

House File 2131 - Introduced

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BY M. SMITH

A BILL FOR

1 An Act relating to sexual abuse of children and making
2 appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.73, unnumbered paragraph 2, Code
2 2011, is amended to read as follows:

3 As used in this section and in sections 232.73A, 232.77, and
4 232.78, "*medically relevant test*" means a test that produces
5 reliable results of exposure to cocaine, heroin, amphetamine,
6 methamphetamine, or other illegal drugs, or combinations or
7 derivatives of the illegal drugs, including a drug urine screen
8 test.

9 Sec. 2. NEW SECTION. 232.73A Retaliation prohibited —
10 remedy.

11 1. *a.* An employer shall not take retaliatory action against
12 an employee as a reprisal for the employee's participation in
13 good faith in making a report, photograph, or X ray, or in
14 the performance of a medically relevant test pursuant to this
15 chapter, or aiding and assisting in an assessment of a child
16 abuse report pursuant to section 232.71B. This section does
17 not apply to a disclosure of information that is prohibited by
18 statute.

19 *b.* For purposes of this section, "*retaliatory action*"
20 includes but is not limited to an employer's action to
21 discharge an employee or to take or fail to take action
22 regarding an employee's appointment or proposed appointment
23 to, to take or fail to take action regarding an employee's
24 promotion or proposed promotion to, or to fail to provide an
25 advantage in a position in employment.

26 2. Subsection 1 may be enforced through a civil action.

27 *a.* A person who violates subsection 1 is liable to
28 an aggrieved employee for affirmative relief including
29 reinstatement, with or without back pay, or any other equitable
30 relief the court deems appropriate, including attorney fees and
31 costs.

32 *b.* When a person commits, is committing, or proposes to
33 commit an act in violation of subsection 1, an injunction may
34 be granted through an action in district court to prohibit the
35 person from continuing such acts. The action for injunctive

1 relief may be brought by an aggrieved employee or the county
2 attorney.

3 Sec. 3. MANDATORY CHILD ABUSE REPORTER TRAINING —
4 COMMITTEE REVIEW.

5 1. A stakeholder committee shall be convened and staffed
6 by the department of human services to review the training
7 resources for mandatory reporters of child abuse. The review
8 shall address the current training resources and identify
9 options for increasing the frequency of the training and the
10 availability of profession-specific training and for enhancing
11 the effectiveness and quality of the training. The results
12 of the review, including findings, recommendations, and cost
13 projections, shall be submitted to the governor and general
14 assembly on or before December 15, 2012.

15 2. The membership of the committee shall consist of
16 stakeholders involved with the child protection system and
17 representatives of the professions that are mandatory reporters
18 of child abuse. The members shall be appointed, five members
19 each, by the chairpersons of the committees on human resources
20 of the senate and the house of representatives, in consultation
21 with the ranking members of the committees. In addition, four
22 members of the general assembly shall be appointed to serve in
23 an ex officio, nonvoting capacity. The legislative members
24 shall be selected, one member each, by the majority leader of
25 the senate, the minority leader of the senate, the speaker of
26 the house of representatives, and the minority leader of the
27 house of representatives.

28 Sec. 4. ADDITIONAL APPROPRIATIONS TO ADDRESS SEXUAL ABUSE
29 INVOLVING CHILDREN. There is appropriated from the general
30 fund of the state to the department of human services for the
31 fiscal year beginning July 1, 2012, and ending June 30, 2013,
32 the following amounts, or so much thereof as is necessary, to
33 be used for the purposes designated in addition to any other
34 appropriations made for the same or similar purposes:

35 1. For child and family services, to be used to enhance

1 public understanding of child sexual abuse, including but not
2 limited to precursors and warning signs of the presence of
3 child sexual abuse, methods to protect children from sexual
4 abuse, and methods for concerned persons to report suspected
5 child sexual abuse:

6 \$ 500,000

7 2. For child and family services, to expand existing child
8 sexual abuse prevention efforts:

9 \$ 500,000

10 3. For child and family services, to expand the provision
11 of treatment of juveniles who have committed a sexual offense
12 against another juvenile:

13 \$ 500,000

14 4. For child and family services, for expenses to develop
15 and maintain a comprehensive internet site to provide current,
16 state-of-the-art information to Iowans concerning child sexual
17 abuse:

18 \$ 500,000

19 EXPLANATION

20 This bill relates to sexual abuse of children.

21 New Code section 232.73A prohibits an employer from taking
22 retaliatory action, as defined in the bill, against an employee
23 as a reprisal for the employee's participation in good faith
24 in making a child abuse report, photograph, or X ray, or in
25 the performance of a medically relevant test, or aiding and
26 assisting in an assessment of a child abuse report pursuant
27 to Code section 232.71B. The retaliation prohibition does
28 not apply when the disclosure of information is prohibited by
29 statute. The bill provides that the retaliation prohibition
30 may be enforced through civil action. A person who violates
31 the retaliation prohibition is liable to an aggrieved employee
32 and if the person commits, is committing, or proposes to commit
33 a prohibited retaliation, an injunction may be granted. The
34 bill makes conforming amendments.

35 The department of human services is required to convene and

1 staff a stakeholder committee to review the training resources
2 for mandatory reporters of child abuse. The 10 stakeholders
3 are to be appointed five each by the chairpersons of the
4 committees on human resources of the senate and the house of
5 representatives in consultation with the ranking members of the
6 committees. In addition, four legislators are to be appointed
7 by legislative leaders to serve as ex officio, nonvoting
8 members. The committee is required to report to the general
9 assembly and governor by December 15, 2012.

10 Four appropriations are made to the department for child
11 and family services in addition to any other appropriations
12 made for the same or similar purposes for FY 2012-2013. The
13 purposes of the appropriations are as follows: to enhance
14 public understanding of child sexual abuse, to expand existing
15 child sexual abuse prevention efforts, to expand the provision
16 of treatment of juveniles who have committed a sexual offense
17 against another juvenile, and for the expense of developing and
18 maintaining a comprehensive internet site to provide current,
19 state-of-the-art information to Iowans concerning child sexual
20 abuse.