

**Senate File 2035 - Introduced**

SENATE FILE 2035

BY BEALL

**A BILL FOR**

1 An Act relating to child abuse by prohibiting retaliation  
2 for reporting, providing for implementation of reporting  
3 policies at postsecondary institutions, requiring  
4 planning for training requirements, and providing for the  
5 distribution of information on child sexual abuse, and  
6 providing a remedy.

7 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. Section 260C.14, Code 2011, is amended by adding the  
4 following new subsection:

5 NEW SUBSECTION. 23. Develop and implement a consistent  
6 written policy for an employee who in the scope of the person's  
7 employment responsibilities examines, attends, counsels,  
8 treats, supervises, or has direct contact with a child to  
9 report suspected child abuse. The policy shall include  
10 an employee's reporting responsibilities. The reporting  
11 responsibilities shall designate the time, circumstances, and  
12 method for reporting suspected child abuse to the community  
13 college's administration and reporting to law enforcement.  
14 Nothing in the policy shall prohibit an employee from reporting  
15 suspected child abuse in good faith to law enforcement.

16 Sec. 4. Section 261.9, subsection 1, unnumbered paragraph  
17 1, Code Supplement 2011, is amended to read as follows:

18 "*Accredited private institution*" means an institution of  
19 higher learning located in Iowa which is operated privately  
20 and not controlled or administered by any state agency or  
21 any subdivision of the state and which meets the criteria in  
22 paragraphs "a" and "b" and all of the criteria in paragraphs "d"  
23 through "g" "h", except that institutions defined in paragraph  
24 "c" of this subsection are exempt from the requirements of  
25 paragraphs "a" and "b":

26 Sec. 5. Section 261.9, subsection 1, Code Supplement 2011,  
27 is amended by adding the following new paragraph:

28 NEW PARAGRAPH. *h.* Develops and implements a consistent  
29 written policy for an employee who in the scope of the person's  
30 employment responsibilities examines, attends, counsels,  
31 treats, supervises, or has direct contact with a child to  
32 report suspected child abuse. The policy shall include  
33 an employee's reporting responsibilities. The reporting  
34 responsibilities shall designate the time, circumstances, and  
35 method for reporting suspected child abuse to the accredited

1 private institution's administration and reporting to law  
2 enforcement. Nothing in the policy shall prohibit an employee  
3 from reporting suspected child abuse in good faith to law  
4 enforcement.

5 Sec. 6. Section 262.9, Code Supplement 2011, is amended by  
6 adding the following new subsection:

7 NEW SUBSECTION. 36. Develop and implement a consistent  
8 written policy for an employee who in the scope of the person's  
9 employment responsibilities examines, attends, counsels,  
10 treats, supervises, or has direct contact with a child to  
11 report suspected child abuse. The policy shall include  
12 an employee's reporting responsibilities. The reporting  
13 responsibilities shall designate the time, circumstances,  
14 and method for reporting suspected child abuse to the  
15 administration of the institution of higher learning and  
16 reporting to law enforcement. Nothing in the policy shall  
17 prohibit an employee from reporting suspected child abuse in  
18 good faith to law enforcement.

19 Sec. 7. REPORT ON MANDATORY REPORTER TRAINING.

20 1. The abuse education review panel as established by  
21 the department of public health pursuant to section 135.11,  
22 subsection 24, shall develop a plan to provide more frequent,  
23 informative, and effective training for mandatory reporters.

24 2. The abuse education review panel shall, by December  
25 1, 2012, submit a report of its plan to the governor and the  
26 general assembly.

27 Sec. 8. REQUEST FOR PROPOSALS.

28 1. On or before September 30, 2012, the department of  
29 human services shall implement a request for proposals process  
30 to enter into a contract with a not-for-profit entity for  
31 the purpose of providing a single source internet site for  
32 providing comprehensive, recent, and relevant information  
33 regarding child sexual abuse to all Iowa citizens.

34 2. Prior to awarding a contract, a not-for-profit entity  
35 shall demonstrate the following:

1     *a.* The ability and resources to establish, design,  
2 and maintain an internet site to provide all Iowans with  
3 information related to child sexual abuse.

4     *b.* The ability to collect the relevant information from  
5 state agencies and other state and local entities and integrate  
6 the information into a single source internet site.

7     3. By March 1, 2013, the department of human services shall  
8 award the contract pursuant to this section.

9

EXPLANATION

10     This bill relates to abuse of children by prohibiting  
11 retaliation for reporting, providing for implementation of  
12 reporting policies at postsecondary institutions, requiring  
13 planning for training requirements, and providing for the  
14 distribution of information on child sexual abuse. New Code  
15 section 232.73A prohibits an employer from taking retaliatory  
16 action, as defined in the bill, against an employee as a  
17 reprisal for the employee's participation in good faith in  
18 making a child abuse report, photograph, or X ray, or in  
19 the performance of a medically relevant test, or aiding and  
20 assisting in an assessment of a child abuse report pursuant  
21 to Code section 232.71B. The retaliation prohibition does  
22 not apply when the disclosure of information is prohibited by  
23 statute. The bill provides that the retaliation prohibition  
24 may be enforced through civil action. A person who violates  
25 the retaliation prohibition is liable to an aggrieved employee  
26 and if the person commits, is committing, or proposes to commit  
27 a prohibited retaliation, an injunction may be granted. The  
28 bill makes conforming amendments.

29     The bill requires the boards of directors for community  
30 colleges, accredited private institutions of higher learning,  
31 and the board of regents for institutions of higher learning  
32 to develop and implement a consistent written policy for  
33 an employee who has direct contact with a child to report  
34 suspected child abuse. The policy must include an employee's  
35 responsibilities, including the time, circumstances, and method

1 for reporting suspected child abuse to the postsecondary  
2 institution's administration and law enforcement. The  
3 bill states that the policy shall not prohibit an employee  
4 from reporting suspected child abuse in good faith to law  
5 enforcement.

6 The bill requires the abuse education review panel  
7 established pursuant to Code section 135.11 to develop a plan  
8 to provide more frequent, informative, and effective training  
9 for mandatory reporters. The bill states that the panel shall  
10 submit the report to the governor and the general assembly by  
11 December 1, 2012.

12 The bill requires the department of human services to  
13 implement a request for proposals process to enter into a  
14 contract with a not-for-profit entity for the purpose of  
15 providing a single source internet site for child sexual  
16 abuse information. A not-for-profit entity shall demonstrate  
17 the ability and resources to establish, design, and maintain  
18 an internet site and the ability to collect the relevant  
19 information and integrate that information into a single source  
20 internet site. The department must award the contract by March  
21 1, 2013.