

**House File 590 - Introduced**

HOUSE FILE 590  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HF 415)

**A BILL FOR**

1 An Act relating to child abuse reporting, assessment  
2 procedures, and placement on the central registry for  
3 child abuse, and including effective date and applicability  
4 provisions.

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

1       Section 1. Section 232.68, Code 2013, is amended by adding  
2 the following new subsection:

3       NEW SUBSECTION. 4A. "*Differential response*" means an  
4 assessment system in which there are two discrete pathways  
5 to respond to accepted reports of child abuse, a child  
6 abuse assessment and a family assessment. The child abuse  
7 assessment pathway shall require a determination of abuse and a  
8 determination of whether criteria for placement on the central  
9 abuse registry are met. As used in this subsection and this  
10 part:

11      a. "*Assessment*" means the process by which the department  
12 responds to all accepted reports of alleged child abuse. An  
13 "*assessment*" addresses child safety, family functioning,  
14 culturally competent practice, and identifies the family  
15 strengths and needs, and engages the family in services if  
16 needed. The department's assessment process occurs either  
17 through a child abuse assessment or a family assessment.

18      b. "*Child abuse assessment*" means an assessment process by  
19 which the department responds to all accepted reports of child  
20 abuse which allege imminent danger or impact child safety.  
21 A "*child abuse assessment*" results in a disposition and a  
22 determination of whether a case meets the definition of child  
23 abuse and a determination of whether criteria for placement on  
24 the registry are met.

25      c. "*Family assessment*" means an assessment process by which  
26 the department responds to all accepted reports of child abuse  
27 which do not allege imminent danger or impact child safety. A  
28 "*family assessment*" does not include a determination of whether  
29 a case meets the definition of child abuse and does not include  
30 a determination of whether criteria for placement on the  
31 registry are met.

32      Sec. 2. Section 232.70, subsection 5, Code 2013, is amended  
33 to read as follows:

34      5. Upon Immediately upon receipt of a report, the department  
35 shall ~~do all of the following:~~

1       a. ~~Immediately, upon receipt of an oral report, make~~  
2 a determination as to whether the report constitutes an  
3 allegation of child abuse as defined in section 232.68.

4       b. ~~Notify the appropriate county attorney of the receipt of~~  
5 ~~the report.~~

6       Sec. 3. Section 232.71B, subsections 1, 3, 4, 10, 12, 13,  
7 and 14, Code 2013, are amended to read as follows:

8       1. *Commencement of assessment — differential response —*  
9 *purpose.*

10     a. If the department determines a report constitutes a child  
11 abuse allegation, the department shall promptly commence an  
12 ~~appropriate either a child abuse~~ assessment within twenty-four  
13 hours of receiving the report or a family assessment within  
14 seventy-two hours of receiving the report.

15     (1) Upon acceptance of a report of child abuse, the  
16 department shall commence a child abuse assessment when the  
17 report alleges imminent danger or impacts a child's safety.

18     (2) Upon acceptance of a report of child abuse, the  
19 department shall commence a family assessment when the report  
20 does not allege imminent danger or impact child safety.

21     b. The primary purpose of either the child abuse assessment  
22 or the family assessment shall be the protection of the child  
23 named in the report. The secondary purpose of the assessment  
24 either type of assessment shall be to engage the child's family  
25 in services to enhance family strengths and to address needs.

26     3. *Involvement of law enforcement.* The department shall  
27 apply protocols, developed with the local child protection  
28 assistance team established pursuant to section 915.35, to  
29 prioritize the actions taken in response to a child abuse  
30 reports assessment and to shall work jointly with child  
31 protection assistance teams and law enforcement agencies in  
32 performing assessment and investigative processes for child  
33 abuse reports assessments in which a criminal act harming a  
34 child is alleged. The county attorney and appropriate law  
35 enforcement agencies shall also take any other lawful action

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

7       *4. Assessment process. The*

8       a. A child abuse assessment is subject to or family  
9 assessment shall include all of the following:

10      (1) A safety assessment and risk assessment. If at any time  
11 during a family assessment, a child is determined unsafe, it  
12 appears that the immediate safety or well-being of a child is  
13 endangered, it appears that the family may flee or the child  
14 may disappear, or the facts otherwise warrant, the department  
15 shall immediately commence a child abuse assessment.

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

22      b. In addition to the requirements of paragraph "a", a child  
23 abuse assessment shall include the following:

24      a. (1) Identification of the nature, extent, and cause of  
25 the injuries, if any, to the child named in the report.

26      b. (2) Identification of the person or persons responsible  
27 for the alleged child abuse.

28      c. (3) A description of the name, age, and condition of  
29 other children in the same home as the child named in the  
30 report.

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

1 care.

2 e. (4) An interview of the person alleged to have committed  
3 the child abuse, if the person's identity and location are  
4 known. The offer of an interview shall be made to the person  
5 prior to any consideration or determination being made that  
6 the person committed the alleged abuse. The person shall be  
7 informed of the complaint or allegation made regarding the  
8 person. The person shall be informed in a manner that protects  
9 the confidentiality rights of the individual who reported the  
10 child abuse or provided information as part of the assessment  
11 process. The purpose of the interview shall be to provide the  
12 person with the opportunity to explain or rebut the allegations  
13 of the child abuse report or other allegations made during  
14 the assessment. The court may waive the requirement to offer  
15 the interview only for good cause. The person offered an  
16 interview, or the person's attorney on the person's behalf, may  
17 decline the offer of an interview of the person.

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

23 10. *Multidisciplinary team.* In each county or multicounty  
24 area in which more than fifty child abuse reports are made  
25 per year, the department shall establish a multidisciplinary  
26 team, as defined in section 235A.13, subsection 8. Upon the  
27 department's request, a multidisciplinary team shall assist the  
28 department in the assessment, diagnosis, and disposition of a  
29 child abuse report assessment.

30 12. *Assessment Written assessment report.*

31 a. The department, upon completion of the child abuse  
32 assessment or the family assessment, shall make a written  
33 report of the assessment, in accordance with all of the  
34 following:

35 a. (1) The written assessment report shall incorporate the

1 information required by subsection 4, paragraph "a".

2       b. (2) The A written child abuse assessment report shall  
3 be completed within twenty business days of the receipt of the  
4 child abuse report. A written family assessment report shall  
5 be completed within ten business days of the receipt of the  
6 child abuse report.

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

12       d. (3) The written assessment report shall identify the  
13 strengths and needs of the child, and of the child's parent,  
14 home, and family.

15       e. (4) The written assessment report shall identify  
16 services available from the department and informal and formal  
17 services and other support available in the community to  
18 address the strengths and needs identified in the assessment.

19       f. (5) Upon completion of the assessment, the department  
20 shall consult with the child's family in offering services to  
21 the child and the child's family to address strengths and needs  
22 identified in the assessment.

23       b. In addition to the requirements of paragraph "a",  
24 a written child abuse assessment report shall include a  
25 description of the child's condition, identification of  
26 the injury or risk to which the child was exposed, the  
27 circumstances which led to the injury or risk to the child, and  
28 the identity of any person alleged to be responsible for the  
29 injury or risk to the child.

30       g. c. The Following a child abuse assessment, the  
31 department shall notify each subject of the child abuse report,  
32 as identified in section 235A.15, subsection 2, paragraph "a",  
33 of the results of the child abuse assessment, of the subject's  
34 right, pursuant to section 235A.19, to correct the report data  
35 or disposition data which refers to the subject, and of the

1 procedures to correct the data.

2       d. Following a family assessment, the department shall  
3 notify the parent or guardian of each child listed in the  
4 child abuse report of the completion of the family assessment  
5 and review any service recommendations. For cases assessed  
6 pursuant to a family assessment, a person named in a child  
7 abuse report as responsible for the alleged child abuse shall  
8 not have the opportunity for a contested case hearing pursuant  
9 to chapter 17A.

10      e. If after completing the child abuse assessment  
11 process the child protection worker determines, with the  
12 concurrence of the worker's supervisor and the department's  
13 area administrator, that a child abuse report is a spurious  
14 report or that protective concerns are not present, the  
15 portions of the written assessment report described under  
16 paragraphs "d" and "e" paragraph "a", subparagraphs (3) and (4)  
17 shall not be required.

18      13. *Court-ordered and voluntary services.* The In cases where  
19 abuse has been determined founded during the course of a child  
20 abuse assessment, the department shall provide or arrange for  
21 and monitor services for abused children and their families on  
22 a voluntary basis or under a final or intermediate order of the  
23 juvenile court.

24      14. *County attorney — juvenile court.* The department  
25 shall provide the juvenile court and the county attorney with  
26 a copy of the portion of the written child abuse assessment  
27 report pertaining to the child abuse report, the portion of  
28 the written family assessment report pertaining to the child  
29 abuse report for cases in which the department requests a child  
30 in need of assistance petition, or other reports for cases in  
31 which the department requests a child in need of assistance  
32 petition. The juvenile court and the county attorney shall  
33 notify the department of any action taken concerning an  
34 assessment provided by the department.

35      Sec. 4. Section 232.71B, Code 2013, is amended by adding the

1 following new subsections:

2       NEW SUBSECTION. 4A. *Child abuse determination.* Unless  
3 otherwise prohibited under section 234.40 or 280.21, the use of  
4 corporal punishment by the person responsible for the care of a  
5 child which does not result in a physical injury to the child  
6 shall not be considered child abuse.

7       NEW SUBSECTION. 16. *Rules.* The department shall adopt  
8 rules regarding the intake process, assessment process,  
9 assessment summaries, contact with juvenile court or the  
10 county attorney, involvement with law enforcement, case record  
11 retention, and dissemination of records for both child abuse  
12 assessments and family assessments.

13      Sec. 5. Section 232.71C, Code 2013, is amended to read as  
14 follows:

15      **232.71C Court action following ~~child abuse~~ assessment —  
16 guardian ad litem.**

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

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

30      3. In every case involving child abuse which results in  
31 a child protective judicial proceeding, whether or not the  
32 proceeding arises under this chapter, a guardian ad litem  
33 shall be appointed by the court to represent the child in the  
34 proceedings. Before a guardian ad litem is appointed pursuant  
35 to this section, the court shall require the person responsible

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

9 Sec. 6. Section 232.71D, subsection 1, Code 2013, is amended  
10 to read as follows:

11 1. The requirements of this section shall apply to child  
12 abuse information relating to a report of child abuse and to an  
13 a child abuse assessment performed in accordance with section  
14 232.71B.

15 Sec. 7. Section 232.71D, subsection 3, paragraph b,  
16 subparagraph (2), Code 2013, is amended to read as follows:

17 (2) The department determines the acts or omissions of the  
18 alleged perpetrator meet the definition of child abuse and the  
19 department has previously determined within the eighteen-month  
20 five-year period preceding the issuance of the department's  
21 report that the acts or omissions of the alleged perpetrator in  
22 a prior case met the definition of child abuse.

23 Sec. 8. Section 232.71D, subsection 6, paragraph a, Code  
24 2013, is amended by adding the following new subparagraph:

25 NEW SUBPARAGRAPH. (03) Information pertaining to a child  
26 abuse report for which there was an assessment performed but no  
27 determination was made as to whether the definition of child  
28 abuse was met.

29 Sec. 9. Section 232.77, subsection 1, Code 2013, is amended  
30 to read as follows:

31 1. A person who is required to report a case of child abuse  
32 may take or cause to be taken, at public expense, photographs,  
33 X rays, or other physical examinations or tests of a child  
34 which would provide medical indication of allegations arising  
35 from a child abuse an assessment. A health practitioner may,

1 if medically indicated, cause to be performed radiological  
2 examination, physical examination, or other medical tests of  
3 the child. A person who takes any photographs or X rays or  
4 performs physical examinations or other tests pursuant to this  
5 section shall notify the department that the photographs or X  
6 rays have been taken or the examinations or other tests have  
7 been performed. The person who made notification shall retain  
8 the photographs or X rays or examination or test findings for  
9 a reasonable time following the notification. Whenever the  
10 person is required to report under section 232.69, in that  
11 person's capacity as a member of the staff of a medical or  
12 other private or public institution, agency or facility, that  
13 person shall immediately notify the person in charge of the  
14 institution, agency, or facility or that person's designated  
15 delegate of the need for photographs or X rays or examinations  
16 or other tests.

17 Sec. 10. Section 232.141, subsection 6, Code 2013, is  
18 amended to read as follows:

19 6. If a child is given physical or mental examinations or  
20 treatment relating to ~~a child abuse~~ an assessment performed  
21 pursuant to section 232.71B with the consent of the child's  
22 parent, guardian, or legal custodian and no other provision  
23 of law otherwise requires payment for the costs of the  
24 examination and treatment, the costs shall be paid by the  
25 state. Reimbursement for costs of services described in this  
26 subsection is subject to subsection 5.

27 Sec. 11. Section 235A.13, subsection 10, paragraph f, Code  
28 2013, is amended to read as follows:

29 f. A recording made of an interview conducted under chapter  
30 232 in association with ~~a child abuse~~ an assessment.

31 Sec. 12. Section 235A.14, subsection 1, Code 2013, is  
32 amended to read as follows:

33 1. There is created within the state department of  
34 human services a central registry for certain child abuse  
35 information. The department shall organize and staff the

1 registry and adopt rules for its operation.

2 Sec. 13. Section 235A.15, subsection 12, Code 2013, is  
3 amended to read as follows:

4 12. If an individual who is the subject of a child abuse  
5 report listed in subsection 2, paragraph "a", or another  
6 party involved in a child abuse an assessment under section  
7 232.71B releases in a public forum or to the media information  
8 concerning a case of child abuse including but not limited to  
9 child abuse information which would otherwise be confidential,  
10 the director of human services, or the director's designee, may  
11 respond with relevant information concerning the case of child  
12 abuse that was the subject of the release. Prior to releasing  
13 the response, the director or the director's designee shall  
14 consult with the child's parent or guardian, or the child's  
15 guardian ad litem, and apply to the court under section 235A.24  
16 requesting a review of the information proposed for release and  
17 an order authorizing release of the information.

18 Sec. 14. Section 235A.18, subsection 1, paragraph a, Code  
19 2013, is amended to read as follows:

20 a. (1) Report and disposition data relating to a particular  
21 case of alleged child abuse shall be sealed ten years after  
22 the initial placement of the data in the registry unless good  
23 cause be shown why the data should remain open to authorized  
24 access. If a subsequent report of an alleged case of child  
25 abuse involving the child named in the initial data placed in  
26 the registry as the victim of abuse or a person named in the  
27 data as having abused a child is received by the department  
28 within this ten-year period, or within the period in which  
29 the person's name is in the central registry, the data shall  
30 be sealed ten years after receipt of the subsequent report  
31 unless good cause be shown why the data should remain open to  
32 authorized access. However, a person named in the initial data  
33 placed in the registry as having abused a child shall have the  
34 person's name removed from the registry if that person has  
35 not had a subsequent case of alleged abuse which resulted in

1 ~~the person's name being placed in the registry as the person~~  
2 ~~responsible for the abuse within the ten-year period.~~ Report  
3 and disposition data shall be made available to the department  
4 of justice if the department requests access to the alleged  
5 child abuse records for purposes of review by the prosecutor's  
6 review committee or commitment of sexually violent predators  
7 under chapter 229A.

8       (2) Notwithstanding subparagraph (1), a person named in the  
9 initial data placed in the registry as having abused a child  
10 shall have the person's name removed from the registry after  
11 ten years, if not previously removed from the registry pursuant  
12 to the other provisions of this subsection, if that person has  
13 not had a subsequent case of alleged abuse which resulted in  
14 the person's name being placed in the registry as the person  
15 responsible for the abuse within the ten-year period.

16       (3) (a) A person named in the initial data placed in the  
17 registry as having abused a child shall have the person's name  
18 removed from the registry after five years if the department  
19 determined in the report and disposition data that the person  
20 committed child abuse as defined in section 232.68, subsection  
21 2, paragraph "a", subparagraph (1), (4), (6), or (7).

22       (b) Subparagraph division (a) shall not apply, and the  
23 name of a person named in the initial data as having abused a  
24 child shall remain in the registry as described in subparagraph  
25 (1), if the department determined in the initial report and  
26 disposition data the person committed child abuse as defined in  
27 section 232.68, subsection 2, paragraph "a", subparagraph (1),  
28 (4), (6), or (7) and the child abuse resulted in the child's  
29 death or a serious injury.

30       Sec. 15. Section 235A.19, subsection 2, Code 2013, is  
31 amended to read as follows:

32       2. At the time the notice of the results of an a child  
33 abuse assessment performed in accordance with section 232.71B  
34 is issued, the department shall provide notice to a person  
35 named in the report as having abused a child of the right to

1 a contested case hearing and shall provide notice to subjects  
2 other than the person named in the report as having abused a  
3 child of the right to intervene in a contested case proceeding,  
4 as provided in subsection 3.

5 Sec. 16. Section 235A.19, subsection 3, paragraph a, Code  
6 2013, is amended to read as follows:

7 a. A subject of a child abuse report may file with the  
8 department within ninety days of the date of the notice of the  
9 results of ~~an~~ a child abuse assessment performed in accordance  
10 with section 232.71B, a written statement to the effect that  
11 report data and disposition data referring to the subject is  
12 in whole or in part erroneous, and may request a correction  
13 of that data or of the findings of the child abuse assessment  
14 report.

15 Sec. 17. Section 915.35, subsection 4, paragraph b, Code  
16 2013, is amended to read as follows:

17 b. A child protection assistance team may also consult  
18 with or include juvenile court officers, medical and mental  
19 health professionals, physicians or other hospital-based health  
20 professionals, court-appointed special advocates, guardians ad  
litem, and members of a multidisciplinary team created by the  
22 department of human services for child abuse investigations.  
23 A child protection assistance team may work cooperatively  
24 with the early childhood Iowa area board established under  
25 chapter 256I. The child protection assistance team shall  
26 work with the department of human services in accordance with  
27 section 232.71B, subsection 3, in developing the protocols  
28 for prioritizing the actions taken in response to child abuse  
29 ~~reports assessments~~ and for law enforcement agencies working  
30 jointly with the department at the local level in processes for  
31 child abuse ~~reports assessments~~. The department of justice may  
32 provide training and other assistance to support the activities  
33 of a child protection assistance team.

34 Sec. 18. DEPARTMENT OF HUMAN SERVICES REVIEW — DISCRETION  
35 FOR EARLY REMOVAL FROM REGISTRY.

1       1. The department of human services, in conjunction with  
2 the department of inspections and appeals, the office of the  
3 attorney general, and other stakeholders as deemed appropriate  
4 by the department of human services, shall review and make  
5 recommendations regarding a process for the removal of the  
6 name of a person named in the initial data placed in the  
7 central child abuse registry as having abused a child, at the  
8 discretion of the department of human services, prior to the  
9 five-year period as provided in section 235A.18, subsection 1,  
10 paragraph "a", subparagraph (3), subparagraph division (a), as  
11 enacted in this Act, or the ten-year period pursuant to section  
12 235A.18, subsection 1, paragraph "a", subparagraph (1) or (2),  
13 as amended in this Act.

14      2. The review and recommendations shall include specific  
15 criteria the department of human services shall consider and  
16 additional criteria the department of human services may  
17 consider in making a determination of whether to remove a  
18 person from the registry, the application process or other  
19 recommended action that would commence the department's  
20 determination of whether to remove the person from the  
21 registry, the appeal process necessary in order to ensure  
22 adequate protection of a person's due process rights, and cost  
23 projections for the recommendations.

24      3. The department of human services, shall, by December 1,  
25 2013, submit a report of its review and recommendations to the  
26 governor and the general assembly.

27      Sec. 19. RULES. The department of human services shall  
28 adopt rules to implement this Act.

29      Sec. 20. EFFECTIVE UPON ENACTMENT. The following  
30 provision or provisions of this Act, being deemed of immediate  
31 importance, take effect upon enactment:

32      1. The section of this Act requiring the department of human  
33 services to adopt rules.

34      Sec. 21. EFFECTIVE DATE AND IMPLEMENTATION. The following  
35 provision or provisions of this Act take effect January

1 1, 2014, except that the department of human services may  
2 begin implementation prior to January 1, 2014, to the extent  
3 necessary to transition to full implementation of these  
4 provisions of this Act:

5       1. The sections of this Act amending sections 232.68,  
6 232.70, 232.71B, 232.71C, 232.71D, 232.77, 232.141, 235A.13,  
7 235A.14, 235A.15, 235A.18, 235A.19, and 915.35.

## 8 Sec. 22. APPLICABILITY.

9       1. The section of this Act amending section 232.71D,  
10 subsection 3, relating to the placement of the names of the  
11 child and the alleged perpetrator of the alleged child abuse  
12 and any other child abuse information on the central registry  
13 for child abuse information due to a prior case in which the  
14 department determined the case met the definition of child  
15 abuse, applies to cases in which the prior case which met the  
16 definition of child abuse occurred on or after the effective  
17 date of that section of this Act.

18       2. The section of this Act amending section 235A.18,  
19 subsection 1, paragraph "a", relating to removal of the name  
20 of a person named in the initial data placed in the central  
21 registry for child abuse information as having abused a child,  
22 shall apply to the name of an alleged perpetrator of the  
23 alleged child abuse which is placed in the central registry  
24 pursuant to section 232.71D on or after the effective date of  
25 that section of this Act.

## **EXPLANATION**

27 This bill relates to child abuse reporting, assessment  
28 procedures, and placement on and removal from the central  
29 registry for child abuse information.

30 MULTIPATH ASSESSMENT PROCESS. Current law provides that,  
31 upon receipt of a child abuse report, the department of human  
32 services (DHS) immediately determines whether the report  
33 constitutes an allegation of child abuse which will lead to the  
34 commencement of an assessment. The bill removes language that  
35 requires DHS to notify the appropriate county attorney of the

1 receipt of the report.

2       The bill establishes a new assessment process upon the  
3 receipt of a child abuse report. The bill provides that an  
4 assessment will be conducted as a child abuse assessment if  
5 the child abuse report alleges imminent danger or impacts  
6 the child's safety. A child abuse assessment results in a  
7 disposition. DHS makes a determination of whether the alleged  
8 child abuse meets the definition of child abuse and makes  
9 a determination of whether the case meets the criteria for  
10 placement on the central registry for child abuse information.  
11 This type of assessment is the current procedure upon receipt  
12 of a child abuse report.

13      The bill adds a family assessment as another type of  
14 assessment process, which is to be conducted if the child  
15 abuse report does not allege imminent danger and does not  
16 impact a child's safety. DHS will not make a determination of  
17 whether the alleged child abuse meets the definition of child  
18 abuse pursuant to a family assessment. DHS also will not make  
19 a determination of whether the case meets the criteria for  
20 placement on the central registry for child abuse information  
21 under this assessment process. However, the bill provides  
22 that if, during a family assessment, it is determined a child  
23 is unsafe, it appears the immediate safety or well-being of  
24 a child is endangered, the family may flee, the child may  
25 disappear, or if other facts so warrant, DHS shall immediately  
26 commence a child abuse assessment.

27      Upon receipt of a child abuse report and acceptance that the  
28 child abuse report alleges an incident of child abuse, the bill  
29 requires DHS to commence either a child abuse assessment within  
30 24 hours of receiving that report or a family assessment within  
31 72 hours of receiving that report.

32      The bill provides that DHS is only required to apply the  
33 current protocols, which are developed with the local child  
34 protection assistance team, to prioritize actions and to work  
35 with child protection assistance teams and law enforcement

1 agencies in response to a child abuse assessment, not a family  
2 assessment. However, the bill does require DHS to immediately  
3 refer the matter to the appropriate law enforcement agency if a  
4 child abuse report is assessed under the family assessment and  
5 a criminal act harming a child is alleged.

6 The bill provides that a child abuse assessment shall be  
7 conducted as provided under current law. The bill establishes  
8 the process for the family assessment. Both a child abuse  
9 assessment and a family assessment include a safety assessment,  
10 a risk assessment, and an evaluation of the home environment.

11 A child abuse assessment also requires, pursuant to current  
12 law, the identification of the nature, extent, and cause of  
13 injuries to the child named in the report, the identification  
14 of the person or persons responsible for the alleged child  
15 abuse, a description of the name, age, and condition of other  
16 children in the same home as the child named in the report,  
17 and an interview of the person alleged to have committed the  
18 child abuse. Both the child abuse assessment and the family  
19 assessment may include a home visit, facility or school visit,  
20 information request, protective disclosure, and physical  
21 examination pursuant to Code section 232.71B.

22 The bill requires DHS to make a written assessment report for  
23 both a child abuse assessment and the family assessment. The  
24 written assessment reports must include information related to  
25 the safety assessment and risk assessment, information related  
26 to an evaluation of the home environment, identification of the  
27 strengths and needs of the child, the child's parent, home, and  
28 family, and an identification of services available from DHS  
29 and other services available in the community. Upon completion  
30 of the written assessment report for either the child abuse  
31 assessment or a family assessment, DHS must consult with the  
32 child's family to offer services to the child and the child's  
33 family. The bill retains current requirements for written  
34 child abuse assessment reports.

35 A written child abuse assessment report must be completed

1 within 20 business days of the receipt of the child abuse  
2 report and a written family assessment report must be completed  
3 within 10 business days of the receipt of the child abuse  
4 report.

5       The bill provides that after a family assessment, DHS must  
6 provide notice to the parent or guardian of a child listed in  
7 the child abuse report of the completion of the assessment  
8 and review any service recommendations. Notice to a person  
9 named in the initial child abuse report as responsible for the  
10 alleged child abuse is not required after a family assessment,  
11 as that person does not have the opportunity for a contested  
12 case hearing since DHS did not make a determination of whether  
13 child abuse occurred and the information arising from a family  
14 assessment is not reported to the registry.

15      The bill provides that DHS must provide the juvenile court  
16 and the county attorney with the portion of a written child  
17 abuse assessment report pertaining to the child abuse report.  
18 However, DHS only needs to provide such portion of the written  
19 family assessment report in cases in which DHS is requesting a  
20 child in need of assistance petition. DHS may request court  
21 action following either a child abuse assessment or family  
22 assessment.

23      The bill states that the requirements of section 232.71D,  
24 relating to the central registry, apply to child abuse  
25 information involving a report of child abuse and a child abuse  
26 assessment, but not a family assessment.

27      The bill provides that the confidentiality of information  
28 relating to an assessment in which no determination was made  
29 as to whether the definition of child abuse was met shall be  
30 maintained in accordance with Code section 217.30.

31      The bill requires DHS to adopt rules regarding the intake  
32 process, assessment process, assessment summaries, contact  
33 with juvenile court or the county attorney, involvement with  
34 law enforcement, case record retention, and dissemination  
35 of records for both child abuse assessments and family

1 assessments.

2       The bill provides that the provisions relating to the  
3 establishment of a multipath assessment process upon the  
4 receipt of a child abuse report are effective January 1, 2014,  
5 except that DHS may begin implementation prior to January 1,  
6 2014, to reach full implementation by that date. The bill also  
7 provides that DHS must adopt rules for implementation. That  
8 provision is effective upon enactment.

9       CENTRAL CHILD ABUSE REGISTRY. Current law provides that  
10 the names of the child and the alleged perpetrator of the  
11 alleged child abuse and any other child abuse information shall  
12 be placed in the central registry as a case of founded child  
13 abuse if DHS determines the acts or omissions of the alleged  
14 perpetrator meet the definition of child abuse and DHS has  
15 determined within the preceding 18 months that the acts or  
16 omissions of the alleged perpetrator in a prior case met the  
17 definition of child abuse. The bill increases the amount of  
18 time between the current offense and the previous offense, from  
19 18 months to five years, for which a previous determination  
20 of child abuse will result in placement on the registry.  
21 This section of the bill is applicable to cases in which the  
22 previous case that met the definition of child abuse occurred  
23 on or after January 1, 2014.

24       The bill also provides for the removal of the name of a  
25 person named in the central registry for child abuse as having  
26 abused a child after five years rather than the 10 years  
27 currently required if in the report and disposition data, DHS  
28 determined the person committed one of the following types  
29 of child abuse as defined in Code section 232.68: physical  
30 injury, failure to provide critical care, the presence of an  
31 illegal drug in the child's body, and the manufacture and  
32 possession of a dangerous substance in the child's presence.  
33 However, the name of such a person named in the initial data  
34 placed on the registry as having abused a child shall not  
35 be removed after five years if the child abuse resulted in

1 a child's death or serious injury of the child. The bill  
2 provides that the Code section regarding removal of the name of  
3 a person from the registry after five years applies to report  
4 and disposition data placed on the registry on or after January  
5 1, 2014.

6 The bill requires DHS, in conjunction with the department of  
7 inspections and appeals, the office of the attorney general,  
8 and other stakeholders deemed appropriate by DHS, to review and  
9 make recommendations regarding the process for the removal of  
10 a person from the child abuse registry prior to the five-year  
11 period as allowed under the bill, or the 10-year period  
12 currently provided. The bill states that the review shall  
13 include specific criteria that DHS must and could consider  
14 in determining whether to remove a person from the registry,  
15 the application process or other action which would commence  
16 DHS's determination of whether to remove the person from the  
17 registry, the appeal process necessary to ensure protection  
18 of a person's due process rights, and cost projections for  
19 recommendations. The bill requires DHS to submit the report of  
20 the review and recommendations to the governor and the general  
21 assembly by December 1, 2013.