

Senate File 2355 - Introduced

SENATE FILE 2355
BY COMMITTEE ON HEALTH AND
HUMAN SERVICES

(SUCCESSOR TO SSB 3124)

(COMPANION TO HF 2404 BY
COMMITTEE ON HEALTH AND HUMAN
SERVICES)

A BILL FOR

1 An Act relating to processes overseen by the department of
2 health and human services, including internal adoption
3 information sharing, dependent adult abuse matters, juvenile
4 justice court filings, and mandatory reporter training.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

INTERNAL ADOPTION INFORMATION SHARING

Section 1. Section 600.16A, subsection 6, Code 2024, is amended to read as follows:

6. Any person, other than the adopting parents or the adopted person, who discloses information in violation of this section, is guilty of a simple misdemeanor. This subsection shall not apply to department personnel who disclose information to personnel within the department for the purposes of ensuring continuity of the department's services to the child.

DIVISION II

DEPENDENT ADULT ABUSE

Sec. 2. Section 235B.2, subsection 5, paragraph a, subparagraph (1), subparagraph division (c), Code 2024, is amended to read as follows:

(c) Exploitation of a dependent adult, which means the act or process of taking unfair advantage of a dependent adult or the adult's physical or financial resources, without the informed consent of the dependent adult, including. Exploitation of a dependent adult includes but is not limited to theft, by the use of undue influence, harassment, duress, deception, false representation, or false pretenses, or breach of a fiduciary duty owed to the dependent adult.

Sec. 3. Section 235B.3, subsection 7, Code 2024, is amended to read as follows:

7. Upon a showing of probable cause that a dependent adult has been abused, a court may authorize a person, also authorized by the department, to make an evaluation, to enter the residence of, and to examine the dependent adult. Upon a showing of probable cause that a dependent adult has been financially exploited, including the identification of records the department reasonably believes are related to the alleged financial exploitation, a court may authorize a person, also authorized by the department, to make an evaluation, and to

1 gain access to the ~~financial~~ records of the ~~dependent adult~~
2 the department reasonably believes are related to the alleged
3 financial exploitation.

4 Sec. 4. Section 235B.6, subsection 2, paragraph d, Code
5 2024, is amended by adding the following new subparagraph:

6 NEW SUBPARAGRAPH. (7) To a tribal court as defined in
7 section 626D.2, a tribal prosecutor, or tribal services
8 provided that the dependent adult is an Indian as defined in
9 section 232B.3.

10 Sec. 5. Section 235B.6, subsection 3, Code 2024, is amended
11 by striking the subsection and inserting in lieu thereof the
12 following:

13 3. Access to unfounded dependent adult abuse information
14 is authorized only to those persons identified in any of the
15 following:

16 a. Subsection 2, paragraph "a".

17 b. Subsection 2, paragraph "b", subparagraphs (2), (5), and
18 (6).

19 c. Subsection 2, paragraph "d", subparagraph (7).

20 d. Subsection 2, paragraph "e", subparagraphs (2), (5),
21 (10), (20), (21), and (22).

22 DIVISION III

23 ACCESS TO JUVENILE COURT SOCIAL RECORDS

24 Sec. 6. Section 232.147, Code 2024, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 20. Notwithstanding any other provision of
27 law to the contrary, the department may inspect, and the court
28 shall disclose to the department upon the department's request,
29 records that are confidential under this section if the records
30 were filed in a proceeding under subchapter III, IV, or V of
31 this chapter to which the department is a participant.

32 DIVISION IV

33 MANDATORY REPORTER TRAINING

34 Sec. 7. Section 232.69, subsection 3, paragraphs b and e,
35 Code 2024, are amended to read as follows:

1 *b.* A person required to make a report under [subsection 1](#),
2 other than a physician whose professional practice does not
3 regularly involve providing primary health care to children,
4 shall complete ~~two hours of~~ the core training curriculum
5 relating to the identification and reporting of child abuse
6 within six months of initial employment or self-employment
7 involving the examination, attending, counseling, or treatment
8 of children on a regular basis. Within one month of initial
9 employment or self-employment, the person shall obtain a
10 statement of the abuse reporting requirements from the person's
11 employer or, if self-employed, from the department. The
12 person shall complete ~~at least two hours of additional~~ the
13 core training curriculum relating to the identification and
14 reporting of child abuse identification and reporting training
15 every three years. ~~If the person completes at least one hour~~
16 ~~of additional child abuse identification and reporting training~~
17 ~~prior to the three-year expiration period, the person shall be~~
18 ~~deemed in compliance with the training requirements of this~~
19 ~~section for an additional three years.~~

20 *e.* A licensing board with authority over the license of
21 a person required to make a report under [subsection 1](#) shall
22 require as a condition of licensure that the person is in
23 compliance with the requirements for ~~abuse~~ the core training
24 curriculum relating to the identification and reporting
25 of child abuse under [this subsection](#). The licensing board
26 shall require the person upon licensure renewal to accurately
27 document for the licensing board the person's completion of the
28 training requirements. However, the licensing board may adopt
29 rules providing for waiver or suspension of the compliance
30 requirements, if the waiver or suspension is in the public
31 interest, applicable to a person who is engaged in active duty
32 in the military service of this state or of the United States,
33 to a person for whom compliance with the training requirements
34 would impose a significant hardship, or to a person who is
35 practicing a licensed profession outside this state or is

1 otherwise subject to circumstances that would preclude the
2 person from encountering child abuse in this state.

3 Sec. 8. Section 235B.16, subsection 5, paragraphs b and e,
4 Code 2024, are amended to read as follows:

5 b. A person required to report cases of dependent adult
6 abuse pursuant to [sections 235B.3](#) and [235E.2](#), other than a
7 physician whose professional practice does not regularly
8 involve providing primary health care to adults, shall complete
9 ~~two hours of the core training curriculum~~ relating to the
10 identification and reporting of dependent adult abuse within
11 six months of initial employment or self-employment which
12 involves the examination, attending, counseling, or treatment
13 of adults on a regular basis. Within one month of initial
14 employment or self-employment, the person shall obtain a
15 statement of the abuse reporting requirements from the person's
16 employer or, if self-employed, from the department. The
17 person shall complete ~~at least two hours of additional the~~
18 core training curriculum relating to the identification and
19 reporting of dependent adult abuse identification and reporting
20 training every three years. If the person completes at least
21 one hour of additional dependent adult abuse identification and
22 reporting training prior to the three-year expiration period,
23 the person shall be deemed in compliance with the training
24 requirements of [this section](#) for an additional three years.

25 e. A licensing board with authority over the license of
26 a person required to report cases of dependent adult abuse
27 pursuant to [sections 235B.3](#) and [235E.2](#) shall require as
28 a condition of licensure that the person is in compliance
29 with the requirements for ~~abuse~~ the core training curriculum
30 relating to the identification and reporting of dependent
31 adult abuse under [this subsection](#). The licensing board
32 shall require the person upon licensure renewal to accurately
33 document for the licensing board the person's completion of the
34 training requirements. However, the licensing board may adopt
35 rules providing for waiver or suspension of the compliance

1 requirements, if the waiver or suspension is in the public
2 interest, applicable to a person who is engaged in active duty
3 in the military service of this state or of the United States,
4 to a person for whom compliance with the training requirements
5 would impose a significant hardship, or to a person who is
6 practicing a licensed profession outside this state or is
7 otherwise subject to circumstances that would preclude the
8 person from encountering dependent adult abuse in this state.

9

EXPLANATION

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

12 This bill relates to processes overseen by the department of
13 health and human services (HHS), including internal adoption
14 information sharing, dependent adult abuse matters, juvenile
15 justice court filings, and mandatory reporter training.

16 DIVISION I — INTERNAL ADOPTION INFORMATION SHARING. This
17 division of the bill allows HHS to share information relating
18 to a child's adoption records within HHS for the purposes of
19 ensuring continuity of services administered by HHS.

20 DIVISION II — DEPENDENT ADULT ABUSE. This division of the
21 bill relates to dependent adult abuse.

22 The bill includes breach of a fiduciary duty owed to a
23 dependent adult as a form of dependent adult abuse.

24 The bill allows a court, upon HHS showing probable cause that
25 a dependent adult has been financially exploited, including the
26 identification of records HHS reasonably believes are related
27 to the alleged financial exploitation, to authorize a person,
28 also authorized by HHS, to make an evaluation and to gain
29 access to the records HHS reasonably believes are related to
30 the alleged financial exploitation.

31 The bill allows a tribal court, a tribal prosecutor, or
32 tribal services to access founded and unfounded dependent adult
33 abuse information.

34 DIVISION III — ACCESS TO JUVENILE JUSTICE COURT FILINGS.

35 This division of the bill allows HHS to inspect, and requires a

1 court to disclose to HHS upon HHS's request, records that are
2 confidential under Code section 232.147 (confidentiality of
3 juvenile court records) if the records were filed in a child in
4 need of assistance proceeding, a termination of parent-child
5 relationship proceeding, or a family in need of assistance
6 proceeding to which HHS is a participant.

7 DIVISION IV — MANDATORY REPORTER TRAINING. This division
8 of the bill relates to mandatory reporter training.

9 Certain classes of persons are statutorily required to make
10 reports to HHS regarding cases of child abuse. These persons,
11 other than a physician whose professional practice does not
12 regularly involve providing primary health care to children,
13 are required to receive training related to the identification
14 and reporting of child abuse. The trainings are currently
15 two hours for initial training and one hour recertification
16 trainings which need to be completed once every three years.
17 The bill removes the time requirement for the initial trainings
18 and eliminates the recertification trainings. The bill
19 contains similar language for dependent adult abuse mandatory
20 reporter training.