible for registering or licensing or approving
6 the registration or licensing of an agency or facility, or to
7 an individual providing care to a child and regulated by the
8 department.

9 †4) (2) To an employee of the department of human services
10 responsible for an adoptive placement, a certified adoption
11 investigator, or licensed child placing agency responsible for
12 an adoptive placement.

13 †5) (3) To an administrator of a psychiatric medical
14 institution for children licensed under chapter 135H.

15 †6) (4) To an administrator of a child foster care
16 facility licensed under chapter 237 if the information
17 concerns a person employed or being considered for employment
18 by the facility.

19 †7) (5) To an administrator of a child day care facility
20 registered or licensed under chapter 237A if the information
21 concerns a person employed or being considered for employment
22 by or living in the facility.

23 †8) (6) To the superintendent of the Iowa braille and
24 sight saving school if the information concerns a person
25 employed or being considered for employment or living in the
26 school.

27 †9) (7) To the superintendent of the school for the deaf
28 if the information concerns a person employed or being
29 considered for employment or living in the school.

30 †10) (8) To an administrator of a community mental health
31 center accredited under chapter 230A if the information
32 concerns a person employed or being considered for employment
33 by the center.

34 †11) (9) To an administrator of a facility or program
35 operated by the state, a city, or a county which provides

1 services or care directly to children, if the information
2 concerns a person employed by or being considered for
3 employment by the facility or program.

4 ~~(12)~~ (10) To an administrator of an agency certified by
5 the department of human services to provide services under a
6 medical assistance home and community-based services waiver,
7 if the information concerns a person employed by or being
8 considered by the agency for employment.

9 ~~(13)~~ (11) To the administrator of an agency providing
10 mental health, mental retardation, or developmental disability
11 services under a county management plan developed pursuant to
12 section 331.439, if the information concerns a person employed
13 by or being considered by the agency for employment.

14 d. Relating to judicial and administrative proceedings as
15 follows:

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

18 (2) To a district court upon a finding that information is
19 necessary for the resolution of an issue arising in any phase
20 of a case involving child abuse.

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

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

27 (5) To a probation or parole officer, juvenile court
28 officer, or adult correctional officer having custody or
29 supervision of, or conducting an investigation for a court or
30 the board of parole regarding, a person named in a report as a
31 victim of child abuse or as having abused a child.

32 e. Others as follows:

33 (1) To a person conducting bona fide research on child
34 abuse, but without information identifying individuals named
35 in a child abuse report, unless having that information open

1 to review is essential to the research or evaluation and the
2 authorized registry officials give prior written approval and
3 the child, the child's guardian or guardian ad litem and the
4 person named in a report as having abused a child give
5 permission to release the information.

6 (2) To registry or department personnel when necessary to
7 the performance of their official duties or to a person or
8 agency under contract with the department to carry out
9 official duties and functions of the registry.

10 (3) To the department of justice for the sole purpose of
11 the filing of a claim for restitution or compensation pursuant
12 to section 910A.5 and section 912.4, subsections 3 through 5.
13 Information provided pursuant to this subparagraph is subject
14 to the provisions of section 912.10.

15 (4) To a legally constituted child protection agency of
16 another state which is investigating or treating a child named
17 in a report as having been abused or which is investigating or
18 treating a person named as having abused a child.

19 ~~(5) To a public or licensed child-placing agency of~~
20 ~~another state responsible for an adoptive or foster care~~
21 ~~preplacement or placement evaluation.~~

22 (5) To the attorney for the department of human
23 services who is responsible for representing the department.

24 f. Others but only with respect to disposition data for
25 cases of founded child abuse placed in the central registry
26 pursuant to section 232.71D as follows:

27 (1) To a public or licensed child-placing agency of
28 another state responsible for an adoptive or foster care
29 preplacement or placement evaluation.

30 (2) To the state and local citizen foster care review
31 boards created pursuant to sections 237.16 and 237.19.

32 (3) To an employee or agent of the department of human
33 services regarding a person who is providing child day care if
34 the person is not registered or licensed to operate a child
35 day care facility.

1 ~~(9)~~ (4) To the board of educational examiners created
2 under chapter 272 for purposes of determining whether a
3 practitioner's license should be denied or revoked.

4 ~~(10)~~ (5) To a legally constituted child protection agency
5 in another state if the agency is conducting a records check
6 of a person who is providing care or has applied to provide
7 care to a child in the other state.

8 ~~(11)~~ (6) To the legally authorized protection and advocacy
9 agency recognized in section 135C.2, if a person identified in
10 the information as a victim or a perpetrator of abuse resides
11 in or receives services from a facility or agency because the
12 person is diagnosed as having a developmental disability or a
13 mental illness.

14 ~~(12)~~ (7) To the department of human services for a record
15 check relating to employment or residence pursuant to section
16 218.13.

17 ~~(13)~~ (8) To an administrator of a child day care resource
18 and referral agency which has entered into an agreement
19 authorized by the department to provide child day care
20 resource and referral services. Access is authorized if the
21 information concerns a person providing child day care
22 services or a person employed by a provider of such services
23 and the agency includes the provider as a referral or the
24 provider has requested to be included as a referral.

25 ~~(14)~~ (9) To the Iowa board for the treatment of sexual
26 abusers for purposes of certifying sex offender treatment
27 providers.

28 ~~(15)~~ (10) To a person who submits written authorization
29 from an individual allowing the person access to information
30 pursuant to this subsection on behalf of the individual in
31 order to verify whether the individual is named in a founded
32 child abuse report as having abused a child.

33 ~~3.--Access-to-unfounded-child-abuse-information-is~~
34 ~~authorized-only-to-these-persons-identified-in-subsection-2,~~
35 ~~paragraph-"a",-paragraph-"b",-subparagraphs-(2)-and-(5),-and~~

1 paragraph "e", subparagraph (2), and to the department of
2 justice for purposes of the crime victim compensation program
3 in accordance with section 912.10.

4 4 3. Access to founded child abuse information placed in
5 the central registry pursuant to section 232.71D is authorized
6 to the department of personnel or to the personnel office of a
7 public employer, as defined in section 20.3, as necessary for
8 presentation in grievance or arbitration procedures provided
9 for in sections 19A.14 and 20.18. Child abuse information
10 introduced into a grievance or arbitration proceeding shall
11 not be considered a part of the public record of a case.

12 4. a. If a child who is a legal resident of another state
13 is present in this state and a report of child abuse is made
14 concerning the child, the department shall act to ensure the
15 safety of the child. The department shall contact the child's
16 state of legal residency to coordinate the investigation of
17 the report. If the child's state of residency refuses to
18 conduct an investigation, the department shall commence an
19 appropriate investigation.

20 b. If a report of child abuse is made concerning an
21 alleged perpetrator who resides in this state and a child who
22 resides in another state, the department shall assist the
23 child's state of residency in conducting an investigation of
24 the report. The assistance shall include but is not limited
25 to an offer to interview the alleged perpetrator and any other
26 relevant source. If the child's state of residency refuses to
27 conduct an investigation of the report, the department shall
28 commence an appropriate investigation. The department shall
29 seek to develop protocols with states contiguous to this state
30 for coordination in the investigation of a report of child
31 abuse when a person involved with the report is a resident of
32 another state.

33 Sec. 7. Section 235A.17, subsection 2, Code 1997, is
34 amended to read as follows:

35 2. The department of human services may notify orally the

1 mandatory reporter in an individual child abuse case of the
2 results of the case investigation and of the confidentiality
3 provisions of sections 235A.15 and 235A.21. The department
4 shall subsequently transmit a written notice to the mandatory
5 reporter of the results and confidentiality provisions. A If
6 the child abuse information has been placed in the registry as
7 founded child abuse pursuant to section 232.71D, a copy of the
8 written notice shall be transmitted to the registry and shall
9 be maintained by the registry as provided in section 235A.18.
10 Otherwise, a copy of the written notice shall be retained by
11 the department with the case file.

12 Sec. 8. Section 235A.18, Code 1997, is amended to read as
13 follows:

14 235A.18 SEALING AND EXPUNGEMENT OF FOUNDED CHILD ABUSE
15 INFORMATION.

16 1. Child abuse information relating to a particular case
17 of alleged abuse which has been determined to be founded child
18 abuse and placed in the central registry in accordance with
19 section 232.71D shall be maintained in the registry as
20 follows:

21 a. Child abuse information relating to a particular case
22 of suspected alleged child abuse shall be sealed ten years
23 after the receipt initial placement of the ~~initial-report-of~~
24 such child abuse by information in the registry unless good
25 cause be shown why the information should remain open to
26 authorized access. If a subsequent report of ~~a-suspected~~ an
27 alleged case of child abuse involving the child named in the
28 initial report child abuse information as the victim of abuse
29 or a person named in ~~such-report~~ the information as having
30 abused a child is received by the registry department within
31 this ten-year period, the information shall be sealed ten
32 years after receipt of the subsequent report unless good cause
33 be shown why the information should remain open to authorized
34 access.

35 b. ~~The-information~~ Information sealed in accordance with

1 this section shall be expunged from the central registry eight
2 years after the date the information was sealed.

3 2. ~~Child-abuse-information-which-cannot-be-determined-by-a~~
4 ~~preponderance-of-the-evidence-to-be-founded-or-unfounded-shall~~
5 ~~be-sealed-one-year-after-the-receipt-of-the-initial-report-of~~
6 ~~abuse-and-expunged-five-years-after-the-date-it-was-sealed.~~
7 ~~Child-abuse-information-which-is-determined-by-a-preponderance~~
8 ~~of-the-evidence-to-be-unfounded-shall-be-expunged-when-it-is~~
9 ~~determined-to-be-unfounded.--A-report-shall-be-determined-to~~
10 ~~be-unfounded-as-a-result-of-any-of-the-following:~~

11 a.--~~The-investigation-of-a-report-of-suspected-child-abuse~~
12 ~~by-the-department.~~

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

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

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

17 The supreme court shall prescribe rules establishing the
18 period of time child abuse information is retained by the
19 juvenile and district court. A county attorney shall not
20 retain child abuse information in excess of the time period
21 the information would be retained under the rules prescribed
22 by the supreme court.

23 3. However, if a correction of child abuse information is
24 requested under section 235A.19 and the issue is not resolved
25 at the end of the one-year period, the information shall be
26 retained until the issue is resolved and if the child abuse
27 information is not determined to be founded, the information
28 shall be expunged from the central registry at the appropriate
29 time under subsection 2 1.

30 4. ~~The-registry,-at-least-once-a-year,-shall-review-and~~
31 ~~determine-the-current-status-of-child-abuse-reports-which-are~~
32 ~~transmitted-or-made-to-the-registry-after-July-1,-1974,-which~~
33 ~~are-at-least-one-year-old-and-in-connection-with-which-no~~
34 ~~investigatory-report-has-been-filed-by-the-department-of-human~~
35 ~~services-pursuant-to-section-232.71.--If-no-such-investigatory~~

1 ~~report has been filed, the registry shall request the~~
2 ~~department of human services to file a report. In the event a~~
3 ~~report is not filed within ninety days subsequent to such a~~
4 ~~request, the report and information relating thereto shall be~~
5 ~~sealed and remain sealed unless good cause be shown why the~~
6 ~~information should remain open to authorized access. If~~
7 required by this subsection, for child abuse information in
8 the central registry as of July 1, 1997, the central registry
9 shall perform a review of the information utilizing the
10 requirements for referral of child abuse information to the
11 central registry as founded child abuse under section 232.71D.
12 If the review indicates the information would not be placed in
13 the registry as founded child abuse under section 232.71D, the
14 information shall be expunged from the central registry. If
15 the review indicates the child abuse information would be
16 placed in the central registry under section 232.71D, the
17 information shall be subject to the provisions of subsection
18 1, as to the time period the information is to be retained in
19 the registry. A review shall be performed under any of the
20 following conditions:

- 21 a. The department is considering the information while
22 performing a registry check under section 235A.15.
23 b. A review is indicated under a procedure for performing
24 reviews adopted by the department.

25 5. The department of human services shall adopt rules
26 establishing the period of time child abuse information which
27 is not maintained in the central registry is retained by the
28 department.

29 Sec. 9. Section 235A.19, subsection 1, Code 1997, is
30 amended to read as follows:

31 1. A subject of a child abuse report, as identified in
32 section 235A.15, subsection 2, paragraph "a", shall have the
33 right to examine child abuse information ~~in the registry~~ which
34 refers to the subject. The registry department of human
35 services may prescribe reasonable hours and places of

1 examination.

2 Sec. 10. Section 235A.19, subsection 2, paragraph a, Code
3 1997, is amended to read as follows:

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

22 Sec. 11. Section 235A.22, Code 1997, is amended to read as
23 follows:

24 235A.22 EDUCATION PROGRAM.

25 The department of human services shall require an
26 educational program for employees of the registry department
27 with access to child abuse information on the proper use and
28 control of child abuse information.

29 Sec. 12. Section 235A.23, Code 1997, is amended to read as
30 follows:

31 235A.23 REGISTRY REPORTS.

32 1. The registry department of human services may compile
33 statistics, conduct research, and issue reports on child
34 abuse, provided identifying details of the subject of child
35 abuse reports are deleted from any report issued.

1 2. The registry department shall issue an annual report on
2 its administrative operation, including information as to the
3 number of requests for child abuse data, the proportion of
4 requests attributable to each type of authorized access, the
5 frequency and nature of irregularities, and other pertinent
6 matters.

7 Sec. 13. REGISTRY REVIEWS. A person who is a subject of a
8 child abuse report which, as of July 1, 1997, is included as
9 information in the central registry under chapter 235A may
10 submit a written request for review and expungement of the
11 information from the central registry which refers to the
12 person. The request must be submitted during the period
13 beginning July 1, 1997, and ending December 31, 1997. The
14 department shall perform the review in accordance with the
15 provisions of section 235A.18, subsection 4, as enacted by
16 this Act. The department shall perform a requested review and
17 issue a decision to the requestor in a timely manner, given
18 the personnel resources available to the department for
19 performing reviews.

20 DIVISION II

21 ASSESSMENT-BASED AMENDMENTS -- REPEALS

22 Sec. 14. Section 232.71B, subsection 4, paragraph f, if
23 enacted by 1997 Iowa Acts, Senate File 230, is amended by
24 striking the paragraph and inserting in lieu thereof the
25 following:

26 f. For the purposes of this subsection, "petechia" means a
27 pinpoint, round, nonraised, purplish-red hemorrhage in the
28 skin. Unless otherwise prohibited under section 234.40 or
29 280.21, the reasonable and moderate use of physical discipline
30 or corporal punishment by a child's parent, guardian, or
31 custodian for purposes of restraining or correcting the child
32 shall not be determined to be child abuse. The age, physical
33 size, and condition of the child, the location of any injury,
34 and the frequency and recurrence of any injury shall be
35 considered when determining whether an injury resulted from

1 the reasonable and moderate use of physical discipline or
2 corporal punishment by a child's parent, guardian, or
3 custodian.

4 Unless determined to be the result of physical discipline
5 or corporal punishment which was not reasonable or moderate,
6 the presence of a bruise, petechia, or other superficial mark
7 which does not constitute a more significant injury, even if
8 the bruise, petechia, or other, superficial mark exists for
9 more than twenty-four hours, shall not be determined to be
10 child abuse. Acts of physical discipline or corporal
11 punishment which are not reasonable and moderate include but
12 are not limited to any of the following:

13 (1) Throwing, kicking, burning, biting, or cutting a
14 child.

15 (2) Striking a child with a closed fist.

16 (3) Striking or other action that results in a
17 nonaccidental injury to a child who is less than eighteen
18 months of age.

19 (4) Interfering with a child's breathing.

20 (5) Threatening a child with a dangerous weapon.

21 (6) Doing any other act that is likely to cause and does
22 cause bodily injury greater than transient pain.

23 Sec. 15. Section 232.71B, subsection 11, if enacted by
24 1997 Iowa Acts, Senate File 230, is amended by adding the
25 following new paragraph:

26 NEW PARAGRAPH. g. The department shall notify the
27 subjects of the child abuse report, as identified in section
28 235A.15, subsection 2, paragraph "a", of the results of the
29 assessment, of the subject's right, pursuant to section
30 235A.19, to correct the child abuse information which refers
31 to the subject, and of the procedures to correct the
32 information.

33 Sec. 16. Section 232.71D, subsection 1, as enacted by this
34 Act, is amended by striking the words "in the report of an
35 investigation performed in accordance with section 232.71 or".

1 Sec. 17. Section 232.71D, subsection 4, as enacted by this
2 Act, is amended by striking the words "an investigation or".

3 Sec. 18. EFFECTIVE DATE. Enactment of this division of
4 this Act is contingent upon the enactment of 1997 Iowa Acts,
5 Senate File 230. If Senate File 230 is enacted, this division
6 of this Act takes effect July 1, 1998.

7 EXPLANATION

8 This bill relates to the central registry for child abuse
9 information in the department of human services by providing
10 criteria for the types of information to be placed in the
11 registry and providing for the time period information is
12 maintained.

13 Code section 232.70, relating to the reporting procedure
14 for child abuse, is amended to provide that upon receipt of a
15 child abuse report, the department does not automatically
16 forward the report to the central child abuse registry.

17 Code section 232.71, relating to child abuse
18 investigations, is amended to provide that only serious cases
19 of child abuse are placed in the central registry following an
20 investigation, as provided in new Code section 232.71D which
21 appears later in the bill. Requirements for provision of
22 follow-up information when a report is placed in the central
23 registry are shifted to new Code section 232.71D.

24 Code section 232.71 is amended with a new subsection
25 outlining the process to be used by the department in
26 conducting an investigation in response to a child abuse
27 report. The new language instructs the department that unless
28 prohibited by law, reasonable or moderate use of physical
29 discipline or corporal punishment by a child's parent,
30 guardian, or custodian for purposes of restraining or
31 correcting the child shall not be determined to be child
32 abuse. The bill includes a list of acts which are not to be
33 considered as reasonable or moderate use of physical
34 discipline or corporal punishment. In division II of the bill
35 the same language replaces language in new Code section

1 232.71B, in Senate File 230, if enacted. Under Senate File
2 230, if enacted, section 232.71 will be repealed July 1, 1998.
3 The replaced provision instructed the department that corporal
4 punishment by the person responsible for the care of a child
5 which does not result in a physical injury to the child shall
6 not be considered child abuse.

7 Code section 232.71A, relating to assessments performed by
8 the department in response to a report of child abuse, is
9 amended to strike the subsection relating to placement of
10 founded child abuse information in the central child abuse
11 registry. The stricken language is replaced in new Code
12 section 232.71D.

13 Code section 234.40 prohibits the use of corporal
14 punishment by a foster parent and Code section 280.21
15 prohibits the use of corporal punishment by school employees.

16 New Code section 232.71D provides that following either an
17 investigation or an assessment, if the department determines a
18 child suffered significant injury or was placed in great risk
19 of injury, the child abuse information is transmitted to the
20 central child abuse registry. For any of the following, the
21 child shall be considered to have suffered significant injury
22 or was placed in great risk of injury: referral of the case
23 for juvenile or criminal court action, the injury to the child
24 required or should have required medical or mental health
25 treatment, a subsequent report is made and the department
26 determines the child suffered significant injury or was placed
27 in great risk of significant injury, the alleged child abuse
28 was sexual abuse, or the alleged perpetrator will continue to
29 pose a risk to the child or to another child with whom the
30 alleged perpetrator may come into contact. In any other case
31 the child abuse information is not placed in the central
32 registry.

33 The bill makes various amendments to Code chapter 235A,
34 relating to the central child abuse registry and to child
35 abuse information confidentiality and access requirements.

1 Code chapter 235A addresses confidentiality for all
2 components of the child protection system: child abuse
3 reports, investigations, and dispositions. Under current law,
4 Code section 235A.15 provides for access to all types of child
5 abuse information and lists who has access to the various
6 types of information. The bill revises the access
7 requirements.

8 Code section 235A.15, subsection 2, paragraph "b", is
9 amended so that the list of persons involved in an
10 investigation retain access to all types of information but
11 the list is expanded to include situations where licensing
12 authorities are notified concerning policies of a facility
13 providing care to a child named in a report and to agencies,
14 persons, and alleged abusers if the juvenile court or
15 department deems the access as necessary. In addition, the
16 county attorney and juvenile court are included in the list of
17 persons with authorized access.

18 Code section 235A.15, subsection 2, paragraph "c", is
19 amended so that licensing authorities and persons deemed
20 necessary added above are stricken from the list of persons
21 providing care to a child. The bill also amends that
22 paragraph "c" to restrict access to child abuse information by
23 individuals, agencies, or facilities providing care to a child
24 to only disposition data for cases of founded child abuse
25 placed on the central registry in accordance with new Code
26 section 232.71D.

27 Code section 235A.15, subsection 2, paragraph "e", is
28 amended to remove child placing agencies in other states from
29 the list of persons with access to all types of child abuse
30 information. Instead, such agencies would have access only to
31 founded disposition data placed in the central registry in
32 accordance with new Code section 232.71D.

33 Code section 235A.15, subsection 2, is amended with a new
34 paragraph "f", which restricts an extensive list of persons
35 who currently have general registry access to have access only

1 to founded child abuse information placed in the central
2 registry in accordance with section 232.71D.

3 Code section 235A.17 relates to redissemination of child
4 abuse information in the registry. The bill amends references
5 to the registry in provisions relating to notification of
6 investigation results to the mandatory reporter who reported
7 child abuse.

8 Code section 235A.18 relates to sealing and expungement of
9 child abuse information in the registry. Under current law
10 there are three possible findings resulting from a child abuse
11 investigation: founded, undetermined, and unfounded. This
12 Code section then provides for the length of time child abuse
13 information is retained in the registry, depending upon the
14 finding. Under the bill, only founded information referred to
15 the registry under Code section 232.71D will be placed in the
16 registry. Consequently, the bill eliminates the registry's
17 records retention requirements for the undetermined and
18 unfounded categories.

19 Code section 235A.18 provides for the registry to review
20 and remove information placed in the registry under the law in
21 effect prior to July 1, 1997, if the information would not be
22 placed in the registry under the criteria established in the
23 bill in new Code section 232.71D.

24 The supreme court is to prescribe rules for the period of
25 time child abuse information is to be retained by the court.
26 The county attorney is to abide by the time periods applicable
27 to the court for retaining child abuse information. The
28 department of human services is to adopt rules for the same
29 purpose for child abuse information which is not placed in the
30 registry.

31 Code section 235A.19 relates to examination of records and
32 requests for correction or expungement and appeals by a
33 subject of a child abuse report. This section is amended to
34 provide for review and appeal of child abuse information by a
35 subject, whether or not the information is placed in the

1 registry. In addition, the bill deletes a reference to
2 expungement of unfounded information.

3 Code section 235A.22 which requires education of registry
4 employees concerning use of control of child abuse information
5 is amended to apply to the department's employees with access
6 to child abuse information.

7 Code section 235A.23, relating to registry reports, is
8 expanded to apply to the overall department of human services.

9 Division I includes a temporary law provision authorizing
10 subjects of child abuse information placed in the central
11 registry as founded child abuse to request a review of the
12 information referring to the subject. The request must be
13 submitted during the period of July 1, 1997, through December
14 31, 1997. The review is to be performed utilizing the
15 criteria contained in new Code section 232.71D included in the
16 bill.

17 In division II of the bill, in addition to the instructions
18 regarding physical discipline or corporal punishment
19 previously described, the bill further amends Senate File 230.
20 The amendment reinserts language in current law requiring the
21 department of human services to notify a subject of a child
22 abuse report concerning the results of an assessment and of
23 the subject's right to correct child abuse information which
24 refers to the subject.

25 Division II strikes references to the investigation-based
26 approach from new Code section 232.71D which is in the bill.

27 Division II only takes effect in the event Senate File 230
28 is enacted. If Senate File 230 is enacted, division II of
29 this bill takes effect July 1, 1998.

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HOUSE FILE 698

AN ACT

RELATING TO CHILD ABUSE INFORMATION AND THE CENTRAL REGISTRY FOR CHILD ABUSE INFORMATION MAINTAINED BY THE DEPARTMENT OF HUMAN SERVICES AND PROVIDING AN EFFECTIVE DATE.

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

DIVISION I

CHILD ABUSE REGISTRY

Section 1. Section 232.68, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The definitions in section 235A.13 are applicable to this part 2 of division III. As used in sections 232.67 through 232.77 and 235A.12 through 235A.23, unless the context otherwise requires:

Sec. 2. Section 232.70, subsection 4, Code 1997, is amended to read as follows:

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

a. Immediately, upon receipt of an oral report, make a determination as to whether the report constitutes an allegation of child abuse as defined in section 232.687.

~~b. Make a report to the central registry if the oral report has been determined to constitute a child abuse allegation;~~

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

~~d. b.~~ Notify the appropriate county attorney of the receipt of any the report.

Sec. 3. Section 232.71, subsections 7, 8, and 9, Code 1997, are amended to read as follows:

7. The department, upon completion of its investigation, shall make a preliminary report of its investigation as required containing the information required by subsection 2. A copy of this report shall be transmitted to juvenile court

within four regular working days after the department initially receives the abuse report unless the juvenile court grants an extension of time for good cause shown. If the preliminary report is not a complete report, a complete report shall be filed within ten working days of the receipt of the abuse report, unless the juvenile court grants an extension of time for good cause shown. If required under section 232.71D, the report of the investigation shall be placed in the central registry. The department shall notify a subject of the report of the result of the investigation, of the subject's right to correct the information report data and disposition data pursuant to section 235A.19, and of the procedures to correct the information data. The juvenile court shall notify the registry department of any action it takes with respect to a suspected case of child abuse.

~~8. The department of human services shall transmit a copy of the report of its investigation, including actions taken or contemplated, to the registry. The department of human services shall make periodic follow-up reports thereafter in a manner prescribed by the registry so that the registry is kept up-to-date and fully informed concerning the handling of a suspected case of child abuse.~~

9 8. The department of human services shall also transmit a copy of the report of its investigation to the county attorney. The county attorney shall notify the registry department office which transmitted the report to the county attorney of any actions or contemplated actions with respect to a suspected alleged case of child abuse so that the registry department office is kept up-to-date and fully informed concerning the handling of such a the case. If the report was placed in the central registry in accordance with section 232.71D, the department office shall notify the registry of any actions or contemplated actions by the county attorney concerning the report.

Sec. 4. Section 232.71A, subsection 7, Code 1997, is amended by striking the subsection.

Sec. 5. NEW SECTION. 232.71D FOUNDED CHILD ABUSE --
CENTRAL REGISTRY.

1. The requirements of this section shall apply to child abuse information in the report of an investigation performed in accordance with section 232.71 or in the report of an assessment performed in accordance with section 232.71A.

2. If the alleged child abuse meets the definition of child abuse under section 232.68, subsection 2, paragraph "a" or "d", and the department determines the injury or risk of harm to the child was minor and isolated and is unlikely to reoccur, the names of the child and the alleged perpetrator of the child abuse and any other child abuse information shall not be placed in the central registry as a case of founded child abuse.

3. Except as otherwise provided in section 232.68, subsection 2, paragraph "d", regarding parents legitimately practicing religious beliefs, the names of the child and the alleged perpetrator and the report data and disposition data shall be placed in the central registry as a case of founded child abuse under any of the following circumstances:

a. The case was referred for juvenile or criminal court action as a result of the acts or omissions of the alleged perpetrator or a criminal or juvenile court action was initiated by the county attorney or juvenile court within twelve months of the date of the department's report concerning the case, in which the alleged perpetrator was convicted of a crime involving the child or there was a delinquency or child in need of assistance adjudication.

b. The department determines the acts or omissions of the alleged perpetrator meet the definition of child abuse under section 232.68, subsection 2, paragraph "a", involving nonaccidental physical injury suffered by the child and the injury was not minor or was not isolated or is likely to reoccur.

c. The department determines the acts or omissions of the alleged perpetrator meet the definition of child abuse and the department has previously determined within the eighteen-month

period preceding the issuance of the department's report that the acts or omissions of the alleged perpetrator in a prior case met the definition of child abuse.

d. The department determines the acts or omissions of the alleged perpetrator meet the definition of child abuse under section 232.68, subsection 2, paragraph "b", involving mental injury.

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

f. The department determines the acts or omissions of the alleged perpetrator meet the definition of child abuse under section 232.68, subsection 2, paragraph "d", involving failure to provide care necessary for the child's health and welfare, and any injury to the child or risk to the child's health and welfare was not minor or was not isolated or is likely to reoccur, in any of the following ways:

- (1) Failure to provide adequate food and nutrition.
- (2) Failure to provide adequate shelter.
- (3) Failure to provide adequate health care.
- (4) Failure to provide adequate mental health care.
- (5) Gross failure to meet emotional needs.
- (6) Failure to respond to an infant's life-threatening condition.

g. The department determines the acts or omissions of the alleged perpetrator meet the definition of child abuse under section 232.68, subsection 2, paragraph "e", involving prostitution.

h. The department determines the acts or omissions of the alleged perpetrator meet the definition of child abuse under

section 232.68, subsection 2, paragraph "f", involving the presence of an illegal drug.

i. The alleged abuse took place in any of the following licensed, registered, unregistered, or regulated facilities or services:

- (1) Substance abuse program licensed under chapter 125.
 - (2) Hospital licensed under chapter 135B.
 - (3) Health care facility or residential care facility licensed under chapter 135C.
 - (4) Psychiatric medical institution licensed under chapter 135H.
 - (5) Medical assistance home and community-based waiver for persons with mental retardation residential program regulated by the department of human services and the department of inspections and appeals.
 - (6) An institution controlled by the department and enumerated in section 218.1.
 - (7) Mental health center, juvenile shelter care facility, or juvenile detention facility.
 - (8) Child foster care licensee under chapter 237.
 - (9) Child day care provider under chapter 237A.
 - (10) Public or private school which provides overnight care.
 - (11) The Iowa braille and sight saving school and the Iowa school for the deaf controlled by the state board of regents.
- j. The department determines the alleged perpetrator of the child abuse will continue to pose a danger to the child who is the subject of the report of child abuse or to another child with whom the alleged perpetrator may come into contact.
4. If report data and disposition data are placed in the central registry in accordance with this section, the department shall make periodic follow-up reports in a manner prescribed by the registry so that the registry is kept up-to-date and fully informed concerning the case.
5. a. The confidentiality of all of the following shall be maintained in accordance with section 217.30:
- (1) Investigation or assessment data.

(2) Information pertaining to an allegation of child abuse for which there was no investigation or assessment performed.

(3) Information pertaining to an allegation of child abuse which was determined to not meet the definition of child abuse. Individuals identified in section 235A.15, subsection 4, are authorized to have access to such information under section 217.30.

(4) Report data and disposition data pertaining to an allegation of child abuse determined to meet the definition of child abuse which is not subject to placement in the central registry. Individuals identified in section 235A.15, subsection 3, are authorized to have access to such data under section 217.30.

b. The confidentiality of report data and disposition data pertaining to an allegation of child abuse determined to meet the definition of child abuse which is subject to placement in the central registry, shall be maintained as provided in chapter 235A.

Sec. 6. Section 235A.13, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. "Department" means the department of human services.

Sec. 7. Section 235A.13, subsections 1, 6, and 8, Code 1997, are amended to read as follows:

1. "Child abuse information" means any or all of the following data maintained by the department in a manual or automated data storage system and individually identified:

- a. Report data.
- b. Investigation or assessment data.
- c. Disposition data.

6. "Investigation or assessment data" means any of the following information pertaining to the department's evaluation of report data, including a family:

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

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

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

a. Identification of the strengths and needs of the child, and of the child's parent, home, and family.

b. Identification of services available from the department and informal and formal services and other support available in the community to meet identified strengths and needs.

8. "Report data" means any of the following information pertaining to any occasion involving or reasonably believed to involve an investigation or assessment of an allegation of child abuse, including in which the department has determined the alleged child abuse meets the definition of child abuse:

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

b. The age of the child.

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

d. Any other Additional information believed to be helpful in establishing as to the nature, extent, and cause of the injury, and the identity of the person or persons alleged to be responsible therefor for the injury.

e. The names and conditions of other children in the child's home.

f. Any other information believed to be helpful in establishing the information in paragraph "d".

Sec. 8. Section 235A.14, subsection 6, Code 1997, is amended to read as follows:

6. The central registry shall include ~~but not be limited to report data, investigation data and disposition data which is subject to placement in the central registry under section 232.71D.~~ The central registry shall not include assessment data.

Sec. 9. Section 235A.15, Code 1997, is amended to read as follows:

235A.15 AUTHORIZED ACCESS -- PROCEDURES INVOLVING OTHER STATES.

1. Notwithstanding chapter 22, the confidentiality of all child abuse information shall be maintained, except as specifically provided by subsection 2, 3, or 4.

2. ~~Access to child abuse information other than unfounded child abuse information is~~ report data and disposition data subject to placement in the central registry pursuant to section 232.71D are authorized only to the following persons or entities:

a. Subjects of a report as follows:

- (1) To a child named in a report as a victim of abuse or to the child's attorney or guardian ad litem.
- (2) To a parent or to the attorney for the parent of a child named in a report as a victim of abuse.
- (3) To a guardian or legal custodian, or that person's attorney, of a child named in a report as a victim of abuse.
- (4) To a person or the attorney for the person named in a report as having abused a child.

b. Persons involved in an investigation or assessment of child abuse as follows:

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

(2) To an employee or agent of the department of human services responsible for the investigation or assessment of a child abuse report.

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

(4) To a multidisciplinary team, if the department of human services approves the composition of the multidisciplinary team and determines that access to the team is necessary to assist the department in the investigation, diagnosis, assessment, and disposition of a child abuse case.

(5) In an individual case, to the mandatory reporter who reported the child abuse.

(6) To the county attorney.

(7) To the juvenile court.

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

(9) To a person or agency responsible for the care or supervision of a child named in a report as a victim of abuse or a person named in a report as having abused a child, if the juvenile court or department deems access to report data and disposition data by the person or agency to be necessary.

c. Individuals, agencies, or facilities providing care to a child, but only with respect to disposition data and, if authorized in law to the extent necessary for purposes of an employment evaluation, report data, for cases of founded child abuse placed in the central registry in accordance with section 232.71D as follows:

~~{1}--To-a-licensing-authority-for-a-facility-providing-care to-a-child-named-in-a-report, if-the-licensing-authority-is notified-of-a-relationship-between-facility-policy-and-the child-abuse-under-section-232.71, subsection-4.~~

~~{2}--To-an-authorized-person-or-agency-responsible-for-the care-or-supervision-of-a-child-named-in-a-report-as-a-victim of-abuse-or-a-person-named-in-a-report-as-having-abused-a child, if-the-juvenile-court-or-registry-deems-access-to-child abuse-information-by-such-person-or-agency-to-be-necessary.~~

~~{3}--To-an-employee-or-agent-of-the-department-of-human services-responsible-for-registering-or-licensing-or-approving the-registration-or-licensing-of-an-agency-or-facility, or-to an-individual-providing-care-to-a-child-and-regulated-by-the department.~~

~~{4}--To-an-employee-of-the-department-of-human-services responsible-for-an-adoptive-placement, a-certified-adoption investigator, or-licensed-child-placing-agency-responsible-for an-adoptive-placement.~~

~~{5} (1) To an administrator of a psychiatric medical institution for children licensed under chapter 135H.~~

~~{6} (2) To an administrator of a child foster care facility licensed under chapter 237 if the information data concerns a person employed or being considered for employment by the facility.~~

~~{7} (3) To an administrator of a child day care facility registered or licensed under chapter 237A if the information data concerns a person employed or being considered for employment by or living in the facility.~~

~~{8} (4) To the superintendent of the Iowa braille and sight saving school if the information data concerns a person employed or being considered for employment or living in the school.~~

~~{9} (5) To the superintendent of the school for the deaf if the information data concerns a person employed or being considered for employment or living in the school.~~

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

~~{11} (7) To an administrator of a facility or program operated by the state, a city, or a county which provides services or care directly to children, if the information data concerns a person employed by or being considered for employment by the facility or program.~~

~~{12} (8) To an administrator of an agency certified by the department of human services to provide services under a medical assistance home and community-based services waiver, if the information data concerns a person employed by or being considered by the agency for employment.~~

~~{13} (9) To the administrator of an agency providing mental health, mental retardation, or developmental disability services under a county management plan developed pursuant to section 331.439, if the information data concerns a person employed by or being considered by the agency for employment.~~

(10) To an administrator of a child day care resource and referral agency which has entered into an agreement authorized by the department to provide child day care resource and referral services. Access is authorized if the data concerns a person providing child day care services or a person employed by a provider of such services and the agency includes the provider as a referral or the provider has requested to be included as a referral.

d. Relating Report data and disposition data, and investigation or assessment data to the extent necessary for resolution of the proceeding, relating to judicial and administrative proceedings as follows:

- (1) To a juvenile court involved in an adjudication or disposition of a child named in a report.
- (2) To a district court upon a finding that information data is necessary for the resolution of an issue arising in any phase of a case involving child abuse.
- (3) To a court or administrative agency hearing an appeal for correction of child-abuse-information report data and disposition data as provided in section 235A.19.
- (4) To an expert witness at any stage of an appeal necessary for correction of child-abuse-information report data and disposition data as provided in section 235A.19.
- (5) To a probation or parole officer, juvenile court officer, or adult correctional officer having custody or supervision of, or conducting an investigation for a court or the board of parole regarding, a person named in a report as a victim of child abuse or as having abused a child.

e. Others as follows, but only with respect to report data and disposition data for cases of founded child abuse subject to placement in the registry pursuant to section 232.71D:

- (1) To a person conducting bona fide research on child abuse, but without information data identifying individuals named in a child abuse report, unless having that information data open to review is essential to the research or evaluation and the authorized registry officials give prior written approval and the child, the child's guardian or guardian ad

litem and the person named in a report as having abused a child give permission to release the information data.

(2) To registry or department personnel when necessary to the performance of their official duties or to a person or agency under contract with the department to carry out official duties and functions of the registry department.

(3) To the department of justice for the sole purpose of the filing of a claim for restitution or compensation pursuant to section 910A.5 and section 912.4, subsections 3 through 5. Data provided pursuant to this subparagraph is subject to the provisions of section 912.10.

(4) To a legally constituted child protection agency of another state which is investigating or assessing or treating a child named in a report as having been abused or which is investigating or assessing or treating a person named as having abused a child.

(5) To a public or licensed child-placing agency of another state responsible for an adoptive or foster care preplacement or placement evaluation.

(6) To the attorney for the department of human services who is responsible for representing the department.

(7) To the state and local citizen foster care review boards created pursuant to sections 237.16 and 237.19.

(8) To an employee or agent of the department of human services regarding a person who is providing child day care if the person is not registered or licensed to operate a child day care facility.

(9) To the board of educational examiners created under chapter 272 for purposes of determining whether a practitioner's license should be denied or revoked.

(10) To a legally constituted child protection agency in another state if the agency is conducting a records check of a person who is providing care or has applied to provide care to a child in the other state.

(11) To the legally authorized protection and advocacy agency recognized in section 135C.2, if a person identified in the information as a victim or a perpetrator of abuse resides

in or receives services from a facility or agency because the person is diagnosed as having a developmental disability or a mental illness.

(12) To the department of human services for a record check relating to employment or residence pursuant to section 218.13.

~~(13) To an administrator of a child day care resource and referral agency which has entered into an agreement authorized by the department to provide child day care resource and referral services. Access is authorized if the information concerns a person providing child day care services or a person employed by a provider of such services and the agency includes the provider as a referral or the provider has requested to be included as a referral.~~

~~(14)~~ (13) To the Iowa board for the treatment of sexual abusers for purposes of certifying sex offender treatment providers.

(14) To an employee or agent of the department responsible for registering or licensing or approving the registration or licensing of an agency or facility, or to an individual providing care to a child and regulated by the department.

(15) To an employee of the department responsible for an adoptive placement, a certified adoption investigator, or licensed child placing agency responsible for an adoptive placement.

f. The following, but only with respect to disposition data for cases of founded child abuse subject to placement in the central registry pursuant to section 232.71D:

(15) To a person who submits written authorization from an individual allowing the person access to information data 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.

~~3. Access to unfounded child abuse information is authorized only to those persons identified in subsection 2, paragraph "a", paragraph "b", subparagraphs (2) and (5), and paragraph "e", subparagraph (2), and to the department of~~

~~justice for purposes of the crime victim compensation program in accordance with section 912.10.~~

3. Access to report data and disposition data for a case of child abuse determined to meet the definition of child abuse, which data is not subject to placement in the central registry pursuant to section 232.71D, is authorized only to the following persons:

a. Subjects of a report identified in subsection 2, paragraph "a".

b. Persons involved in an investigation or assessment of child abuse identified in subsection 2, paragraph "b", subparagraphs (2), (3), (4), (6), (7), and (9).

c. Others identified in subsection 2, paragraph "e", subparagraphs (2), (3), and (6).

4. Access to report data for a case of child abuse determined to not meet the definition of child abuse, which data is not subject to placement in the central registry pursuant to section 232.71D, is authorized only to the following:

a. Subjects of a report identified in subsection 2, paragraph "a".

b. Persons involved in an investigation or assessment of child abuse identified in subsection 2, paragraph "b", subparagraphs (2), (6), and (7).

c. Others identified in subsection 2, paragraph "e", subparagraph (2).

5. Access to founded child abuse information disposition data subject to placement in the central registry pursuant to section 232.71D is authorized to the department of personnel or to the personnel office of a public employer, as defined in section 20.3, as necessary for presentation in grievance or arbitration procedures provided for in sections 19A.14 and 20.18. Child abuse information Disposition data introduced into a grievance or arbitration proceeding shall not be considered a part of the public record of a case.

6. a. If a child who is a legal resident of another state is present in this state and a report of child abuse is made

concerning the child, the department shall act to ensure the safety of the child. The department shall contact the child's state of legal residency to coordinate the investigation or assessment of the report. If the child's state of residency refuses to conduct an investigation or assessment, the department shall commence an appropriate investigation or assessment.

b. If a report of child abuse is made concerning an alleged perpetrator who resides in this state and a child who resides in another state, the department shall assist the child's state of residency in conducting an investigation or assessment of the report. The assistance shall include but is not limited to an offer to interview the alleged perpetrator and any other relevant source. If the child's state of residency refuses to conduct an investigation or assessment of the report, the department shall commence an appropriate investigation or assessment. The department shall seek to develop protocols with states contiguous to this state for coordination in the investigation or assessment of a report of child abuse when a person involved with the report is a resident of another state.

Sec. 10. Section 235A.17, subsection 2, Code 1997, is amended to read as follows:

2. The department of human services may notify orally the mandatory reporter in an individual child abuse case of the results of the case investigation and of the confidentiality provisions of sections 235A.15 and 235A.21. The department shall subsequently transmit a written notice to the mandatory reporter of the results and confidentiality provisions. A If the report data and disposition data have been placed in the registry as founded child abuse pursuant to section 232.71D, a copy of the written notice shall be transmitted to the registry and shall be maintained by the registry as provided in section 235A.18. Otherwise, a copy of the written notice shall be retained by the department with the case file.

Sec. 11. Section 235A.18, Code 1997, is amended to read as follows:

235A.18 SEALING AND EXPUNGEMENT OF FOUNDED CHILD ABUSE INFORMATION.

1. Report data and disposition data relating to a particular case of alleged abuse which has been determined to be founded child abuse and placed in the central registry in accordance with section 232.71D shall be maintained in the registry as follows:

a. Child-abuse-information Report and disposition data relating to a particular case of suspected alleged child abuse shall be sealed ten years after the receipt initial placement of the initial-report-of-such-abuse-by data in the registry unless good cause be shown why the information data should remain open to authorized access. If a subsequent report of a suspected an alleged case of child abuse involving the child named in the initial report data placed in the registry as the victim of abuse or a person named in such-report the data as having abused a child is received by the registry department within this ten-year period, the information data shall be sealed ten years after receipt of the subsequent report unless good cause be shown why the information data should remain open to authorized access.

b. The-information Data sealed in accordance with this section shall be expunged eight years after the date the information data was sealed.

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

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

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

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

The juvenile or district court and county attorney shall expunge child abuse information upon notice from the registry. The supreme court shall prescribe rules establishing the period of time child abuse information is retained by the juvenile and district court. A county attorney shall not retain child abuse information in excess of the time period the information would be retained under the rules prescribed by the supreme court.

~~3. -- However, if a correction of child abuse information is requested under section 235A.19 and the issue is not resolved at the end of the one-year period, the information shall be retained until the issue is resolved and if the child abuse information is not determined to be founded, the information shall be expunged at the appropriate time under subsection 2.~~

~~4. 3. The registry, at least once a year, shall review and determine the current status of child abuse reports which are transmitted or made to the registry after July 1, 1974, which are at least one-year old and in connection with which no investigatory report has been filed by the department of human services pursuant to section 232.71. -- If no such investigatory report has been filed, the registry shall request the department of human services to file a report. -- In the event a report is not filed within ninety days subsequent to such a request, the report and information relating thereto shall be sealed and remain sealed unless good cause be shown why the information should remain open to authorized access. If required by this subsection, for child abuse information in the central registry as of July 1, 1997, the central registry shall perform a review of the information utilizing the requirements for referral of child abuse information to the central registry as founded child abuse under section 232.71D. If the review indicates the information would not be placed in the registry as founded child abuse under section 232.71D, the information shall be expunged from the central registry. Child abuse information which is expunged from the central registry under this subsection shall not be retained by the department any longer than the time period in rule for~~

retaining information which is not placed in the central registry, allowing credit for the amount of time the information was held in the central registry. If the review indicates the child abuse information would be placed in the central registry under section 232.71D, the information shall be subject to the provisions of subsection 1, as to the time period the information is to be retained in the registry. A review shall be performed under any of the following conditions:

a. The department is considering the information while performing a record check evaluation under law or administrative rule.

b. A review is indicated under a procedure for performing reviews adopted by the department.

4. The department of human services shall adopt rules establishing the period of time child abuse information which is not maintained in the central registry is retained by the department.

Sec. 12. Section 235A.19, Code 1997, is amended to read as follows:

235A.19 EXAMINATION, REQUESTS FOR CORRECTION OR EXPUNGEMENT AND APPEAL.

1. A subject of a child abuse report, as identified in section 235A.15, subsection 2, paragraph "a", shall have the right to examine child abuse information in the registry report data and disposition data which refers to the subject. The registry department may prescribe reasonable hours and places of examination.

2. a. A subject of a child abuse report may file with the department within six months of the date of the notice of the results of an investigation required by section 232.71, subsection 7, or an assessment performed in accordance with section 232.71A, a written statement to the effect that child abuse information report data and disposition data referring to the subject is in whole or in part erroneous, and may request a correction of that information data or of the findings of the investigation or assessment report. The

department shall provide the subject with an opportunity for an evidentiary hearing pursuant to chapter 17A to correct the information data or the findings, unless the department corrects the information data or findings as requested. ~~The department shall delay the expungement of information which is not determined to be founded until the conclusion of a proceeding to correct the information or findings.~~ The department may defer the hearing until the conclusion of a pending juvenile or district court case relating to the information data or findings.

b. The department shall not disclose any child-abuse information report data or disposition data until the conclusion of the proceeding to correct the information data or findings, except as follows:

- (1) As necessary for the proceeding itself.
- (2) To the parties and attorneys involved in a judicial proceeding.
- (3) For the regulation of child care or child placement.
- (4) Pursuant to court order.
- (5) To the subject of an investigation or assessment or a report.
- (6) For the care or treatment of a child named in a report as a victim of abuse.
- (7) To persons involved in an investigation or assessment of child abuse.

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

4. Upon the request of the appellant, the record and evidence in such cases shall be closed to all but the court and its officers, and access thereto to the record and evidence shall be prohibited unless otherwise ordered by the

court. The clerk shall maintain a separate docket for such actions. No A person other than the appellant shall not permit a copy of any of the testimony or pleadings or the substance thereof of the testimony or pleadings to be made available to any person other than a party to the action or the party's attorney. Violation of the provisions of this subsection shall be a public offense punishable under section 235A.21.

5. Whenever the registry department corrects or eliminates information data as requested or as ordered by the court, the registry department shall advise all persons who have received the incorrect information data of such fact. Upon application to the court and service of notice on the registry department, any subject of a child abuse report may request and obtain a list of all persons who have received child-abuse-information report data or disposition data referring to the subject.

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

Sec. 13. Section 235A.20, Code 1997, is amended to read as follows:

235A.20 CIVIL REMEDY.

Any aggrieved person may institute a civil action for damages under chapter 669 or 670 or to restrain the dissemination of child abuse information in violation of this chapter, and any person, agency or other recipient proven to have disseminated or to have requested and received child abuse information in violation of this chapter, or any employee of the department who knowingly destroys investigation or assessment data except in accordance with rule as established by the department for retention of child abuse information under section 235A.18 shall be liable for actual damages and exemplary damages for each violation and shall be liable for court costs, expenses, and reasonable

attorney's fees incurred by the party bringing the action. In no case shall the award for damages be less than one hundred dollars.

Sec. 14. Section 235A.21, subsection 1, Code 1997, is amended to read as follows:

1. Any person who willfully requests, obtains, or seeks to obtain child abuse information under false pretenses, or who willfully communicates or seeks to communicate child abuse information to any agency or person except in accordance with sections 235A.15 and 235A.17, or any person connected with any research authorized pursuant to section 235A.15 who willfully falsifies child abuse information or any records relating thereto to child abuse information, or any employee of the department who knowingly destroys investigation or assessment data except in accordance with rule as established by the department for retention of child abuse information under section 235A.18 is guilty of a serious misdemeanor. Any person who knowingly, but without criminal purposes, communicates or seeks to communicate child abuse information except in accordance with sections 235A.15 and 235A.17 shall be guilty of a simple misdemeanor.

Sec. 15. Section 235A.22, Code 1997, is amended to read as follows:

235A.22 EDUCATION PROGRAM.

The department of human services shall require an educational program for employees of the registry department with access to child abuse information on the proper use and control of child abuse information.

Sec. 16. Section 235A.23, Code 1997, is amended to read as follows:

235A.23 REGISTRY REPORTS.

1. The registry department of human services may compile statistics, conduct research, and issue reports on child abuse, provided identifying details of the subject of child abuse reports are deleted from any report issued.

2. The registry department shall issue an annual report on its administrative operation, including information as to the

number of requests for child abuse data, the proportion of requests attributable to each type of authorized access, the frequency and nature of irregularities, and other pertinent matters.

Sec. 17. 1997 Iowa Acts, Senate File 176, section 2, if enacted, is amended by striking the section and inserting in lieu thereof the following:

SEC. 2. Section 232.70, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 7. If a report would be determined to constitute an allegation of child abuse as defined under section 232.68, subsection 2, paragraph "c" or "e", except that the suspected abuse resulted from the acts or omissions of a person other than a person responsible for the care of the child, the department shall refer the report to the appropriate law enforcement agency having jurisdiction to investigate the allegation. The department shall refer the report orally as soon as practicable and in writing within seventy-two hours of receiving the report.

Sec. 18. 1997 Iowa Acts, Senate File 230, sections 14, 15, and 16 amending section 235A.15, if enacted, are repealed.

Sec. 19. 1997 Iowa Acts, Senate File 230, sections 18 and 19, amending section 235A.18, Code 1997, if enacted, are repealed.

Sec. 20. 1997 Iowa Acts, Senate File 230, section 20, amending section 235A.19, subsection 2, paragraph a, if enacted, is repealed.

Sec. 21. RETROACTIVE REGISTRY REVIEWS. A person who is a subject of a child abuse report which, as of July 1, 1997, is included as information in the central registry under chapter 235A may submit a written request for review and expungement of the information from the central registry which refers to the person. Child abuse information placed in the central registry for a circumstance which is listed in section 232.71D, subsection 3, as enacted by this Act, is not eligible for review. The request must be submitted during the period beginning July 1, 1997, and ending December 31, 1997. The

department shall perform the review in accordance with the provisions of section 235A.18, subsection 3, as enacted by this Act. The department shall submit a report to the general assembly on or before February 1, 1998, indicating the number of requests received and projecting a time frame to complete the reviews based upon the usage of specific staffing levels.

Sec. 22. MINOR INJURY CRITERIA. The department of human services shall convene a group of experienced parents from families of various sizes and with children of various ages and child abuse experts to develop uniform criteria for identifying what constitutes a minor physical injury and the circumstances in which a minor injury does not cause concern about the safety or risk of harm to a child. The group shall include but is not limited to members of the child death review team. The group shall present recommended criteria and other recommendations to the governor and the general assembly on or before November 1, 1997.

Sec. 23. EVALUATION. It is the intent of the general assembly that the department of human services will seek funding for the fiscal year beginning July 1, 1998, and ending June 30, 1999, for an independent evaluation of the changes implemented in the state's child protection system pursuant to the enactments of the Seventy-seventh General Assembly, 1997 Session. The evaluation should be conducted during the fiscal year beginning July 1, 1998, for submission to the governor and general assembly during the 1999 legislative session. The evaluation should include but is not limited to a determination of whether the system changes have improved the safety of children and the support of families in the community, and should identify indicators of increased community involvement in child protection.

DIVISION II

ASSESSMENT-BASED AMENDMENTS -- REPEALS

Sec. 24. Section 232.71B, subsection 11, if enacted by 1997 Iowa Acts, Senate File 230, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. The department shall notify the subjects of the child abuse report, as identified in section 235A.15, subsection 2, paragraph "a", of the results of the assessment, of the subject's right, pursuant to section 235A.19, to correct the report data or disposition data which refers to the subject, and of the procedures to correct the data.

Sec. 25. Section 232.71D, subsection 1, as enacted by this Act, is amended to read as follows:

1. The requirements of this section shall apply to child abuse information ~~in the report of an investigation performed in accordance with section 232-71 or in the report of relating to a report of child abuse~~ and to an assessment performed in accordance with section ~~232-71A~~ 232.71B.

Sec. 26. Section 232.71D, subsection 5, paragraph a, subparagraphs (1) and (2), Code 1997, as enacted by this Act, are amended to read as follows:

- (1) ~~Investigation-or-assessment~~ Assessment data.
- (2) Information pertaining to an allegation of child abuse for which there was no ~~investigation-or~~ assessment performed.

Sec. 27. Section 235A.13, unnumbered paragraph 1, Code 1997, is amended to read as follows:

As used in chapter 232, division III, part 2, and sections 235A.13 to 235A.23, unless the context otherwise requires:

Sec. 28. Section 235A.13, subsection 1, paragraph b, Code 1997, as amended by this Act, is amended to read as follows:

b. ~~Investigation-or-assessment~~ Assessment data.

Sec. 29. Section 235A.13, subsection 5, Code 1997, is amended to read as follows:

5. "Individually identified" means any report, investigation assessment, or disposition data which names the person or persons responsible or believed responsible for the child abuse.

Sec. 30. Section 235A.13, subsection 6, unnumbered paragraph 1, Code 1997, as amended by this Act, is amended to read as follows:

"~~Investigation-or-assessment~~ Assessment data" means any of the following information pertaining to the department's evaluation of a family:

Sec. 31. Section 235A.13, subsection 8, unnumbered paragraph 1, Code 1997, as amended by this Act, is amended to read as follows:

"Report data" means any of the following information pertaining to an ~~investigation-or~~ assessment of an allegation of child abuse in which the department has determined the alleged child abuse meets the definition of child abuse:

Sec. 32. Section 235A.15, subsection 2, paragraph b, unnumbered paragraph 1, Code 1997, as amended by this Act, is amended to read as follows:

b. Persons involved in an ~~investigation~~ assessment of child abuse as follows:

Sec. 33. Section 235A.15, subsection 2, paragraph b, subparagraphs (2), (3), (4), and (8), Code 1997, as amended by this Act, are amended to read as follows:

(2) To an employee or agent of the department of human services responsible for the ~~investigation~~ assessment of a child abuse report.

(3) To a law enforcement officer responsible for assisting in an ~~investigation~~ assessment of a child abuse allegation or for the temporary emergency removal of a child from the child's home.

(4) To a multidisciplinary team, if the department of human services approves the composition of the multidisciplinary team and determines that access to the team is necessary to assist the department in the ~~investigation~~, diagnosis, assessment, and disposition of a child abuse case.

(8) To a licensing authority for a facility providing care to a child named in a report, if the licensing authority is notified of a relationship between facility policy and the alleged child abuse under section ~~232-717-subsection-4~~ 232.71B.

Sec. 34. Section 235A.15, subsection 2, paragraph d, unnumbered paragraph 1, Code 1997, as amended by this Act, is amended to read as follows:

Report data and disposition data, and ~~investigation-or~~ assessment data to the extent necessary for resolution of the proceeding, relating to judicial and administrative proceedings as follows:

Sec. 35. Section 235A.15, subsection 3, paragraph b, Code 1997, as amended by this Act, is amended to read as follows:

b. Persons involved in an ~~investigation-or~~ assessment of child abuse identified in subsection 2, paragraph "b", subparagraphs (2), (3), (4), (6), (7), and (9).

Sec. 36. Section 235A.15, subsection 4, paragraph b, Code 1997, as amended by this Act, is amended to read as follows:

b. Persons involved in an ~~investigation-or~~ assessment of child abuse identified in subsection 2, paragraph "b", subparagraphs (2), (6), and (7).

Sec. 37. Section 235A.15, subsection 6, Code 1997, as amended by this Act, is amended to read as follows:

6. a. If a child who is a legal resident of another state is present in this state and a report of child abuse is made concerning the child, the department shall act to ensure the safety of the child. The department shall contact the child's state of legal residency to coordinate the ~~investigation~~ assessment of the report. If the child's state of residency refuses to conduct an investigation, the department shall commence an appropriate ~~investigation~~ assessment.

b. If a report of child abuse is made concerning an alleged perpetrator who resides in this state and a child who resides in another state, the department shall assist the child's state of residency in conducting an ~~investigation~~ assessment of the report. The assistance shall include but is not limited to an offer to interview the alleged perpetrator and any other relevant source. If the child's state of residency refuses to conduct an investigation of the report, the department shall commence an appropriate ~~investigation~~ assessment. The department shall seek to develop protocols with states contiguous to this state for coordination in the ~~investigation or~~ assessment of a report of child abuse when a person involved with the report is a resident of another state.

Sec. 38. Section 235A.17, subsection 2, Code 1997, as amended by this Act, is amended to read as follows:

2. The department of human services may notify orally the mandatory reporter in an individual child abuse case of the results of the case investigation assessment and of the confidentiality provisions of sections 235A.15 and 235A.21. The department shall subsequently transmit a written notice to the mandatory reporter of the results and confidentiality provisions. If the report data and disposition data have been placed in the registry as founded child abuse pursuant to section 232.71D, a copy of the written notice shall be transmitted to the registry and shall be maintained by the registry as provided in section 235A.18. Otherwise, a copy of the written notice shall be retained by the department with the case file.

Sec. 39. Section 235A.19, subsection 2, paragraph a, Code 1997, as amended by this Act, is amended to read as follows:

a. A subject of a child abuse report may file with the department within six months of the date of the notice of the results of ~~an investigation required by section 232.71, subsection 7, or~~ an assessment performed in accordance with section 232.71A, a written statement to the effect that report data and disposition data referring to the subject is in whole or in part erroneous, and may request a correction of that data or of the findings of the investigation or assessment report. The department shall provide the subject with an opportunity for an evidentiary hearing pursuant to chapter 17A to correct the data or the findings, unless the department corrects the data or findings as requested. The department may defer the hearing until the conclusion of a pending juvenile or district court case relating to the data or findings.

Sec. 40. Section 235A.19, subsection 2, paragraph b, subparagraphs (5) and (7), Code 1997, as amended by this Act, are amended to read as follows:

(5) To the subject of an investigation or assessment or a report.

(7) To persons involved in an investigation or assessment of child abuse.

Sec. 41. Section 235A.20, Code 1997, as amended by this Act, is amended to read as follows:

235A.20 CIVIL REMEDY.

Any aggrieved person may institute a civil action for damages under chapter 669 or 670 or to restrain the dissemination of child abuse information in violation of this chapter, and any person, agency or other recipient proven to have disseminated or to have requested and received child abuse information in violation of this chapter, or any employee of the department who knowingly destroys investigation or assessment data except in accordance with rule as established by the department for retention of child abuse information under section 235A.18 shall be liable for actual damages and exemplary damages for each violation and shall be liable for court costs, expenses, and reasonable attorney's fees incurred by the party bringing the action. In no case shall the award for damages be less than one hundred dollars.

Sec. 42. Section 235A.21, subsection 1, Code 1997, as amended by this Act, is amended to read as follows:

1. Any person who willfully requests, obtains, or seeks to obtain child abuse information under false pretenses, or who willfully communicates or seeks to communicate child abuse information to any agency or person except in accordance with sections 235A.15 and 235A.17, or any person connected with any research authorized pursuant to section 235A.15 who willfully falsifies child abuse information or any records relating to child abuse information, or any employee of the department who knowingly destroys investigation or assessment data except in accordance with rule as established by the department for retention of child abuse information under section 235A.18 is guilty of a serious misdemeanor. Any person who knowingly, but without criminal purposes, communicates or seeks to communicate child abuse information except in accordance with sections 235A.15 and 235A.17 shall be guilty of a simple misdemeanor.

Sec. 43. EFFECTIVE DATE. Enactment of this division of this Act is contingent upon the enactment of 1997 Iowa Acts, Senate File 230. If Senate File 230 is enacted, this division of this Act takes effect July 1, 1998.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 698, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 21, 1997

TERRY E. BRANSTAD
Governor

HF 698