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SENATE FILE 187
BY MILLER

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

A BILL FOR

1 An Act relating to child abuse reporting, classification,
2 determination, and review procedures.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 187
HUMAN RESOURCES

1 Section 1. Section 137.5, Code 2001, is amended by adding
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. A county board shall establish
4 the county's community review committee in accordance with
5 section 232.71B, subsection 15.

6 Sec. 2. Section 232.70, Code 2001, is amended by adding
7 the following new subsections:

8 NEW SUBSECTION. 1A. A reporter of child abuse shall be
9 offered an opportunity to provide a written statement swearing
10 under penalty of perjury that the facts stated to be true are
11 true to the best of the reporter's knowledge. If the reporter
12 declines to provide the written statement, the reporter's
13 response and reasons stated in declining shall be noted by the
14 person accepting the report or performing the assessment of
15 the report.

16 NEW SUBSECTION. 4A. a. For the purposes of this
17 subsection unless the context otherwise requires:

18 (1) "Imminent danger report" means a report that may
19 constitute an allegation of child abuse that is specifically
20 listed in paragraph "f", subparagraphs (1) through (3),
21 suggesting that the child may be in a circumstance or
22 condition that presents an imminent danger to the child's life
23 or health so that taking custody of the child without a court
24 order in accordance with section 232.79 or taking custody of
25 the child pursuant to a court order may be necessary to avoid
26 imminent danger to the child's life or health.

27 (2) "Rejected report" means a report that is determined
28 not to constitute an allegation of child abuse.

29 (3) "Serious report" means a report that may constitute an
30 allegation of child abuse but does not constitute an imminent
31 danger report or a spurious report.

32 (4) "Spurious report" means a report that may constitute
33 an allegation of child abuse but one for which the child
34 protection worker believes that protective concerns are not
35 present or that the reporter submitted the report intending to

1 harass or call into question the reputation or credibility of
2 the person alleged to have committed the child abuse.

3 b. Immediately upon receiving a report alleging child
4 abuse, the department shall classify the report as a rejected
5 report, a spurious report, a serious report, or an imminent
6 danger report.

7 c. An initial determination by a child protection worker
8 that a report is a rejected report shall require the
9 concurrence of the worker's supervisor in order to be
10 classified as a rejected report.

11 d. An initial determination by a child protection worker
12 that a report is a spurious report shall require the
13 concurrence of the worker's supervisor in order to be
14 classified as a spurious report. For a report that is
15 initially classified as a spurious report, the department
16 shall complete an assessment in accordance with section
17 232.71B.

18 e. For a report that is classified as a serious report,
19 the department shall complete an assessment in accordance with
20 section 232.71B. Priority in completing such assessments
21 shall be given to cases in which any of the following
22 circumstances or conditions are alleged to exist:

23 (1) The person responsible for the care of the child or an
24 adult person living in the child's home or in the location in
25 which the child is cared for is unrelated to the child by
26 blood or marriage and such person has a record of any of the
27 following:

28 (a) A criminal offense involving possession, manufacture,
29 or distribution of a controlled substance.

30 (b) A criminal offense or other documented act involving
31 an act of abuse or violence against a person documented in a
32 previous child abuse assessment or other official record.

33 (c) A criminal offense involving an act causing a risk to
34 the life or health of another person.

35 (2) The person responsible for the child or an adult

1 person living in the child's home or in the location in which
2 the child is cared for has a chemical dependency as defined in
3 section 125.2.

4 (3) The reporter who submitted the serious report also
5 submitted a written statement swearing under penalty of
6 perjury that the facts stated to be true are true to the best
7 of the reporter's knowledge in accordance with subsection 1A.

8 f. Unless a report of child abuse is classified as a
9 rejected report or a spurious report, the department shall
10 make an initial determination as to whether the report should
11 be classified as an imminent danger report. If the initial
12 determination suggests that the report should be classified as
13 an imminent danger report, the department shall expedite the
14 assessment of the report under section 232.71B, and shall
15 immediately involve law enforcement in accordance with section
16 232.71B, subsection 3, and inform the county attorney and the
17 juvenile court. If the information provided by the reporter
18 of child abuse is considered by the department to be credible,
19 a report containing an allegation of child abuse involving any
20 of the following shall be classified as an imminent danger
21 report:

22 (1) Child abuse causing a nonaccidental physical injury as
23 described in section 232.68, subsection 2, paragraph "a", that
24 is a serious injury. Unless other information regarding the
25 extent of the injury is provided, an allegation regarding the
26 application of reasonable discipline to the buttocks of the
27 child, considering the age of the child, shall not by itself
28 be considered to have caused a serious injury.

29 (2) Child abuse involving the commission of a sexual
30 offense as described in section 232.68, subsection 2,
31 paragraph "c".

32 (3) Child abuse involving prostitution as described in
33 section 232.68, subsection 2, paragraph "e".

34 Sec. 3. Section 232.71B, subsection 11, Code 2001, is
35 amended by adding the following new paragraphs:

1 NEW PARAGRAPH. h. A copy of the assessment report shall
2 be provided to the community review committee for the county
3 in which the report was made.

4 NEW PARAGRAPH. i. If after completing the assessment
5 process the child protection worker determines, with the
6 concurrence of the worker's supervisor and the department's
7 area administrator, that a report is a spurious report or that
8 protective concerns are not present, the portions of the
9 assessment report described under paragraphs "d" and "e" shall
10 not be required.

11 Sec. 4. Section 232.71B, Code 2001, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 15. COMMUNITY REVIEW COMMITTEE.

14 a. The county board of health in each county shall
15 establish a volunteer community review committee in accordance
16 with this subsection. Unless provided otherwise in this
17 subsection, the membership of the committee shall be appointed
18 by the county board of health. Membership terms shall be for
19 two-year staggered terms and a member shall not serve for more
20 than one consecutive term. The membership of a community
21 review committee shall include but is not limited to the
22 following persons serving in a volunteer capacity:

23 (1) A public health nurse or other representative of the
24 county board of health.

25 (2) A member of the clergy.

26 (3) A parent with children residing in the parent's home.

27 (4) An individual appointed by the community empowerment
28 area board established pursuant to section 28.6 for the area
29 in which the county is located.

30 b. The committee shall review the department's
31 classification, assessment, and disposition of child abuse
32 reports in that county. In any hearing held under this
33 division involving a child abuse report in which the court
34 gives consideration to removal of a child from the child's
35 home, except for an initial emergency hearing for temporary

1 custody of a child held under section 232.78, the committee
2 shall make a recommendation regarding removal or nonremoval of
3 the child which shall be considered by the court. The
4 recommendation may be made in writing.

5 c. A committee shall have full access to any record,
6 report, or other confidential child abuse information obtained
7 by the department in performing an assessment or other
8 response to a report of child abuse. A committee member is
9 subject to the confidentiality restrictions in law or
10 administrative rule applicable to the child abuse information
11 provided to the committee member including but not limited to
12 restrictions on redissemination of the information.
13 Notwithstanding chapter 21, the portion of a committee meeting
14 in which a specific child abuse case is reviewed or discussed
15 shall be closed.

16 Sec. 5. Section 235A.15, subsection 2, paragraph b, Code
17 2001, is amended by adding the following new subparagraph:

18 NEW SUBPARAGRAPH. (10) To a community review committee
19 established in accordance with section 232.71B, subsection 15,
20 reviewing the reports for the county in which the report was
21 made.

22 EXPLANATION

23 This bill relates to child abuse reporting, classification,
24 determination, and review procedures under the juvenile
25 justice code.

26 Code section 137.5, relating to local boards of health, is
27 amended to require a county board of health to establish a
28 community review committee as provided in the bill.

29 The bill includes several amendments to Code section
30 232.70, relating to child abuse reporting. New subsection 1A
31 requires a reporter of child abuse to be offered an
32 opportunity to provide a written statement swearing under
33 penalty of perjury that the facts stated are true. If the
34 reporter declines to provide the statement, the reporter's
35 response and reasons stated are to be noted.

1 New subsection 4A provides that upon receipt, a report is
2 to be initially classified as one of the four following report
3 types as defined in the bill: imminent danger, serious,
4 spurious, or rejected. A child protection worker's
5 classification of a report as a rejected report requires the
6 concurrence of the worker's supervisor. A child abuse
7 assessment must be performed on reports that are classified as
8 spurious, serious, or imminent danger reports. The bill
9 establishes directives to the department of human services for
10 applying exceptions and priorities under those
11 classifications.

12 A community review committee created under Code section
13 232.71B is required to receive a copy of child abuse
14 assessment reports.

15 Code section 232.71B is also amended in new subsection 15
16 to require establishment of a community review committee in
17 each county by the county board of health. The review
18 committee membership is to include a public health nurse, a
19 member of the clergy, a parent with children in the home, and
20 an individual appointed by the community empowerment area
21 board. The committee is to review the department of human
22 services' classification, assessment, and disposition of child
23 abuse reports made in that county. The committee is required
24 to make a recommendation to be considered by the court in any
25 child in need of assistance hearing involving removal of a
26 child except for an emergency removal hearing under Code
27 section 232.78.

28 Code section 235A.15 is amended to provide a committee with
29 access to confidential child abuse information for the reports
30 made in the county or multicounty area served by the
31 committee. Notwithstanding Code chapter 21, the open meetings
32 law, the portion of a committee meeting in which a specific
33 case of child abuse is discussed is required to be closed.

34 In addition, Code section 232.71B requirements for
35 completion of a child abuse assessment report are modified.

1 If, after a child protection worker completes the assessment
2 process, the worker determines that the child abuse report was
3 spurious or that there are not protective concerns present,
4 the assessment report need not include identification of the
5 strengths and needs of the child and the child's family or the
6 services available to address the strengths and needs.
7 Concurrence with the worker's determination by the worker's
8 supervisor and the department's area administrator is
9 required.

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