

House File 2296 - Introduced

HOUSE FILE 2296

BY SALMON

A BILL FOR

1 An Act relating to child fatality protocol and alleged child
2 abuse.

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

1 Section 1. NEW SECTION. 232.71E Child fatality protocol.

2 The department, in collaboration with the state medical
3 examiner and law enforcement, shall develop a protocol
4 for responding to the scene of the death of a child that
5 constitutes a death affecting the public interest, as defined
6 in section 331.802, that may involve alleged child abuse. The
7 protocol shall address all of the following:

8 1. All involvement with the family of the child shall be
9 conducted in a nonaccusatory manner, sensitive to the grief and
10 emotions that family members are experiencing.

11 2. Written information shall be provided to the family
12 explaining the legal requirements for an investigation
13 involving law enforcement and the medical examiner consistent
14 with section 331.802, as well as possible family separation,
15 removal of the family from the home, and financial
16 responsibility for any medical services ordered by the
17 department, the medical examiner, or law enforcement.

18 3. The department shall provide an advocate to assist the
19 family in understanding the information provided to the family.

20 4. A family shall be allowed to have an advocate of their
21 choosing present as well as the advocate provided by the
22 department.

23 5. Any minor child in the home who is interviewed by the
24 department or law enforcement shall be allowed to have an adult
25 whom the child knows and trusts present, subject to approval by
26 the department or law enforcement, during the interview. The
27 adult shall be allowed to reassure the child and speak freely
28 with the child and the interviewer. Any person present during
29 the interview with the child shall not coax or pressure the
30 child during the interview.

31 6. If a minor sibling, or any other minor child living
32 in the same home as the child who died, is removed from the
33 home and placed in the care of a temporary caretaker, at the
34 request of law enforcement or the department and with the
35 consent of the parent, the temporary caretaker shall sign a

1 statement stating that the temporary caretaker agrees to be
2 responsible for the child or children. The statement shall
3 include any special instructions necessary for the care of
4 the child or children, including but not limited to feeding,
5 clothing, medications, activities, and emergency medical care.
6 If the child or children are transferred to the care of another
7 temporary caretaker, the new temporary caretaker shall sign a
8 similar statement before the new temporary caretaker assumes
9 responsibility for the child.

10 7. If an autopsy of the deceased child indicates that the
11 cause of death was not due to child abuse, the home shall be
12 restored to the family, and any minor children in the temporary
13 care of a caretaker shall be returned to the family.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill relates to child fatality protocol and alleged
18 child abuse.

19 The bill directs the department of human services in
20 collaboration with the state medical examiner and law
21 enforcement to develop a protocol for responding to the scene
22 of the death of a child that constitutes a death affecting the
23 public interest and that may involve alleged child abuse.

24 The bill provides that the protocol shall include all of
25 the following: all involvement with the family of the child
26 shall be conducted in a nonaccusatory manner, sensitive to
27 the grief and emotions that family members are experiencing;
28 written information shall be provided to the family explaining
29 the legal requirements for an investigation involving law
30 enforcement and the medical examiner; the department shall
31 provide an advocate to assist the family in understanding
32 the information provided to the family; a family shall be
33 allowed to have an advocate of their choosing present; any
34 minor child in the home who is interviewed by the department
35 or law enforcement shall be allowed to have an adult present

1 during the interview; if a minor sibling, or any other minor
2 child living in the same home as the child who died is removed
3 from the home and placed in the care of a temporary caretaker,
4 at the request of law enforcement or the department and with
5 the consent of the parent, the temporary caretaker shall
6 sign a statement stating that the temporary caretaker agrees
7 to be responsible for the child or children. The statement
8 shall include any special instructions necessary for the care
9 of the child or children. If an autopsy of the deceased
10 child indicates that the cause of death was not due to child
11 abuse, the home shall be restored to the family, and any minor
12 children in the temporary care of a caretaker shall be returned
13 to the family.