

JAN 28 1997
JUDICIARY

HOUSE FILE 94
BY HAHN

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

A BILL FOR

1 An Act including sexual offenses committed by a member of a
2 child's immediate family under the child abuse reporting and
3 disposition law.

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

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HF 94

1 Section 1. Section 232.68, subsection 2, paragraph c, Code
2 1997, is amended to read as follows:

3 c. The commission of a sexual offense with or to a child
4 pursuant to chapter 709, section 726.2, or section 728.12,
5 subsection 1, as a result of the acts or omissions of the
6 person responsible for the care of the child or as a result of
7 the acts or omissions of an immediate family member. For the
8 purposes of this paragraph, "immediate family member" means
9 the child's parent, guardian, custodian, or sibling, or any
10 other person who resides in the same household as the child or
11 regularly resided in the same household during the six-month
12 period prior to the date of the alleged offense.

13 Notwithstanding section 702.5, the commission of a sexual
14 offense under this paragraph includes any sexual offense
15 referred to in this paragraph with or to a person under the
16 age of eighteen years.

17 EXPLANATION

18 This bill amends the definition of child abuse in Code
19 chapter 232 (the juvenile justice code). The definition is
20 used for reporting of child abuse and the resulting
21 investigations, assessments, and determinations of the
22 department of human services.

23 The amended provision involves sexual offenses. Under
24 current law, in order to meet the definition of child abuse,
25 the commission of a sexual offense must result from the acts
26 or omissions of a person responsible for the care of the
27 child. The bill expands the definition to include a sexual
28 offense resulting from the acts or omissions of an immediate
29 family member. The bill defines the term "immediate family
30 member" to include a parent, guardian, custodian, sibling, or
31 any other person who resides in the same household as the
32 child or regularly resided in the same household during the
33 prior six months.

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**HOUSE FILE 94
FISCAL NOTE**

A fiscal note for House File 94 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 94 amends the definition of child abuse in Chapter 232, Code of Iowa, used for reporting of child abuse and the resulting investigations, assessments, and determinations of the Department of Human Services (DHS). The Bill expands the definition to include a sexual offense resulting from the acts or omissions of an immediate family member, including parent, guardian, custodian, sibling, or any other person residing in the same household during the prior six months.

ASSUMPTIONS

1. The DHS processed 3,456 reported child sexual abuse cases in 1995. Based on the Waterloo region experience, there is an estimated increase of 33.3% in child sexual abuse investigations and assessments, with half resulting in the provision of on-going services. The estimate assumes an increase of 800 investigations or assessments statewide annually, with 400 of those cases referred to Family Centered Services.
2. There is no appropriation corresponding to the increased demand for assessments or service referrals. If the field operations is not allocated additional staff or funds, the average abuse service cases per worker will increase by 0.46 cases for both FY 1998 and FY 1999, and the average non-abuse service cases per worker will be 0.13 for FY 1998 and 0.86 cases for FY 1999.
3. Counties would be required to provide office space for any additional field staff resulting from this legislation.

The following illustrates the services and staff required as a result of this legislation. Without an appropriation, however, there would most likely be a shift of Family Centered Services from clients already receiving services to individuals identified through the changed definition of child abuse explained above.

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FISCAL IMPACT:

	House File 94 (dollars in thousands)	
	Fiscal Year 1998	Fiscal Year 1999
<u>REVENUE</u>		
Federal Funds	\$ 359	\$ 787
<u>EXPENDITURES</u>		
Salaries	\$ 305	\$ 472
(FTE's)	(7.5)	(13.0)
Support	33	25
Family Centered Services	1,031	2,205
Total	\$ 1,369	\$ 2,702
GENERAL FUND COST	\$ 1,010	\$ 1,915

SOURCES:

Department of Human Services

(LSB 1418hh, MMB)

FILED MARCH 11, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR