

Senate Study Bill 169

Bill Text

PAG LIN

1 1 DIVISION I
1 2 EXPANSION OF PILOT PROJECTS
1 3 Section 1. Section [232.71A](#), subsection 1, Code 1997, is
1 4 amended to read as follows:
1 5 1. The department shall develop an assessment-based
1 6 approach to respond to child abuse reports in accordance with
1 7 the provisions of this section. The assessment-based approach
1 8 shall be utilized on a pilot project basis in

~~not more than~~

1 9

~~five~~

- areas of the state

~~, each of which is at least the size of~~

1 10

~~a departmental county cluster,~~

- selected by the department.

1 11 The pilot projects shall be selected in a manner so the pilot
1 12 projects are in both rural and urban areas. During the period
1 13 beginning with the effective date of this division of this Act
1 14 and ending June 30, 1998, the department shall incrementally
1 15 expand the pilot projects areas in a manner so as to ensure
1 16 the assessment-based approach is used throughout the state as
1 17 of July 1, 1998. The department shall adopt rules to
1 18 implement the provisions of this subsection.

1 19 Sec. 2. EFFECTIVE DATE. This division of this Act, being
1 20 deemed of immediate importance, takes effect upon enactment.

1 21 DIVISION II

1 22 STATEWIDE USE OF ASSESSMENTS

1 23 Sec. 3. Section [232.67](#), Code 1997, is amended to read as
1 24 follows:

1 25 232.67 LEGISLATIVE FINDINGS - PURPOSE AND POLICY.

1 26 Children in this state are in urgent need of protection
1 27 from abuse. It is the purpose and policy of this part 2 of
1 28 division III to provide the greatest possible protection to
1 29 victims or potential victims of abuse through encouraging the
1 30 increased reporting of suspected cases of

~~such~~

- abuse,

~~insuring~~

1 31 ensuring the thorough and prompt

~~investigation~~

- assessment of

1 32 these reports, and providing rehabilitative services, where
1 33 appropriate and whenever possible to abused children and their
1 34 families which will stabilize the home environment so that the
1 35 family can remain intact without further danger to the child.

2 1 Sec. 4. Section [232.68](#), Code 1997, is amended by adding
2 2 the following new subsection:
2 3 NEW SUBSECTION. 2A. "Child protection worker" means an
2 4 individual designated by the department to perform an
2 5 assessment in response to a report of child abuse.
2 6 Sec. 5. Section [232.68](#), subsection 3, Code 1997, is
2 7 amended to read as follows:
2 8 3. "Confidential access to a child" means access to a
2 9 child, during an

~~investigation~~

- assessment of an alleged act of
2 10 child abuse, who is alleged to be the victim of the child
2 11 abuse. The access may be accomplished by interview,
2 12 observation, or examination of the child. As used in this
2 13 subsection and this part:
2 14 a. "Interview" means the verbal exchange between the
2 15

~~department investigator~~

- child protection worker and the child
2 16 for the purpose of developing information necessary to protect
2 17 the child. A

~~department investigator~~

- child protection worker
2 18 is not precluded from recording visible evidence of abuse.
2 19 b. "Observation" means direct physical viewing of a child
2 20 under the age of four by the

~~department investigator~~

- child
2 21 protection worker where the viewing is limited to the child's
2 22 body other than the genitalia and pubes. "Observation" also
2 23 means direct physical viewing of a child age four or older by
2 24 the

~~department investigator~~

- child protection worker without
2 25 touching the child or removing an article of the child's
2 26 clothing, and doing so without the consent of the child's
2 27 parent, custodian, or guardian. A

~~department investigator~~

-
2 28 child protection worker is not precluded from recording
2 29 evidence of abuse obtained as a result of a child's voluntary
2 30 removal of an article of clothing without inducement by the
2 31

~~investigator~~

- child protection worker. However, if prior
2 32 consent of the child's parent or guardian, or an ex parte
2 33 court order, is obtained, "observation" may include viewing
2 34 the child's unclothed body other than the genitalia and pubes.
2 35 c.

~~"Examination"~~

- "Physical examination" means direct
3 1 physical viewing, touching, and medically necessary
3 2 manipulation of any area of the child's body by a physician
3 3 licensed under chapter 148 or 150A.
3 4 Sec. 6. NEW SECTION. 232.71B DUTIES OF THE DEPARTMENT
3 5 UPON RECEIPT OF REPORT.
3 6 1. COMMENCEMENT OF ASSESSMENT - PURPOSE.
3 7 a. If the department determines a report constitutes a
3 8 child abuse allegation, the department shall promptly commence

3 9 an appropriate assessment within twenty-four hours of
3 10 receiving the report.

3 11 b. The primary purpose of the assessment shall be the
3 12 protection of the child named in the report. The secondary
3 13 purpose of the assessment shall be to engage the child's
3 14 family in services to enhance family strengths and to address
3 15 needs.

3 16 2. NOTIFICATION OF PARENTS. The department, within five
3 17 working days of commencing the assessment, shall provide
3 18 written notification of the assessment to the child's parents.
3 19 However, if the department shows the court to the court's
3 20 satisfaction that notification is likely to endanger the child
3 21 or other persons, the court shall orally direct the department
3 22 to withhold notification. Within one working day of issuing
3 23 an oral directive, the court shall issue a written order
3 24 restraining the notification. The department shall not reveal
3 25 in the written notification to the parents or otherwise the
3 26 identity of the reporter of child abuse to a subject of a
3 27 child abuse report listed in section 235A.15, subsection 2,
3 28 paragraph "a".

3 29 3. INVOLVEMENT OF LAW ENFORCEMENT. The department shall
3 30 apply a protocol, developed with representatives of law
3 31 enforcement agencies at the local level, to work jointly with
3 32 law enforcement agencies in performing assessment and
3 33 investigative processes for child abuse reports in which a
3 34 criminal act harming a child is alleged. The county attorney
3 35 and appropriate law enforcement agencies shall also take any
4 1 other lawful action which may be necessary or advisable for
4 2 the protection of the child. If a report is determined not to
4 3 constitute a child abuse allegation, but a criminal act
4 4 harming a child is alleged, the department shall immediately
4 5 refer the matter to the appropriate law enforcement agency.

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

4 8 a. Identification of the nature, extent, and cause of the
4 9 injuries, if any, to the child named in the report.

4 10 b. Identification of the person or persons responsible for
4 11 the alleged child abuse.

4 12 c. A description of the name, age, and condition of other
4 13 children in the same home as the child named in the report.

4 14 d. An evaluation of the home environment. If concerns
4 15 regarding protection of children are identified by the child
4 16 protection worker, the child protection worker shall evaluate
4 17 the child named in the report and any other children in the
4 18 same home as the parents or other persons responsible for
4 19 their care.

4 20 e. An interview of the person alleged to have committed
4 21 the child abuse, if the person's identity and location are
4 22 known, to afford the person the opportunity to address the
4 23 allegations of the child abuse report. The interview shall be
4 24 conducted, or an opportunity for an interview shall be
4 25 provided, prior to a determination of child abuse being made.
4 26 The court may waive the requirement of the interview for good
4 27 cause.

4 28 f. Unless otherwise prohibited by law, the use of corporal
4 29 punishment by the person responsible for the care of a child
4 30 which does not result in a physical injury to the child shall
4 31 not be considered child abuse.

4 32 5. HOME VISIT. The assessment may, with the consent of
4 33 the parent or guardian, include a visit to the home of the
4 34 child named in the report and an interview or observation of
4 35 the child may be conducted. If permission to enter the home
5 1 to interview or observe the child is refused, the juvenile
5 2 court or district court upon a showing of probable cause may
5 3 authorize the person making the assessment to enter the home
5 4 and interview or observe the child.

5 5 6. FACILITY OR SCHOOL VISIT. The assessment may include a

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

5 27 7. INFORMATION REQUESTS.

5 28 a. The department may request information from any person
5 29 believed to have knowledge of a child abuse case. The county
5 30 attorney, any law enforcement or social services agency in the
5 31 state, and any mandatory reporter, whether or not the reporter
5 32 made the specific child abuse report, shall cooperate and
5 33 assist in the assessment upon the request of the department.

5 34 b. In performing an assessment, the department may request
5 35 criminal history data from the department of public safety on
6 1 any person believed to be responsible for an injury to a child
6 2 which, if confirmed, would constitute child abuse. The
6 3 department shall establish procedures for determining when a
6 4 criminal history records check is necessary.

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

6 13 9. MULTIDISCIPLINARY TEAM. In each county or multicounty
6 14 area in which more than fifty child abuse reports are made per
6 15 year, the department shall establish a multidisciplinary team,
6 16 as defined in section 235A.13, subsection 7. Upon the
6 17 department's request, a multidisciplinary team shall assist
6 18 the department in the assessment, diagnosis, and disposition
6 19 of a child abuse report.

6 20 10. FACILITY PROTOCOL. The department shall apply a
6 21 protocol, developed in consultation with facilities providing
6 22 care to children, for conducting an assessment of reports of
6 23 abuse of children allegedly caused by employees of facilities
6 24 providing care to children. As part of such an assessment,
6 25 the department shall notify the licensing authority for the
6 26 facility, the governing body of the facility, and the
6 27 administrator in charge of the facility of any of the
6 28 following:

6 29 a. A violation of facility policy noted in the assessment.

6 30 b. An instance in which facility policy or lack of
6 31 facility policy may have contributed to the reported incident
6 32 of alleged child abuse.

6 33 c. An instance in which general practice in the facility
6 34 appears to differ from the facility's written policy.

6 35 The licensing authority, the governing body, and the
7 1 administrator in charge of the facility shall take any lawful
7 2 action which may be necessary or advisable to protect children

7 3 receiving care.

7 4 11. ASSESSMENT REPORT. The department, upon completion of
7 5 the assessment, shall make a written report of the assessment,
7 6 in accordance with all of the following:

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

7 9 b. The written assessment shall be completed within twenty
7 10 business days of the receipt of the report.

7 11 c. The written assessment shall include a description of
7 12 the child's condition, identification of the injury or risk to
7 13 which the child was exposed, the circumstances which led to
7 14 the injury or risk to the child, and the identity of any
7 15 person alleged to be responsible for the injury or risk to the
7 16 child.

7 17 d. The written assessment shall identify the strengths and
7 18 needs of the child, and of the child's parent, home, and
7 19 family.

7 20 e. The written assessment shall identify services
7 21 available from the department and informal and formal services
7 22 and other support available in the community to address the
7 23 strengths and needs identified in the assessment.

7 24 f. Upon completion of the assessment, the department shall
7 25 consult with the child's family in offering services to the
7 26 child and the child's family to address strengths and needs
7 27 identified in the assessment.

7 28 12. COURT-ORDERED AND VOLUNTARY SERVICES. The department
7 29 shall provide or arrange for and monitor services for abused
7 30 children and their families on a voluntary basis or under a
7 31 final or intermediate order of the juvenile court.

7 32 13. COUNTY ATTORNEY - JUVENILE COURT. The department
7 33 shall provide the juvenile court and the county attorney with
7 34 a copy of the portion of the written assessment pertaining to
7 35 the child abuse report. The juvenile court and the county
8 1 attorney shall notify the department of any action taken
8 2 concerning an assessment provided by the department.

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

8 12 Sec. 7. NEW SECTION. 232.71C COURT ACTION FOLLOWING
8 13 CHILD ABUSE ASSESSMENT - GUARDIAN AD LITEM.

8 14 1. If, upon completion of an assessment performed under
8 15 section 232.71B, the department determines that the best
8 16 interests of the child require juvenile court action, the
8 17 department shall act appropriately to initiate the action. If
8 18 at any time during the assessment process the department
8 19 believes court action is necessary to safeguard a child, the
8 20 department shall act appropriately to initiate the action.
8 21 The county attorney shall assist the department as provided
8 22 under section 232.90, subsection 2.

8 23 2. The department shall assist the juvenile court or
8 24 district court during all stages of court proceedings
8 25 involving an alleged child abuse case in accordance with the
8 26 purposes of this chapter.

8 27 3. In every case involving child abuse which results in a
8 28 child protective judicial proceeding, whether or not the
8 29 proceeding arises under this chapter, a guardian ad litem
8 30 shall be appointed by the court to represent the child in the
8 31 proceedings. Before a guardian ad litem is appointed pursuant
8 32 to this section, the court shall require the person
8 33 responsible for the care of the child to complete under oath a
8 34 detailed financial statement. If, on the basis of that

8 35 financial statement, the court determines that the person
9 1 responsible for the care of the child is able to bear the cost
9 2 of the guardian ad litem, the court shall so order. In cases
9 3 where the person responsible for the care of the child is
9 4 unable to bear the cost of the guardian ad litem, the expense
9 5 shall be paid out of the county treasury.

9 6 Sec. 8. Section [232.72](#), Code 1997, is amended to read as
9 7 follows:

9 8 232.72 JURISDICTION - TRANSFER.

9 9 1.

~~"Department~~

- For the purposes of this division, the

9 10 terms "department of human services", "department", or "county
9 11 attorney" ordinarily refer to the regional or local

~~or county~~

9 12 office of the department of human services or of the county

9 13 attorney's office serving the county in which the child's home
9 14 is located.

9 15 2. However, if the person making

~~the~~

- a report of child

9 16 abuse pursuant to this chapter does not know where the child's
9 17 home is located, or if the child's home is not located in the
9 18 service area where the health practitioner examines, attends,
9 19 or treats the child, the report may be made to the

~~state~~

9 20 department

~~of human services~~

- or to the local office serving

9 21 the county where the person making the report resides or the
9 22 county where the health practitioner examines, attends, or
9 23 treats the child. These agencies shall promptly proceed as
9 24 provided in section

~~232.71~~

- 232.71B, unless the matter is

9 25 transferred as provided in this section.

9 26 3. If the child's home is located in a county not served
9 27 by the office receiving the report, the department shall

9 28 promptly transfer the matter by transmitting a copy of the
9 29 report of injury and any other pertinent information to the
9 30 office and the county attorney serving the other county. They
9 31 shall promptly proceed as provided in section

~~232.71~~

- 232.71B.

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

9 34 A person participating in good faith in the making of a
9 35 report, photographs, or X rays, or in the performance of a
10 1 medically relevant test pursuant to this chapter, or aiding
10 2 and assisting in an

~~investigation~~

- assessment of a child abuse

10 3 report pursuant to section

~~232.71~~

- 232.71B, shall have immunity

10 4 from any liability, civil or criminal, which might otherwise

10 5 be incurred or imposed. The person shall have the same
10 6 immunity with respect to participation in good faith in any
10 7 judicial proceeding resulting from the report or relating to
10 8 the subject matter of the report.
10 9 Sec. 10. Section [232.77](#), Code 1997, is amended to read as
10 10 follows:

10 11 232.77 PHOTOGRAPHS, X RAYS, AND MEDICALLY RELEVANT TESTS.

10 12 1. A person who is required to report a case of child
10 13 abuse may take or cause to be taken, at public expense,
10 14 photographs, X rays, or other physical examinations or tests
10 15 of a child which would provide medical indication of
10 16 allegations arising from a child abuse

~~investigation~~

10 17 assessment. A health practitioner may, if medically
10 18 indicated, cause to be performed radiological examination,
10 19 physical examination, or other medical tests of the child. A
10 20 person who takes any photographs or X rays or performs
10 21 physical examinations or other tests pursuant to this section
10 22 shall notify the department

~~of human services~~

- that the

10 23 photographs or X rays have been taken or the examinations or
10 24 other tests have been performed. The person who made
10 25 notification shall retain the photographs or X rays or
10 26 examination or test findings for a reasonable time following
10 27 the notification. Whenever the person is required to report
10 28 under section 232.69, in that person's capacity as a member of
10 29 the staff of a medical or other private or public institution,
10 30 agency or facility, that person shall immediately notify the
10 31 person in charge of the institution, agency, or facility or
10 32 that person's designated delegate of the need for photographs
10 33 or X rays or examinations or other tests.

10 34 2. If a health practitioner discovers in a child physical
10 35 or behavioral symptoms of the effects of exposure to cocaine,
11 1 heroin, amphetamine, methamphetamine, or other illegal drugs,
11 2 or combinations or derivatives thereof, which were not
11 3 prescribed by a health practitioner, or if the health
11 4 practitioner has determined through examination of the natural
11 5 mother of the child that the child was exposed in utero, the
11 6 health practitioner may perform or cause to be performed a
11 7 medically relevant test, as defined in section 232.73, on the
11 8 child. The practitioner shall report any positive results of
11 9 such a test on the child to the department. The department
11 10 shall begin an

~~investigation~~

- assessment pursuant to section

11 11

~~232.71~~

- 232.71B upon receipt of such a report. A positive test
11 12 result obtained prior to the birth of a child shall not be
11 13 used for the criminal prosecution of a parent for acts and
11 14 omissions resulting in intrauterine exposure of the child to
11 15 an illegal drug.

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

11 18 The juvenile court, before or after the filing of a
11 19 petition under this chapter, may enter an ex parte order
11 20 authorizing a physician or hospital to conduct an outpatient
11 21 physical examination or authorizing a physician, a
11 22 psychologist certified under section 154B.7, or a community
11 23 mental health center accredited pursuant to chapter 230A to
11 24 conduct an outpatient mental examination of a child if

11 25 necessary to identify the nature, extent, and cause of
11 26 injuries to the child as required by section

~~232.71,~~

11 27

~~subsection 2~~

- ~~232.71B~~, provided all of the following apply:

11 28 Sec. 12. Section [232.141](#), subsection 6, Code 1997, is
11 29 amended to read as follows:

11 30 6. If a child is given physical or mental examinations or
11 31 treatment relating to a child abuse

~~investigation~~

- ~~assessment~~

11 32 with the consent of the child's parent, guardian, or legal
11 33 custodian and no other provision of law otherwise requires
11 34 payment for the costs of the examination and treatment, the
11 35 costs shall be paid by the state. Reimbursement for costs of
12 1 services described in this subsection is subject to subsection
12 2 5.

12 3 Sec. 13. Section [235A.13](#), subsection 3, paragraph a, Code
12 4 1997, is amended to read as follows:

12 5 a. Any intermediate or ultimate opinion or decision
12 6 reached by

~~investigative~~

- ~~assessment~~ personnel.

12 7 Sec. 14. Section [235A.15](#), subsection 2, paragraph b, Code
12 8 1997, is amended to read as follows:

12 9 b. Persons involved in an

~~investigation~~

- ~~assessment~~ of

12 10 child abuse as follows:

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

12 18 (2) To an employee or agent of the department of human
12 19 services responsible for the

~~investigation~~

- ~~assessment~~ of a

12 20 child abuse report.

12 21 (3) To a law enforcement officer responsible for assisting
12 22 in an

~~investigation~~

- ~~assessment~~ of a child abuse allegation or

12 23 for the temporary emergency removal of a child from the
12 24 child's home.

12 25 (4) To a multidisciplinary team, if the department of
12 26 human services approves the composition of the
12 27 multidisciplinary team and determines that access to the team
12 28 is necessary to assist the department in the

~~investigation,~~

12 29 diagnosis, assessment, and disposition of a child abuse case.

12 30 (5) In an individual case, to the mandatory reporter who
12 31 reported the child abuse.

12 32 Sec. 15. Section [235A.15](#), subsection 2, paragraph c,

12 33 subparagraph (1), Code 1997, is amended to read as follows:
12 34 (1) To a licensing authority for a facility providing care
12 35 to a child named in a report, if the licensing authority is
13 1 notified of a relationship between facility policy and the
13 2 child abuse under section

~~232.71, subsection 4~~

~~232.71B.~~

13 3 Sec. 16. Section [235A.15](#), subsection 4, unnumbered
13 4 paragraphs 2 and 3, Code 1997, are amended to read as follows:
13 5 If a child who is a legal resident of another state is
13 6 present in this state and a report of child abuse is made
13 7 concerning the child, the department shall act to ensure the
13 8 safety of the child. The department shall contact the child's
13 9 state of legal residency to coordinate the

~~investigation~~

13 10 assessment of the report. If the child's state of residency
13 11 refuses to conduct an investigation, the department shall
13 12 commence an appropriate

~~investigation~~

~~assessment.~~

13 13 If a report of child abuse is made concerning an alleged
13 14 perpetrator who resides in this state and a child who resides
13 15 in another state, the department shall assist the child's
13 16 state of residency in conducting an

~~investigation~~

~~assessment~~

13 17 of the report. The assistance shall include but is not
13 18 limited to an offer to interview the alleged perpetrator and
13 19 any other relevant source. If the child's state of residency
13 20 refuses to conduct an investigation of the report, the
13 21 department shall commence an appropriate

~~investigation~~

13 22 assessment. The department shall seek to develop protocols
13 23 with states contiguous to this state for coordination in the
13 24 investigation or assessment of a report of child abuse when a
13 25 person involved with the report is a resident of another
13 26 state.

13 27 Sec. 17. Section [235A.17](#), subsection 2, Code 1997, is
13 28 amended to read as follows:

13 29 2. The department of human services may notify orally the
13 30 mandatory reporter in an individual child abuse case of the
13 31 results of the case

~~investigation~~

~~assessment~~ and of the

13 32 confidentiality provisions of sections 235A.15 and 235A.21.
13 33 The department shall subsequently transmit a written notice to
13 34 the mandatory reporter of the results and confidentiality
13 35 provisions. A copy of the written notice shall be transmitted
14 1 to the registry and shall be maintained by the registry as
14 2 provided in section 235A.18.

14 3 Sec. 18. Section [235A.18](#), subsection 2, paragraph a, Code
14 4 1997, is amended to read as follows:

14 5 a. The

~~investigation~~

~~assessment~~ of a report of suspected

14 6 child abuse by the department.

14 7 Sec. 19. Section [235A.18](#), subsection 4, Code 1997, is

14 8 amended to read as follows:

14 9 4. The registry, at least once a year, shall review and
14 10 determine the current status of child abuse reports which are
14 11 transmitted or made to the registry after July 1, 1974, which
14 12 are at least one year old and in connection with which no
14 13

~~investigatory~~

- assessment report has been filed by the
14 14 department of human services pursuant to section

~~232.71~~

-
14 15 232.71B. If no such

~~investigatory~~

- assessment report has been
14 16 filed, the registry shall request the department of human
14 17 services to file a report. In the event a report is not filed
14 18 within ninety days subsequent to

~~such a~~

- the request, the
14 19 report and information relating

~~thereto~~

- to the report and

14 20 information shall be sealed and remain sealed unless good
14 21 cause be shown why the information should remain open to
14 22 authorized access.

14 23 Sec. 20. Section 235A.19, subsection 2, paragraph a, Code
14 24 1997, is amended to read as follows:

14 25 a. A subject of a child abuse report may file with the
14 26 department within six months of the date of the notice of the
14 27 results of an

~~investigation~~

- assessment required by section
14 28

~~232.71, subsection 7~~

- 232.71B, a written statement to the
14 29 effect that child abuse information referring to the subject
14 30 is in whole or in part erroneous, and may request a correction
14 31 of that information or of the findings of the

~~investigation~~

-
14 32 assessment report. The department shall provide the subject
14 33 with an opportunity for an evidentiary hearing pursuant to
14 34 chapter 17A to correct the information or the findings, unless
14 35 the department corrects the information or findings as
15 1 requested. The department shall delay the expungement of
15 2 information which is not determined to be founded until the
15 3 conclusion of a proceeding to correct the information or
15 4 findings. The department may defer the hearing until the
15 5 conclusion of a pending juvenile or district court case
15 6 relating to the information or findings.

15 7 Sec. 21. Section 235A.19, subsection 2, paragraph b,
15 8 subparagraph (7), Code 1997, is amended to read as follows:

15 9 (7) To persons involved in an

~~investigation~~

- assessment of
15 10 child abuse.

15 11 Sec. 22. Section 331.424, subsection 1, paragraph b, Code
15 12 1997, is amended to read as follows:

15 13 b. Foster care and related services provided under court

15 14 order to a child who is under the jurisdiction of the juvenile
15 15 court, including court-ordered costs for a guardian ad litem
15 16 under section

~~232.71~~

- 232.71C.

15 17 Sec. 23. Section [331.653](#), subsection 24, Code 1997, is
15 18 amended to read as follows:

15 19 24. Carry out duties relating to the

~~investigation~~

15 20 assessment of reported child abuse cases and the protection of
15 21 abused children as provided in section

~~232.71~~

- 232.71B.

15 22 Sec. 24. Sections 232.71 and 232.71A, Code 1997, are
15 23 repealed.

15 24 Sec. 25. EFFECTIVE DATE. This division of this Act takes
15 25 effect July 1, 1998.

15 26 EXPLANATION

15 27 This bill relates to assessments performed by the
15 28 department of human services in response to reports of child
15 29 abuse.

15 30 Under current Code section 232.71A, in five pilot project
15 31 areas of the state, upon receiving a child abuse report the
15 32 department performs a child abuse assessment in lieu of an
15 33 investigation. Division I directs the department to
15 34 incrementally expand the assessment-based approach to
15 35 additional areas so as to ensure the assessment-based approach
16 1 is used throughout the state by July 1, 1998. Division I
16 2 takes effect upon enactment.

16 3 Division II amends the Iowa Code to provide for statewide
16 4 implementation on July 1, 1998, of an assessment-based
16 5 approach to respond to child abuse reports.

16 6 The bill amends legislative findings definition provisions
16 7 in Code sections 232.67 and 232.68 to include references to
16 8 child abuse assessments. References to "department
16 9 investigator" are stricken and replaced with references to
16 10 "child protection worker" and the term is defined.

16 11 The bill repeals Code section 232.71, relating to child
16 12 abuse investigations and Code section 232.71A, relating to
16 13 child abuse assessment pilot projects and enacts new Code
16 14 section 232.71B. The new Code section provides for the use of
16 15 an assessment-based approach to respond to child abuse
16 16 reports. Many of the provisions included in the repealed
16 17 sections are reenacted. The following provisions are
16 18 addressed: the purpose of the assessment-based approach,
16 19 department response is required within 24 hours of receiving a
16 20 report, requirements for notification of parents, provisions
16 21 for involvement of law enforcement-required elements of an
16 22 assessment, home and facility visit requirements,
16 23 authorization for information requests and criminal records
16 24 checks, required communication if a child is referred to a
16 25 physician for a physical examination, requirements to
16 26 establish multidisciplinary teams to assist with assessments,
16 27 implementation of protocols for assessments involving
16 28 facilities, requirements for the content of an assessment
16 29 report, requirements for providing a portion of the report to
16 30 the county attorney and juvenile court, requirements to offer
16 31 voluntary services to families based upon the assessment, and
16 32 a procedure for the department to use in the event more than
16 33 three false or meritless reports are received.

16 34 New Code section 232.71C reenacts provisions previously
16 35 included in section 232.71 which provide direction in the
17 1 event it is determined that court action is needed in response

17 2 to a child abuse report. The county attorney is required to
17 3 represent the department in any child in need of assistance
17 4 proceeding unless the department is represented by the office
17 5 of the attorney general. The department is required to assist
17 6 the court where needed and a guardian ad litem is required to
17 7 be appointed for the child.

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

17 27 Code sections 232.71 and 232.71A are repealed.

17 28 Division II takes effect July 1, 1998.

17 29 LSB 1715SC 77

17 30 jp/jw/5.1