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SENATE FILE 230
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 169)

(P.422) (P.1155)
Passed Senate, Date 2-27-97 Passed House, Date 4-10-97
Vote: Ayes 45 Nays 1 Vote: Ayes 95 Nays 0
Approved April 18, 1997

A BILL FOR

1 An Act relating to child abuse provisions involving assessments
2 performed by the department of human services in response to
3 reports of child abuse and providing effective dates.

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

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S.F. 230

DIVISION I

EXPANSION OF PILOT PROJECTS

Section 1. Section 232.71A, subsection 1, Code 1997, is amended to read as follows:

1. The department shall develop an assessment-based approach to respond to child abuse reports in accordance with the provisions of this section. The assessment-based approach shall be utilized on a pilot project basis in ~~not more than~~ five areas of the state, ~~each of which is at least the size of~~ a departmental county cluster, selected by the department. The pilot projects shall be selected in a manner so the pilot projects are in both rural and urban areas. During the period beginning with the effective date of this division of this Act and ending June 30, 1998, the department shall incrementally expand the pilot projects areas in a manner so as to ensure the assessment-based approach is used throughout the state as of July 1, 1998. The department shall adopt rules to implement the provisions of this subsection.

Sec. 2. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II

STATEWIDE USE OF ASSESSMENTS

Sec. 3. Section 232.67, Code 1997, is amended to read as follows:

232.67 LEGISLATIVE FINDINGS -- PURPOSE AND POLICY.

Children in this state are in urgent need of protection from abuse. It is the purpose and policy of this part 2 of division III to provide the greatest possible protection to victims or potential victims of abuse through encouraging the increased reporting of suspected cases of such abuse, insuring ensuring the thorough and prompt investigation assessment of these reports, and providing rehabilitative services, where appropriate and whenever possible to abused children and their families which will stabilize the home environment so that the family can remain intact without further danger to the child.

1 Sec. 4. Section 232.68, Code 1997, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. "Child protection worker" means an
4 individual designated by the department to perform an
5 assessment in response to a report of child abuse.

6 Sec. 5. Section 232.68, subsection 3, Code 1997, is
7 amended to read as follows:

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

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

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

35 c. "Examination" "Physical examination" means direct

1 physical viewing, touching, and medically necessary
2 manipulation of any area of the child's body by a physician
3 licensed under chapter 148 or 150A.

4 Sec. 6. NEW SECTION. 232.71B DUTIES OF THE DEPARTMENT
5 UPON RECEIPT OF REPORT.

6 1. COMMENCEMENT OF ASSESSMENT -- PURPOSE.

7 a. If the department determines a report constitutes a
8 child abuse allegation, the department shall promptly commence
9 an appropriate assessment within twenty-four hours of
10 receiving the report.

11 b. The primary purpose of the assessment shall be the
12 protection of the child named in the report. The secondary
13 purpose of the assessment shall be to engage the child's
14 family in services to enhance family strengths and to address
15 needs.

16 2. NOTIFICATION OF PARENTS. The department, within five
17 working days of commencing the assessment, shall provide
18 written notification of the assessment to the child's parents.
19 However, if the department shows the court to the court's
20 satisfaction that notification is likely to endanger the child
21 or other persons, the court shall orally direct the department
22 to withhold notification. Within one working day of issuing
23 an oral directive, the court shall issue a written order
24 restraining the notification. The department shall not reveal
25 in the written notification to the parents or otherwise the
26 identity of the reporter of child abuse to a subject of a
27 child abuse report listed in section 235A.15, subsection 2,
28 paragraph "a".

29 3. INVOLVEMENT OF LAW ENFORCEMENT. The department shall
30 apply a protocol, developed with representatives of law
31 enforcement agencies at the local level, to work jointly with
32 law enforcement agencies in performing assessment and
33 investigative processes for child abuse reports in which a
34 criminal act harming a child is alleged. The county attorney
35 and appropriate law enforcement agencies shall also take any

1 other lawful action which may be necessary or advisable for
2 the protection of the child. If a report is determined not to
3 constitute a child abuse allegation, but a criminal act
4 harming a child is alleged, the department shall immediately
5 refer the matter to the appropriate law enforcement agency.

6 4. ASSESSMENT PROCESS. The assessment is subject to all
7 of the following:

8 a. Identification of the nature, extent, and cause of the
9 injuries, if any, to the child named in the report.

10 b. Identification of the person or persons responsible for
11 the alleged child abuse.

12 c. A description of the name, age, and condition of other
13 children in the same home as the child named in the report.

14 d. An evaluation of the home environment. If concerns
15 regarding protection of children are identified by the child
16 protection worker, the child protection worker shall evaluate
17 the child named in the report and any other children in the
18 same home as the parents or other persons responsible for
19 their care.

20 e. An interview of the person alleged to have committed
21 the child abuse, if the person's identity and location are
22 known, to afford the person the opportunity to address the
23 allegations of the child abuse report. The interview shall be
24 conducted, or an opportunity for an interview shall be
25 provided, prior to a determination of child abuse being made.
26 The court may waive the requirement of the interview for good
27 cause.

28 f. Unless otherwise prohibited under section 234.40 or
29 280.21, the use of corporal punishment by the person
30 responsible for the care of a child which does not result in a
31 physical injury to the child shall not be considered child
32 abuse.

33 5. HOME VISIT. The assessment may, with the consent of
34 the parent or guardian, include a visit to the home of the
35 child named in the report and an interview or observation of

1 the child may be conducted. If permission to enter the home
2 to interview or observe the child is refused, the juvenile
3 court or district court upon a showing of probable cause may
4 authorize the person making the assessment to enter the home
5 and interview or observe the child.

6 6. FACILITY OR SCHOOL VISIT. The assessment may include a
7 visit to a facility providing care to the child named in the
8 report or to any public or private school subject to the
9 authority of the department of education where the child named
10 in the report is located. The administrator of a facility, or
11 a public or private school shall cooperate with the child
12 protection worker by providing confidential access to the
13 child named in the report for the purpose of interviewing the
14 child, and shall allow the child protection worker
15 confidential access to other children for the purpose of
16 conducting interviews in order to obtain relevant information.
17 The child protection worker may observe a child named in a
18 report in accordance with the provisions of section 232.68,
19 subsection 3, paragraph "b". A witness shall be present
20 during an observation of a child. Any child age ten years of
21 age or older can terminate contact with the child protection
22 worker by stating or indicating the child's wish to
23 discontinue the contact. The immunity granted by section
24 232.73 applies to acts or omissions in good faith of
25 administrators and their facilities or school districts for
26 cooperating in an assessment and allowing confidential access
27 to a child.

28 7. INFORMATION REQUESTS.

29 a. The department may request information from any person
30 believed to have knowledge of a child abuse case. The county
31 attorney, any law enforcement or social services agency in the
32 state, and any mandatory reporter, whether or not the reporter
33 made the specific child abuse report, shall cooperate and
34 assist in the assessment upon the request of the department.

35 b. In performing an assessment, the department may request

1 criminal history data from the department of public safety on
2 any person believed to be responsible for an injury to a child
3 which, if confirmed, would constitute child abuse. The
4 department shall establish procedures for determining when a
5 criminal history records check is necessary.

6 8. PHYSICAL EXAMINATION. If the department refers a child
7 to a physician for a physical examination, the department
8 shall contact the physician regarding the examination within
9 twenty-four hours of making the referral. If the physician
10 who performs the examination upon referral by the department
11 reasonably believes the child has been abused, the physician
12 shall report to the department within twenty-four hours of
13 performing the examination.

14 9. MULTIDISCIPLINARY TEAM. In each county or multicounty
15 area in which more than fifty child abuse reports are made per
16 year, the department shall establish a multidisciplinary team,
17 as defined in section 235A.13, subsection 7. Upon the
18 department's request, a multidisciplinary team shall assist
19 the department in the assessment, diagnosis, and disposition
20 of a child abuse report.

21 10. FACILITY PROTOCOL. The department shall apply a
22 protocol, developed in consultation with facilities providing
23 care to children, for conducting an assessment of reports of
24 abuse of children allegedly caused by employees of facilities
25 providing care to children. As part of such an assessment,
26 the department shall notify the licensing authority for the
27 facility, the governing body of the facility, and the
28 administrator in charge of the facility of any of the
29 following:

30 a. A violation of facility policy noted in the assessment.

31 b. An instance in which facility policy or lack of
32 facility policy may have contributed to the reported incident
33 of alleged child abuse.

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

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

5 11. ASSESSMENT REPORT. The department, upon completion of
6 the assessment, shall make a written report of the assessment,
7 in accordance with all of the following:

8 a. The written assessment shall incorporate the
9 information required by subsection 4.

10 b. The written assessment shall be completed within twenty
11 business days of the receipt of the report.

12 c. The written assessment shall include a description of
13 the child's condition, identification of the injury or risk to
14 which the child was exposed, the circumstances which led to
15 the injury or risk to the child, and the identity of any
16 person alleged to be responsible for the injury or risk to the
17 child.

18 d. The written assessment shall identify the strengths and
19 needs of the child, and of the child's parent, home, and
20 family.

21 e. The written assessment shall identify services
22 available from the department and informal and formal services
23 and other support available in the community to address the
24 strengths and needs identified in the assessment.

25 f. Upon completion of the assessment, the department shall
26 consult with the child's family in offering services to the
27 child and the child's family to address strengths and needs
28 identified in the assessment.

29 12. COURT-ORDERED AND VOLUNTARY SERVICES. The department
30 shall provide or arrange for and monitor services for abused
31 children and their families on a voluntary basis or under a
32 final or intermediate order of the juvenile court.

33 13. COUNTY ATTORNEY -- JUVENILE COURT. The department
34 shall provide the juvenile court and the county attorney with
35 a copy of the portion of the written assessment pertaining to

1 the child abuse report. The juvenile court and the county
2 attorney shall notify the department of any action taken
3 concerning an assessment provided by the department.

4 14. FALSE REPORTS. If a fourth report is received from
5 the same person who made three earlier reports which
6 identified the same child as a victim of child abuse and the
7 same person responsible for the child as the alleged abuser
8 and which were determined by the department to be entirely
9 false or without merit, the department may determine that the
10 report is again false or without merit due to the report's
11 spurious or frivolous nature and may in its discretion
12 terminate its assessment of the report.

13 Sec. 7. NEW SECTION. 232.71C COURT ACTION FOLLOWING
14 CHILD ABUSE ASSESSMENT -- GUARDIAN AD LITEM.

15 1. If, upon completion of an assessment performed under
16 section 232.71B, the department determines that the best
17 interests of the child require juvenile court action, the
18 department shall act appropriately to initiate the action. If
19 at any time during the assessment process the department
20 believes court action is necessary to safeguard a child, the
21 department shall act appropriately to initiate the action.
22 The county attorney shall assist the department as provided
23 under section 232.90, subsection 2.

24 2. The department shall assist the juvenile court or
25 district court during all stages of court proceedings
26 involving an alleged child abuse case in accordance with the
27 purposes of this chapter.

28 3. In every case involving child abuse which results in a
29 child protective judicial proceeding, whether or not the
30 proceeding arises under this chapter, a guardian ad litem
31 shall be appointed by the court to represent the child in the
32 proceedings. Before a guardian ad litem is appointed pursuant
33 to this section, the court shall require the person
34 responsible for the care of the child to complete under oath a
35 detailed financial statement. If, on the basis of that

1 financial statement, the court determines that the person
2 responsible for the care of the child is able to bear the cost
3 of the guardian ad litem, the court shall so order. In cases
4 where the person responsible for the care of the child is
5 unable to bear the cost of the guardian ad litem, the expense
6 shall be paid out of the county treasury.

7 Sec. 8. Section 232.72, Code 1997, is amended to read as
8 follows:

9 232.72 JURISDICTION -- TRANSFER.

10 1. "Department For the purposes of this division, the
11 terms "department of human services", "department", or "county
12 attorney" ordinarily refer to the regional or local or-county
13 office of the department of human services or of the county
14 attorney's office serving the county in which the child's home
15 is located.

16 2. However, if the person making the a report of child
17 abuse pursuant to this chapter does not know where the child's
18 home is located, or if the child's home is not located in the
19 service area where the health practitioner examines, attends,
20 or treats the child, the report may be made to the state
21 department of-human-services or to the local office serving
22 the county where the person making the report resides or the
23 county where the health practitioner examines, attends, or
24 treats the child. These agencies shall promptly proceed as
25 provided in section ~~232.71~~ 232.71B, unless the matter is
26 transferred as provided in this section.

27 3. If the child's home is located in a county not served
28 by the office receiving the report, the department shall
29 promptly transfer the matter by transmitting a copy of the
30 report of injury and any other pertinent information to the
31 office and the county attorney serving the other county. They
32 shall promptly proceed as provided in section ~~232.71~~ 232.71B.

33 Sec. 9. Section 232.73, unnumbered paragraph 1, Code 1997,
34 is amended to read as follows:

35 A person participating in good faith in the making of a

1 report, photographs, or X rays, or in the performance of a
2 medically relevant test pursuant to this chapter, or aiding
3 and assisting in an ~~investigation~~ assessment of a child abuse
4 report pursuant to section ~~232.77~~ 232.71B, shall have immunity
5 from any liability, civil or criminal, which might otherwise
6 be incurred or imposed. The person shall have the same
7 immunity with respect to participation in good faith in any
8 judicial proceeding resulting from the report or relating to
9 the subject matter of the report.

10 Sec. 10. Section 232.77, Code 1997, is amended to read as
11 follows:

12 232.77 PHOTOGRAPHS, X RAYS, AND MEDICALLY RELEVANT TESTS.

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

35 2. If a health practitioner discovers in a child physical

1 or behavioral symptoms of the effects of exposure to cocaine,
2 heroin, amphetamine, methamphetamine, or other illegal drugs,
3 or combinations or derivatives thereof, which were not
4 prescribed by a health practitioner, or if the health
5 practitioner has determined through examination of the natural
6 mother of the child that the child was exposed in utero, the
7 health practitioner may perform or cause to be performed a
8 medically relevant test, as defined in section 232.73, on the
9 child. The practitioner shall report any positive results of
10 such a test on the child to the department. The department
11 shall begin an ~~investigation~~ assessment pursuant to section
12 ~~232-7+ 232.71B~~ upon receipt of such a report. A positive test
13 result obtained prior to the birth of a child shall not be
14 used for the criminal prosecution of a parent for acts and
15 omissions resulting in intrauterine exposure of the child to
16 an illegal drug.

17 Sec. 11. Section 232.78, subsection 4, unnumbered
18 paragraph 1, Code 1997, is amended to read as follows:

19 The juvenile court, before or after the filing of a
20 petition under this chapter, may enter an ex parte order
21 authorizing a physician or hospital to conduct an outpatient
22 physical examination or authorizing a physician, a
23 psychologist certified under section 154B.7, or a community
24 mental health center accredited pursuant to chapter 230A to
25 conduct an outpatient mental examination of a child if
26 necessary to identify the nature, extent, and cause of
27 injuries to the child as required by section ~~232-7+;~~
28 ~~subsection-2~~ 232.71B, provided all of the following apply:

29 Sec. 12. Section 232.141, subsection 6, Code 1997, is
30 amended to read as follows:

31 6. If a child is given physical or mental examinations or
32 treatment relating to a child abuse ~~investigation~~ assessment
33 with the consent of the child's parent, guardian, or legal
34 custodian and no other provision of law otherwise requires
35 payment for the costs of the examination and treatment, the

1 costs shall be paid by the state. Reimbursement for costs of
2 services described in this subsection is subject to subsection
3 5.

4 Sec. 13. Section 235A.13, subsection 3, paragraph a, Code
5 1997, is amended to read as follows:

6 a. Any intermediate or ultimate opinion or decision
7 reached by investigative assessment personnel.

8 Sec. 14. Section 235A.15, subsection 2, paragraph b, Code
9 1997, is amended to read as follows:

10 b. Persons involved in an investigation assessment of
11 child abuse as 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 assessment of a
21 child abuse report.

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

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

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

33 Sec. 15. Section 235A.15, subsection 2, paragraph c,
34 subparagraph (1), Code 1997, is amended to read as follows:

35 (1) To a licensing authority for a facility providing care

1 to a child named in a report, if the licensing authority is
2 notified of a relationship between facility policy and the
3 child abuse under section 232-72, ~~subsection 4~~ 232.71B.

4 Sec. 16. Section 235A.15, subsection 4, unnumbered
5 paragraphs 2 and 3, Code 1997, are amended to read as follows:

6 If a child who is a legal resident of another state is
7 present in this state and a report of child abuse is made
8 concerning the child, the department shall act to ensure the
9 safety of the child. The department shall contact the child's
10 state of legal residency to coordinate the investigation
11 assessment of the report. If the child's state of residency
12 refuses to conduct an investigation, the department shall
13 commence an appropriate investigation assessment.

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

28 Sec. 17. Section 235A.17, subsection 2, Code 1997, is
29 amended to read as follows:

30 2. The department of human services may notify orally the
31 mandatory reporter in an individual child abuse case of the
32 results of the case investigation assessment and of the
33 confidentiality provisions of sections 235A.15 and 235A.21.
34 The department shall subsequently transmit a written notice to
35 the mandatory reporter of the results and confidentiality

1 provisions. A copy of the written notice shall be transmitted
2 to the registry and shall be maintained by the registry as
3 provided in section 235A.18.

4 Sec. 18. Section 235A.18, subsection 2, paragraph a, Code
5 1997, is amended to read as follows:

6 a. The investigation assessment of a report of suspected
7 child abuse by the department.

8 Sec. 19. Section 235A.18, subsection 4, Code 1997, is
9 amended to read as follows:

10 4. The registry, at least once a year, shall review and
11 determine the current status of child abuse reports which are
12 transmitted or made to the registry after July 1, 1974, which
13 are at least one year old and in connection with which no
14 investigatory assessment report has been filed by the
15 department of human services pursuant to section ~~232.71~~
16 232.71B. If no such investigatory assessment report has been
17 filed, the registry shall request the department of human
18 services to file a report. In the event a report is not filed
19 within ninety days subsequent to ~~such-a~~ the request, the
20 report and information relating ~~thereto~~ to the report and
21 information shall be sealed and remain sealed unless good
22 cause be shown why the information should remain open to
23 authorized access.

24 Sec. 20. Section 235A.19, subsection 2, paragraph a, Code
25 1997, is amended to read as follows:

26 a. A subject of a child abuse report may file with the
27 department within six months of the date of the notice of the
28 results of an investigation assessment required by section
29 ~~232.71, -subsection-7~~ 232.71B, a written statement to the
30 effect that child abuse information referring to the subject
31 is in whole or in part erroneous, and may request a correction
32 of that information or of the findings of the investigation
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. 21. Section 235A.19, subsection 2, paragraph b,
9 subparagraph (7), Code 1997, is amended to read as follows:

10 (7) To persons involved in an investigation assessment of
11 child abuse.

12 Sec. 22. Section 331.424, subsection 1, paragraph b, Code
13 1997, is amended to read as follows:

14 b. Foster care and related services provided under court
15 order to a child who is under the jurisdiction of the juvenile
16 court, including court-ordered costs for a guardian ad litem
17 under section ~~232.71~~ 232.71C.

18 Sec. 23. Section 331.653, subsection 24, Code 1997, is
19 amended to read as follows:

20 24. Carry out duties relating to the investigation
21 assessment of reported child abuse cases and the protection of
22 abused children as provided in section ~~232.71~~ 232.71B.

23 Sec. 24. Sections 232.71 and 232.71A, Code 1997, are
24 repealed.

25 Sec. 25. EFFECTIVE DATE. This division of this Act takes
26 effect July 1, 1998.

27 EXPLANATION

28 This bill relates to assessments performed by the
29 department of human services in response to reports of child
30 abuse.

31 Under current Code section 232.71A, in five pilot project
32 areas of the state, upon receiving a child abuse report the
33 department performs a child abuse assessment in lieu of an
34 investigation. Division 1 directs the department to
35 incrementally expand the assessment-based approach to

1 additional areas so as to ensure the assessment-based approach
2 is used throughout the state by July 1, 1998. Division I
3 takes effect upon enactment.

4 Division II amends the Iowa Code to provide for statewide
5 implementation on July 1, 1998, of an assessment-based
6 approach to respond to child abuse reports.

7 The bill amends legislative findings definition provisions
8 in Code sections 232.67 and 232.68 to include references to
9 child abuse assessments. References to "department
10 investigator" are stricken and replaced with references to
11 "child protection worker" and the term is defined.

12 The bill repeals Code section 232.71, relating to child
13 abuse investigations and Code section 232.71A, relating to
14 child abuse assessment pilot projects and enacts new Code
15 section 232.71B. The new Code section provides for the use of
16 an assessment-based approach to respond to child abuse
17 reports. Many of the provisions included in the repealed
18 sections are reenacted. The following provisions are
19 addressed: the purpose of the assessment-based approach,
20 department response is required within 24 hours of receiving a
21 report, requirements for notification of parents, provisions
22 for involvement of law enforcement, required elements of an
23 assessment, home and facility visit requirements,
24 authorization for information requests and criminal records
25 checks, required communication if a child is referred to a
26 physician for a physical examination, requirements to
27 establish multidisciplinary teams to assist with assessments,
28 implementation of protocols for assessments involving
29 facilities, requirements for the content of an assessment
30 report, requirements for providing a portion of the report to
31 the county attorney and juvenile court, requirements to offer
32 voluntary services to families based upon the assessment, and
33 a procedure for the department to use in the event more than
34 three false or meritless reports are received. As part of the
35 required elements of an assessment, the bill provides that

1 unless otherwise prohibited under Code section 234.40 or
2 280.21, corporal punishment which does not result in a
3 physical injury to the child is not to be considered child
4 abuse. Code section 234.40 prohibits the use of corporal
5 punishment by a foster parent and Code section 280.21
6 prohibits the use of corporal punishment by school employees.

7 New Code section 232.71C reenacts provisions previously
8 included in section 232.71 which provide direction in the
9 event it is determined that court action is needed in response
10 to a child abuse report. The county attorney is required to
11 represent the department in any child in need of assistance
12 proceeding unless the department is represented by the office
13 of the attorney general. The department is required to assist
14 the court where needed and a guardian ad litem is required to
15 be appointed for the child.

16 Division II of the bill includes conforming amendments
17 making reference to the assessment-based approach and to new
18 Code section 232.71B in current Code sections where there are
19 references to the investigation-based approach to respond to a
20 child abuse report. The conforming amendments involve the
21 following provisions: Code section 232.72, relating to
22 jurisdiction transfers; Code section 232.73, relating to
23 medically relevant tests for the presence of drugs; Code
24 section 232.77, relating to civil immunity for assisting with
25 an investigation; Code section 232.78, relating to ex parte
26 orders for temporary removal of a child; Code section 232.141,
27 relating to state payment for the costs of physical or mental
28 examinations associated with an investigation; various
29 provisions in Code chapter 235A, concerning information placed
30 as a result of an investigation in the central registry for
31 child abuse information; Code section 331.424, relating to
32 supplemental levy authority for counties to pay the costs of a
33 guardian ad litem; and Code section 331.653, relating to the
34 duties of the county sheriff to assist in an investigation.

35 Code sections 232.71 and 232.71A are repealed.

1 Division II takes effect July 1, 1998.

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Szymoniak, Ch
Tinsman
Boettger

SSB 169
Human Resources

Succeeded By
SENATE FILE SE HF 230
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON BOETTGER)

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

A BILL FOR

1 An Act relating to child abuse provisions involving assessments
2 performed by the department of human services in response to
3 reports of child abuse and providing effective dates.

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

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1 DIVISION I

2 EXPANSION OF PILOT PROJECTS

3 Section 1. Section 232.71A, subsection 1, Code 1997, is
4 amended to read as follows:

5 1. The department shall develop an assessment-based
6 approach to respond to child abuse reports in accordance with
7 the provisions of this section. The assessment-based approach
8 shall be utilized on a pilot project basis in ~~not more than~~
9 ~~five~~ areas of the state, ~~each of which is at least the size of~~
10 ~~a departmental county cluster~~, selected by the department.
11 The pilot projects shall be selected in a manner so the pilot
12 projects are in both rural and urban areas. During the period
13 beginning with the effective date of this division of this Act
14 and ending June 30, 1998, the department shall incrementally
15 expand the pilot projects areas in a manner so as to ensure
16 the assessment-based approach is used throughout the state as
17 of July 1, 1998. The department shall adopt rules to
18 implement the provisions of this subsection.

19 Sec. 2. EFFECTIVE DATE. This division of this Act, being
20 deemed of immediate importance, takes effect upon enactment.

21 DIVISION II

22 STATEWIDE USE OF ASSESSMENTS

23 Sec. 3. Section 232.67, Code 1997, is amended to read as
24 follows:

25 232.67 LEGISLATIVE FINDINGS -- PURPOSE AND POLICY.

26 Children in this state are in urgent need of protection
27 from abuse. It is the purpose and policy of this part 2 of
28 division III to provide the greatest possible protection to
29 victims or potential victims of abuse through encouraging the
30 increased reporting of suspected cases of such abuse, ~~insuring~~
31 ensuring the thorough and prompt ~~investigation~~ assessment of
32 these reports, and providing rehabilitative services, where
33 appropriate and whenever possible to abused children and their
34 families which will stabilize the home environment so that the
35 family can remain intact without further danger to the child.

1 Sec. 4. Section 232.68, Code 1997, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. "Child protection worker" means an
4 individual designated by the department to perform an
5 assessment in response to a report of child abuse.

6 Sec. 5. Section 232.68, subsection 3, Code 1997, is
7 amended to read as follows:

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

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

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

35 c. "Examination" "Physical examination" means direct

1 physical viewing, touching, and medically necessary
2 manipulation of any area of the child's body by a physician
3 licensed under chapter 148 or 150A.

4 Sec. 6. NEW SECTION. 232.71B DUTIES OF THE DEPARTMENT
5 UPON RECEIPT OF REPORT.

6 1. COMMENCEMENT OF ASSESSMENT -- PURPOSE.

7 a. If the department determines a report constitutes a
8 child abuse allegation, the department shall promptly commence
9 an appropriate assessment within twenty-four hours of
10 receiving the report.

11 b. The primary purpose of the assessment shall be the
12 protection of the child named in the report. The secondary
13 purpose of the assessment shall be to engage the child's
14 family in services to enhance family strengths and to address
15 needs.

16 2. NOTIFICATION OF PARENTS. The department, within five
17 working days of commencing the assessment, shall provide
18 written notification of the assessment to the child's parents.
19 However, if the department shows the court to the court's
20 satisfaction that notification is likely to endanger the child
21 or other persons, the court shall orally direct the department
22 to withhold notification. Within one working day of issuing
23 an oral directive, the court shall issue a written order
24 restraining the notification. The department shall not reveal
25 in the written notification to the parents or otherwise the
26 identity of the reporter of child abuse to a subject of a
27 child abuse report listed in section 235A.15, subsection 2,
28 paragraph "a".

29 3. INVOLVEMENT OF LAW ENFORCEMENT. The department shall
30 apply a protocol, developed with representatives of law
31 enforcement agencies at the local level, to work jointly with
32 law enforcement agencies in performing assessment and
33 investigative processes for child abuse reports in which a
34 criminal act harming a child is alleged. The county attorney
35 and appropriate law enforcement agencies shall also take any

1 other lawful action which may be necessary or advisable for
2 the protection of the child. If a report is determined not to
3 constitute a child abuse allegation, but a criminal act
4 harming a child is alleged, the department shall immediately
5 refer the matter to the appropriate law enforcement agency.

6 4. ASSESSMENT PROCESS. The assessment is subject to all
7 of the following:

8 a. Identification of the nature, extent, and cause of the
9 injuries, if any, to the child named in the report.

10 b. Identification of the person or persons responsible for
11 the alleged child abuse.

12 c. A description of the name, age, and condition of other
13 children in the same home as the child named in the report.

14 d. An evaluation of the home environment. If concerns
15 regarding protection of children are identified by the child
16 protection worker, the child protection worker shall evaluate
17 the child named in the report and any other children in the
18 same home as the parents or other persons responsible for
19 their care.

20 e. An interview of the person alleged to have committed
21 the child abuse, if the person's identity and location are
22 known, to afford the person the opportunity to address the
23 allegations of the child abuse report. The interview shall be
24 conducted, or an opportunity for an interview shall be
25 provided, prior to a determination of child abuse being made.
26 The court may waive the requirement of the interview for good
27 cause.

28 f. Unless otherwise prohibited by law, the use of corporal
29 punishment by the person responsible for the care of a child
30 which does not result in a physical injury to the child shall
31 not be considered child abuse.

32 5. HOME VISIT. The assessment may, with the consent of
33 the parent or guardian, include a visit to the home of the
34 child named in the report and an interview or observation of
35 the child may be conducted. If permission to enter the home

1 to interview or observe the child is refused, the juvenile
2 court or district court upon a showing of probable cause may
3 authorize the person making the assessment to enter the home
4 and interview or observe the child.

5 6. FACILITY OR SCHOOL VISIT. The assessment may include a
6 visit to a facility providing care to the child named in the
7 report or to any public or private school subject to the
8 authority of the department of education where the child named
9 in the report is located. The administrator of a facility, or
10 a public or private school shall cooperate with the child
11 protection worker by providing confidential access to the
12 child named in the report for the purpose of interviewing the
13 child, and shall allow the child protection worker
14 confidential access to other children for the purpose of
15 conducting interviews in order to obtain relevant information.
16 The child protection worker may observe a child named in a
17 report in accordance with the provisions of section 232.68,
18 subsection 3, paragraph "b". A witness shall be present
19 during an observation of a child. Any child age ten years of
20 age or older can terminate contact with the child protection
21 worker by stating or indicating the child's wish to
22 discontinue the contact. The immunity granted by section
23 232.73 applies to acts or omissions in good faith of
24 administrators and their facilities or school districts for
25 cooperating in an assessment and allowing confidential access
26 to a child.

27 7. INFORMATION REQUESTS.

28 a. The department may request information from any person
29 believed to have knowledge of a child abuse case. The county
30 attorney, any law enforcement or social services agency in the
31 state, and any mandatory reporter, whether or not the reporter
32 made the specific child abuse report, shall cooperate and
33 assist in the assessment upon the request of the department.

34 b. In performing an assessment, the department may request
35 criminal history data from the department of public safety on

1 any person believed to be responsible for an injury to a child
2 which, if confirmed, would constitute child abuse. The
3 department shall establish procedures for determining when a
4 criminal history records check is necessary.

5 8. PHYSICAL EXAMINATION. If the department refers a child
6 to a physician for a physical examination, the department
7 shall contact the physician regarding the examination within
8 twenty-four hours of making the referral. If the physician
9 who performs the examination upon referral by the department
10 reasonably believes the child has been abused, the physician
11 shall report to the department within twenty-four hours of
12 performing the examination.

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

20 10. FACILITY PROTOCOL. The department shall apply a
21 protocol, developed in consultation with facilities providing
22 care to children, for conducting an assessment of reports of
23 abuse of children allegedly caused by employees of facilities
24 providing care to children. As part of such an assessment,
25 the department shall notify the licensing authority for the
26 facility, the governing body of the facility, and the
27 administrator in charge of the facility of any of the
28 following:

29 a. A violation of facility policy noted in the assessment.

30 b. An instance in which facility policy or lack of
31 facility policy may have contributed to the reported incident
32 of alleged child abuse.

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

35 The licensing authority, the governing body, and the

1 administrator in charge of the facility shall take any lawful
2 action which may be necessary or advisable to protect children
3 receiving care.

4 11. ASSESSMENT REPORT. The department, upon completion of
5 the assessment, shall make a written report of the assessment,
6 in accordance with all of the following:

7 a. The written assessment shall incorporate the
8 information required by subsection 4.

9 b. The written assessment shall be completed within twenty
10 business days of the receipt of the report.

11 c. The written assessment shall include a description of
12 the child's condition, identification of the injury or risk to
13 which the child was exposed, the circumstances which led to
14 the injury or risk to the child, and the identity of any
15 person alleged to be responsible for the injury or risk to the
16 child.

17 d. The written assessment shall identify the strengths and
18 needs of the child, and of the child's parent, home, and
19 family.

20 e. The written assessment shall identify services
21 available from the department and informal and formal services
22 and other support available in the community to address the
23 strengths and needs identified in the assessment.

24 f. Upon completion of the assessment, the department shall
25 consult with the child's family in offering services to the
26 child and the child's family to address strengths and needs
27 identified in the assessment.

28 12. COURT-ORDERED AND VOLUNTARY SERVICES. The department
29 shall provide or arrange for and monitor services for abused
30 children and their families on a voluntary basis or under a
31 final or intermediate order of the juvenile court.

32 13. COUNTY ATTORNEY -- JUVENILE COURT. The department
33 shall provide the juvenile court and the county attorney with
34 a copy of the portion of the written assessment pertaining to
35 the child abuse report. The juvenile court and the county

1 attorney shall notify the department of any action taken
2 concerning an assessment provided by the department.

3 14. FALSE REPORTS. If a fourth report is received from
4 the same person who made three earlier reports which
5 identified the same child as a victim of child abuse and the
6 same person responsible for the child as the alleged abuser
7 and which were determined by the department to be entirely
8 false or without merit, the department may determine that the
9 report is again false or without merit due to the report's
10 spurious or frivolous nature and may in its discretion
11 terminate its assessment of the report.

12 Sec. 7. NEW SECTION. 232.71C COURT ACTION FOLLOWING
13 CHILD ABUSE ASSESSMENT -- GUARDIAN AD LITEM.

14 1. If, upon completion of an assessment performed under
15 section 232.71B, the department determines that the best
16 interests of the child require juvenile court action, the
17 department shall act appropriately to initiate the action. If
18 at any time during the assessment process the department
19 believes court action is necessary to safeguard a child, the
20 department shall act appropriately to initiate the action.
21 The county attorney shall assist the department as provided
22 under section 232.90, subsection 2.

23 2. The department shall assist the juvenile court or
24 district court during all stages of court proceedings
25 involving an alleged child abuse case in accordance with the
26 purposes of this chapter.

27 3. In every case involving child abuse which results in a
28 child protective judicial proceeding, whether or not the
29 proceeding arises under this chapter, a guardian ad litem
30 shall be appointed by the court to represent the child in the
31 proceedings. Before a guardian ad litem is appointed pursuant
32 to this section, the court shall require the person
33 responsible for the care of the child to complete under oath a
34 detailed financial statement. If, on the basis of that
35 financial statement, the court determines that the person

1 responsible for the care of the child is able to bear the cost
2 of the guardian ad litem, the court shall so order. In cases
3 where the person responsible for the care of the child is
4 unable to bear the cost of the guardian ad litem, the expense
5 shall be paid out of the county treasury.

6 Sec. 8. Section 232.72, Code 1997, is amended to read as
7 follows:

8 232.72 JURISDICTION -- TRANSFER.

9 1. "Department For the purposes of this division, the
10 terms "department of human services", "department", or "county
11 attorney" ordinarily refer to the regional or local or-county
12 office of the department of human services or of the county
13 attorney's office serving the county in which the child's home
14 is located.

15 2. However, if the person making the a report of child
16 abuse pursuant to this chapter does not know where the child's
17 home is located, or if the child's home is not located in the
18 service area where the health practitioner examines, attends,
19 or treats the child, the report may be made to the state
20 department ~~of-human-services~~ or to the local office serving
21 the county where the person making the report resides or the
22 county where the health practitioner examines, attends, or
23 treats the child. These agencies shall promptly proceed as
24 provided in section ~~232.71~~ 232.71B, unless the matter is
25 transferred as provided in this section.

26 3. If the child's home is located in a county not served
27 by the office receiving the report, the department shall
28 promptly transfer the matter by transmitting a copy of the
29 report of injury and any other pertinent information to the
30 office and the county attorney serving the other county. They
31 shall promptly proceed as provided in section ~~232.71~~ 232.71B.

32 Sec. 9. Section 232.73, unnumbered paragraph 1, Code 1997,
33 is amended to read as follows:

34 A person participating in good faith in the making of a
35 report, photographs, or X rays, or in the performance of a

1 medically relevant test pursuant to this chapter, or aiding
2 and assisting in an ~~investigation~~ assessment of a child abuse
3 report pursuant to section ~~232.71~~ 232.71B, shall have immunity
4 from any liability, civil or criminal, which might otherwise
5 be incurred or imposed. The person shall have the same
6 immunity with respect to participation in good faith in any
7 judicial proceeding resulting from the report or relating to
8 the subject matter of the report.

9 Sec. 10. Section 232.77, Code 1997, is amended to read as
10 follows:

11 232.77 PHOTOGRAPHS, X RAYS, AND MEDICALLY RELEVANT TESTS.

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

34 2. If a health practitioner discovers in a child physical
35 or behavioral symptoms of the effects of exposure to cocaine,

1 heroin, amphetamine, methamphetamine, or other illegal drugs,
2 or combinations or derivatives thereof, which were not
3 prescribed by a health practitioner, or if the health
4 practitioner has determined through examination of the natural
5 mother of the child that the child was exposed in utero, the
6 health practitioner may perform or cause to be performed a
7 medically relevant test, as defined in section 232.73, on the
8 child. The practitioner shall report any positive results of
9 such a test on the child to the department. The department
10 shall begin an investigation assessment pursuant to section
11 ~~232.71~~ 232.71B upon receipt of such a report. A positive test
12 result obtained prior to the birth of a child shall not be
13 used for the criminal prosecution of a parent for acts and
14 omissions resulting in intrauterine exposure of the child to
15 an illegal drug.

16 Sec. 11. Section 232.78, subsection 4, unnumbered
17 paragraph 1, Code 1997, is amended to read as follows:

18 The juvenile court, before or after the filing of a
19 petition under this chapter, may enter an ex parte order
20 authorizing a physician or hospital to conduct an outpatient
21 physical examination or authorizing a physician, a
22 psychologist certified under section 154B.7, or a community
23 mental health center accredited pursuant to chapter 230A to
24 conduct an outpatient mental examination of a child if
25 necessary to identify the nature, extent, and cause of
26 injuries to the child as required by section ~~232.717~~
27 ~~subsection-2~~ 232.71B, provided all of the following apply:

28 Sec. 12. Section 232.141, subsection 6, Code 1997, is
29 amended to read as follows:

30 6. If a child is given physical or mental examinations or
31 treatment relating to a child abuse ~~investigation~~ assessment
32 with the consent of the child's parent, guardian, or legal
33 custodian and no other provision of law otherwise requires
34 payment for the costs of the examination and treatment, the
35 costs shall be paid by the state. Reimbursement for costs of

1 services described in this subsection is subject to subsection
2 5.

3 Sec. 13. Section 235A.13, subsection 3, paragraph a, Code
4 1997, is amended to read as follows:

5 a. Any intermediate or ultimate opinion or decision
6 reached by investigative assessment personnel.

7 Sec. 14. Section 235A.15, subsection 2, paragraph b, Code
8 1997, is amended to read as follows:

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

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

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

21 (3) To a law enforcement officer responsible for assisting
22 in an investigation assessment of a child abuse allegation or
23 for the temporary emergency removal of a child from the
24 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 Sec. 15. Section 235A.15, subsection 2, paragraph c,
33 subparagraph (1), Code 1997, is amended to read as follows:

34 (1) 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 child abuse under section ~~232-717-subsection-4~~ 232.71B.

3 Sec. 16. Section 235A.15, subsection 4, unnumbered
4 paragraphs 2 and 3, Code 1997, are amended to read as follows:

5 If a child who is a legal resident of another state is
6 present in this state and a report of child abuse is made
7 concerning the child, the department shall act to ensure the
8 safety of the child. The department shall contact the child's
9 state of legal residency to coordinate the investigation
10 assessment of the report. If the child's state of residency
11 refuses to conduct an investigation, the department shall
12 commence an appropriate investigation assessment.

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

27 Sec. 17. Section 235A.17, subsection 2, Code 1997, is
28 amended to read as follows:

29 2. The department of human services may notify orally the
30 mandatory reporter in an individual child abuse case of the
31 results of the case investigation assessment and of the
32 confidentiality provisions of sections 235A.15 and 235A.21.
33 The department shall subsequently transmit a written notice to
34 the mandatory reporter of the results and confidentiality
35 provisions. A copy of the written notice shall be transmitted

1 to the registry and shall be maintained by the registry as
2 provided in section 235A.18.

3 Sec. 18. Section 235A.18, subsection 2, paragraph a, Code
4 1997, is amended to read as follows:

5 a. The investigation assessment of a report of suspected
6 child abuse by the department.

7 Sec. 19. Section 235A.18, subsection 4, Code 1997, is
8 amended to read as follows:

9 4. The registry, at least once a year, shall review and
10 determine the current status of child abuse reports which are
11 transmitted or made to the registry after July 1, 1974, which
12 are at least one year old and in connection with which no
13 investigatory assessment report has been filed by the
14 department of human services pursuant to section ~~232-71~~
15 232.71B. If no such investigatory assessment report has been
16 filed, the registry shall request the department of human
17 services to file a report. In the event a report is not filed
18 within ninety days subsequent to ~~such-a~~ the request, the
19 report and information relating thereto to the report and
20 information shall be sealed and remain sealed unless good
21 cause be shown why the information should remain open to
22 authorized access.

23 Sec. 20. 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 assessment required by section
28 ~~232-71, -subsection-7~~ 232.71B, a written statement to the
29 effect that child abuse information referring to the subject
30 is in whole or in part erroneous, and may request a correction
31 of that information or of the findings of the ~~investigation~~
32 assessment report. The department shall provide the subject
33 with an opportunity for an evidentiary hearing pursuant to
34 chapter 17A to correct the information or the findings, unless
35 the department corrects the information or findings as

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

7 Sec. 21. Section 235A.19, subsection 2, paragraph b,
8 subparagraph (7), Code 1997, is amended to read as follows:

9 (7) To persons involved in an ~~investigation~~ assessment of
10 child abuse.

11 Sec. 22. Section 331.424, subsection 1, paragraph b, Code
12 1997, is amended to read as follows:

13 b. Foster care and related services provided under court
14 order to a child who is under the jurisdiction of the juvenile
15 court, including court-ordered costs for a guardian ad litem
16 under section ~~232.71~~ 232.71C.

17 Sec. 23. Section 331.653, subsection 24, Code 1997, is
18 amended to read as follows:

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

22 Sec. 24. Sections 232.71 and 232.71A, Code 1997, are
23 repealed.

24 Sec. 25. EFFECTIVE DATE. This division of this Act takes
25 effect July 1, 1998.

26 EXPLANATION

27 This bill relates to assessments performed by the
28 department of human services in response to reports of child
29 abuse.

30 Under current Code section 232.71A, in five pilot project
31 areas of the state, upon receiving a child abuse report the
32 department performs a child abuse assessment in lieu of an
33 investigation. Division I directs the department to
34 incrementally expand the assessment-based approach to
35 additional areas so as to ensure the assessment-based approach

SSB/69

S.F. _____ H.F. _____

1 is used throughout the state by July 1, 1998. Division I
2 takes effect upon enactment.
3 Division II amends the Iowa Code to provide for statewide
4 implementation on July 1, 1998, of an assessment-based
5 approach to respond to child abuse reports.
6 The bill amends legislative findings definition provisions
7 in Code sections 232.67 and 232.68 to include references to
8 child abuse assessments. References to "department
9 investigator" are stricken and replaced with references to
10 "child protection worker" and the term is defined.
11 The bill repeals Code section 232.71, relating to child
12 abuse investigations and Code section 232.71A, relating to
13 child abuse assessment pilot projects and enacts new Code
14 section 232.71B. The new Code section provides for the use
15 an assessment-based approach to respond to child abuse
16 reports. Many of the provisions included in the repealed
17 sections are reenacted. The following provisions are
18 addressed: the purpose of the assessment-based approach
19 department response is required within 24 hours of receipt
20 report, requirements for notification of parents, provisions
21 for involvement of law enforcement and criminal
22 assessment, home and facility visit requirements,
23 authorization for information requests and criminal
24 checks, required communication if a child is referred
25 physician for a physical examination, requirement
26 establish multidisciplinary teams to assist with
27 implementation of protocols for assessments involving
28 facilities, requirements for providing a portion of
29 report, requirements for juvenile court, requirements
30 the county attorney and families based upon the
31 voluntary services to families based upon the
procedure for the department to use in the
or meritless reports are received
ion 232.71C reenacts provisions
a 71 which provides

1 event it is determined that court action is needed in response
2 to a child abuse report. The county attorney is required to
3 represent the department in any child in need of assistance
4 proceeding unless the department is represented by the office
5 of the attorney general. The department is required to assist
6 the court where needed and a guardian ad litem is required to
7 be appointed for the child.

8 Division II of the bill includes conforming amendments
9 making reference to the assessment-based approach and to new
10 Code section 232.71B in current Code sections where there are
11 references to the investigation-based approach to respond to a
12 child abuse report. The conforming amendments involve the
13 following provisions: Code section 232.72, relating to
14 jurisdiction transfers; Code section 232.73, relating to
15 medically relevant tests for the presence of drugs; Code
16 section 232.77, relating to civil immunity for assisting with
17 an investigation; Code section 232.78, relating to ex parte
18 orders for temporary removal of a child; Code section 232.141,
19 relating to state payment for the costs of physical or mental
20 examinations associated with an investigation; various
21 provisions in Code chapter 235A, concerning information placed
22 as a result of an investigation in the central registry for
23 child abuse information; Code section 331.424, relating to
24 supplemental levy authority for counties to pay the costs of a
25 guardian ad litem; and Code section 331.653, relating to the
26 duties of the county sheriff to assist in an investigation.

27 Code sections 232.71 and 232.71A are repealed.

28 Division II takes effect July 1, 1998.

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SENATE FILE 230

AN ACT

RELATING TO CHILD ABUSE PROVISIONS INVOLVING ASSESSMENTS PERFORMED BY THE DEPARTMENT OF HUMAN SERVICES IN RESPONSE TO REPORTS OF CHILD ABUSE AND PROVIDING EFFECTIVE DATES.

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

DIVISION I

EXPANSION OF PILOT PROJECTS

Section 1. Section 232.71A, subsection 1, Code 1997, is amended to read as follows:

1. The department shall develop an assessment-based approach to respond to child abuse reports in accordance with the provisions of this section. The assessment-based approach shall be utilized on a pilot project basis in not more than five areas of the state--each of which is at least the size of a departmental-county cluster, selected by the department. The pilot projects shall be selected in a manner so the pilot projects are in both rural and urban areas. During the period beginning with the effective date of this division of this Act and ending June 30, 1998, the department shall incrementally expand the pilot projects areas in a manner so as to ensure the assessment-based approach is used throughout the state as of July 1, 1998. The department shall adopt rules to implement the provisions of this subsection.

Sec. 2. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II

STATEWIDE USE OF ASSESSMENTS

Sec. 3. Section 232.67, Code 1997, is amended to read as follows:

232.67 LEGISLATIVE FINDINGS -- PURPOSE AND POLICY.

Children in this state are in urgent need of protection from abuse. It is the purpose and policy of this part 2 of division III to provide the greatest possible protection to victims or potential victims of abuse through encouraging the increased reporting of suspected cases of such abuse, insuring ensuring the thorough and prompt investigation assessment of these reports, and providing rehabilitative services, where appropriate and whenever possible to abused children and their families which will stabilize the home environment so that the family can remain intact without further danger to the child.

Sec. 4. Section 232.68, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. "Child protection worker" means an individual designated by the department to perform an assessment in response to a report of child abuse.

Sec. 5. Section 232.68, subsection 3, Code 1997, is amended to read as follows:

3. "Confidential access to a child" means access to a child, during an investigation assessment of an alleged act of child abuse, who is alleged to be the victim of the child abuse. The access may be accomplished by interview, observation, or examination of the child. As used in this subsection and this part:

a. "Interview" means the verbal exchange between the department-investigator child protection worker and the child for the purpose of developing information necessary to protect the child. A department-investigator child protection worker is not precluded from recording visible evidence of abuse.

b. "Observation" means direct physical viewing of a child under the age of four by the department-investigator child protection worker where the viewing is limited to the child's body other than the genitalia and pubes. "Observation" also means direct physical viewing of a child age four or older by the department-investigator child protection worker without touching the child or removing an article of the child's

clothing, and doing so without the consent of the child's parent, custodian, or guardian. A department-investigator child protection worker is not precluded from recording evidence of abuse obtained as a result of a child's voluntary removal of an article of clothing without inducement by the investigator child protection worker. However, if prior consent of the child's parent or guardian, or an ex parte court order, is obtained, "observation" may include viewing the child's unclothed body other than the genitalia and pubes.

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

Sec. 6. NEW SECTION. 232.718 DUTIES OF THE DEPARTMENT UPON RECEIPT OF REPORT.

1. COMMENCEMENT OF ASSESSMENT -- PURPOSE.

a. If the department determines a report constitutes a child abuse allegation, the department shall promptly commence an appropriate assessment within twenty-four hours of receiving the report.

b. The primary purpose of the assessment shall be the protection of the child named in the report. The secondary purpose of the assessment shall be to engage the child's family in services to enhance family strengths and to address needs.

2. NOTIFICATION OF PARENTS. The department, within five working days of commencing the assessment, shall provide written notification of the assessment to the child's parents. However, if the department shows the court to the court's satisfaction that notification is likely to endanger the child or other persons, the court shall orally direct the department to withhold notification. Within one working day of issuing an oral directive, the court shall issue a written order restraining the notification. The department shall not reveal in the written notification to the parents or otherwise the

identity of the reporter of child abuse to a subject of a child abuse report listed in section 235A.15, subsection 2, paragraph "a".

3. INVOLVEMENT OF LAW ENFORCEMENT. The department shall apply a protocol, developed with representatives of law enforcement agencies at the local level, to work jointly with law enforcement agencies in performing assessment and investigative processes for child abuse reports in which a criminal act harming a child is alleged. The county attorney and appropriate law enforcement agencies shall also take any other lawful action which may be necessary or advisable for the protection of the child. If a report is determined not to constitute a child abuse allegation, but a criminal act harming a child is alleged, the department shall immediately refer the matter to the appropriate law enforcement agency.

4. ASSESSMENT PROCESS. The assessment is subject to all of the following:

a. Identification of the nature, extent, and cause of the injuries, if any, to the child named in the report.

b. Identification of the person or persons responsible for the alleged child abuse.

c. A description of the name, age, and condition of other children in the same home as the child named in the report.

d. An evaluation of the home environment. If concerns regarding protection of children are identified by the child protection worker, the child protection worker shall evaluate the child named in the report and any other children in the same home as the parents or other persons responsible for their care.

e. An interview of the person alleged to have committed the child abuse, if the person's identity and location are known, to afford the person the opportunity to address the allegations of the child abuse report. The interview shall be conducted, or an opportunity for an interview shall be provided, prior to a determination of child abuse being made.

The court may waive the requirement of the interview for good cause.

f. Unless otherwise prohibited under section 234.40 or 280.21, the use of corporal punishment by the person responsible for the care of a child which does not result in a physical injury to the child shall not be considered child abuse.

5. HOME VISIT. The assessment may, with the consent of the parent or guardian, include a visit to the home of the child named in the report and an interview or observation of the child may be conducted. If permission to enter the home to interview or observe the child is refused, the juvenile court or district court upon a showing of probable cause may authorize the person making the assessment to enter the home and interview or observe the child.

6. FACILITY OR SCHOOL VISIT. The assessment may include a visit to a facility providing care to the child named in the report or to any public or private school subject to the authority of the department of education where the child named in the report is located. The administrator of a facility, or a public or private school shall cooperate with the child protection worker by providing confidential access to the child named in the report for the purpose of interviewing the child, and shall allow the child protection worker confidential access to other children for the purpose of conducting interviews in order to obtain relevant information. The child protection worker may observe a child named in a report in accordance with the provisions of section 232.68, subsection 3, paragraph "b". A witness shall be present during an observation of a child. Any child age ten years of age or older can terminate contact with the child protection worker by stating or indicating the child's wish to discontinue the contact. The immunity granted by section 732.71 applies to acts or omissions in good faith of administrators and their facilities or school districts for

cooperating in an assessment and allowing confidential access to a child.

7. INFORMATION REQUESTS.

a. The department may request information from any person believed to have knowledge of a child abuse case. The county attorney, any law enforcement or social services agency in the state, and any mandatory reporter, whether or not the reporter made the specific child abuse report, shall cooperate and assist in the assessment upon the request of the department.

b. In performing an assessment, the department may request criminal history data from the department of public safety on any person believed to be responsible for an injury to a child which, if confirmed, would constitute child abuse. The department shall establish procedures for determining when a criminal history records check is necessary.

8. PHYSICAL EXAMINATION. If the department refers a child to a physician for a physical examination, the department shall contact the physician regarding the examination within twenty-four hours of making the referral. If the physician who performs the examination upon referral by the department reasonably believes the child has been abused, the physician shall report to the department within twenty-four hours of performing the examination.

9. MULTIDISCIPLINARY TEAM. In each county or multicounty area in which more than fifty child abuse reports are made per year, the department shall establish a multidisciplinary team, as defined in section 235A.13, subsection 7. Upon the department's request, a multidisciplinary team shall assist the department in the assessment, diagnosis, and disposition of a child abuse report.

10. FACILITY PROTOCOL. The department shall apply a protocol, developed in consultation with facilities providing care to children, for conducting an assessment of reports of abuse of children allegedly caused by employees of facilities providing care to children. As part of such an assessment,

the department shall notify the licensing authority for the facility, the governing body of the facility, and the administrator in charge of the facility of any of the following:

- a. A violation of facility policy noted in the assessment.
- b. An instance in which facility policy or lack of facility policy may have contributed to the reported incident of alleged child abuse.
- c. An instance in which general practice in the facility appears to differ from the facility's written policy.

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

11. ASSESSMENT REPORT. The department, upon completion of the assessment, shall make a written report of the assessment, in accordance with all of the following:

- a. The written assessment shall incorporate the information required by subsection 4.
- b. The written assessment shall be completed within twenty business days of the receipt of the report.
- c. The written assessment shall include a description of the child's condition, identification of the injury or risk to which the child was exposed, the circumstances which led to the injury or risk to the child, and the identity of any person alleged to be responsible for the injury or risk to the child.
- d. The written assessment shall identify the strengths and needs of the child, and of the child's parent, home, and family.
- e. The written assessment shall identify services available from the department and informal and formal services and other support available in the community to address the strengths and needs identified in the assessment.

f. Upon completion of the assessment, the department shall consult with the child's family in offering services to the child and the child's family to address strengths and needs identified in the assessment.

12. COURT-ORDERED AND VOLUNTARY SERVICES. The department shall provide or arrange for and monitor services for abused children and their families on a voluntary basis or under a final or intermediate order of the juvenile court.

13. COUNTY ATTORNEY -- JUVENILE COURT. The department shall provide the juvenile court and the county attorney with a copy of the portion of the written assessment pertaining to the child abuse report. The juvenile court and the county attorney shall notify the department of any action taken concerning an assessment provided by the department.

14. FALSE REPORTS. If a fourth report is received from the same person who made three earlier reports which identified the same child as a victim of child abuse and the same person responsible for the child as the alleged abuser and which were determined by the department to be entirely false or without merit, the department may determine that the report is again false or without merit due to the report's spurious or frivolous nature and may in its discretion terminate its assessment of the report.

Sec. 7. NEW SECTION. 232.71C COURT ACTION FOLLOWING CHILD ABUSE ASSESSMENT -- GUARDIAN AD LITEM.

1. If, upon completion of an assessment performed under section 232.71B, the department determines that the best interests of the child require juvenile court action, the department shall act appropriately to initiate the action. If at any time during the assessment process the department believes court action is necessary to safeguard a child, the department shall act appropriately to initiate the action. The county attorney shall assist the department as provided under section 232.90, subsection 2.

2. The department shall assist the juvenile court or district court during all stages of court proceedings involving an alleged child abuse case in accordance with the purposes of this chapter.

3. In every case involving child abuse which results in a child protective judicial proceeding, whether or not the proceeding arises under this chapter, a guardian ad litem shall be appointed by the court to represent the child in the proceedings. Before a guardian ad litem is appointed pursuant to this section, the court shall require the person responsible for the care of the child to complete under oath a detailed financial statement. If, on the basis of that financial statement, the court determines that the person responsible for the care of the child is able to bear the cost of the guardian ad litem, the court shall so order. In cases where the person responsible for the care of the child is unable to bear the cost of the guardian ad litem, the expense shall be paid out of the county treasury.

Sec. 8. Section 232.72, Code 1997, is amended to read as follows:

232.72 JURISDICTION -- TRANSFER.

1. Department For the purposes of this division, the terms "department of human services", "department", or "county attorney" ordinarily refer to the regional or local or county office of the department of human services or of the county attorney's office serving the county in which the child's home is located.

2. However, if the person making the a report of child abuse pursuant to this chapter does not know where the child's home is located, or if the child's home is not located in the service area where the health practitioner examines, attends, or treats the child, the report may be made to the state department of human services or to the local office serving the county where the person making the report resides or the county where the health practitioner examines, attends, or

treats the child. These agencies shall promptly proceed as provided in section ~~232.71~~ 232.71B, unless the matter is transferred as provided in this section.

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

Sec. 9. Section 232.73, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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

Sec. 10. Section 232.77, Code 1997, is amended to read as follows:

232.77 PHOTOGRAPHS, X RAYS, AND MEDICALLY RELEVANT TESTS.

1. A person who is required to report a case of child abuse may take or cause to be taken, at public expense, photographs, X rays, or other physical examinations or tests of a child which would provide medical indication of allegations arising from a child abuse investigation assessment. A health practitioner may, if medically indicated, cause to be performed radiological examination, physical examination, or other medical tests of the child. A person who takes any photographs or X rays or performs physical examinations or other tests pursuant to this section shall notify the department of human services that the

photographs or X rays have been taken or the examinations or other tests have been performed. The person who made notification shall retain the photographs or X rays or examination or test findings for a reasonable time following the notification. Whenever the person is required to report under section 232.69, in that person's capacity as a member of the staff of a medical or other private or public institution, agency or facility, that person shall immediately notify the person in charge of the institution, agency, or facility or that person's designated delegate of the need for photographs or X rays or examinations or other tests.

2. If a health practitioner discovers in a child physical or behavioral symptoms of the effects of exposure to cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs, or combinations or derivatives thereof, which were not prescribed by a health practitioner, or if the health practitioner has determined through examination of the natural mother of the child that the child was exposed in utero, the health practitioner may perform or cause to be performed a medically relevant test, as defined in section 232.73, on the child. The practitioner shall report any positive results of such a test on the child to the department. The department shall begin an investigation assessment pursuant to section ~~232.73~~ 232.71B upon receipt of such a report. A positive test result obtained prior to the birth of a child shall not be used for the criminal prosecution of a parent for acts and omissions resulting in intrauterine exposure of the child to an illegal drug.

Sec. 11. Section 232.78, subsection 4, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The juvenile court, before or after the filing of a petition under this chapter, may enter an ex parte order authorizing a physician or hospital to conduct an outpatient physical examination or authorizing a physician, a psychologist certified under section 154B.7, or a community

mental health center accredited pursuant to chapter 230A to conduct an outpatient mental examination of a child if necessary to identify the nature, extent, and cause of injuries to the child as required by section ~~232.71~~ ~~subsection-2~~ 232.71B, provided all of the following apply:

Sec. 12. Section 232.141, subsection 6, Code 1997, is amended to read as follows:

6. If a child is given physical or mental examinations or treatment relating to a child abuse investigation assessment with the consent of the child's parent, guardian, or legal custodian and no other provision of law otherwise requires payment for the costs of the examination and treatment, the costs shall be paid by the state. Reimbursement for costs of services described in this subsection is subject to subsection 5.

Sec. 13. Section 235A.13, subsection 3, paragraph a, Code 1997, is amended to read as follows:

a. Any intermediate or ultimate opinion or decision reached by investigative assessment personnel.

Sec. 14. Section 235A.15, subsection 2, paragraph b, Code 1997, is amended to read as follows:

b. Persons involved in an investigation 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 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.

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

Sec. 15. Section 235A.15, subsection 2, paragraph c, subparagraph (1), Code 1997, is amended to read 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 ~~232-717~~-subsection 4 232.71B.

Sec. 16. Section 235A.15, subsection 4, unnumbered paragraphs 2 and 3, Code 1997, are amended to read as follows:

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.

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. 17. 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 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. 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.

Sec. 18. Section 235A.18, subsection 2, paragraph a, Code 1997, is amended to read as follows:

a. The investigation assessment of a report of suspected child abuse by the department.

Sec. 19. Section 235A.18, subsection 4, Code 1997, is amended to read as follows:

4. 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 assessment report has been filed by the department of human services pursuant to section ~~232-717~~ 232.71B. If no such investigatory assessment 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~~ the request, the report and information relating thereto to the report and information shall be sealed and remain sealed unless good cause be shown why the information should remain open to authorized access.

Sec. 20. Section 235A.19, subsection 2, paragraph a, Code 1997, 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 assessment required by section ~~232.71~~-subsection-7 232.71B, a written statement to the effect that child abuse information referring to the subject is in whole or in part erroneous, and may request a correction of that information or of the findings of the investigation assessment report. The department shall provide the subject with an opportunity for an evidentiary hearing pursuant to chapter 17A to correct the information or the findings, unless the department corrects the information 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 or findings.

Sec. 21. Section 235A.19, subsection 2, paragraph b, subparagraph (7), Code 1997, is amended to read as follows:

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

Sec. 22. Section 331.424, subsection 1, paragraph b, Code 1997, is amended to read as follows:

b. Foster care and related services provided under court order to a child who is under the jurisdiction of the juvenile court, including court-ordered costs for a guardian ad litem under section ~~232.71~~ 232.71C.

Sec. 23. Section 331.653, subsection 24, Code 1997, is amended to read as follows:

24. Carry out duties relating to the investigation assessment of reported child abuse cases and the protection of abused children as provided in section ~~232.71~~ 232.71B.

Sec. 24. Sections 232.71 and 232.7.A, Code 1997, are repealed.

Sec. 25. EFFECTIVE DATE. This division of this Act takes effect July 1, 1998.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 230, Seventy-seventh General Assembly.

Approved April 18, 1997

MARY PAT GUNDERSON
Secretary of the Senate

TERRY E. BRANSTAD
Governor