

Senate Study Bill 3124 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HEALTH AND HUMAN SERVICES
BILL)

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~~ recommended 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 financial records the department reasonably believes were financially exploited, a court may authorize a person, ~~also authorized~~ recommended by the department, to make

1 an evaluation, and to gain access to the dependent adult's
2 financial records ~~of the dependent adult.~~

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

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

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

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

15 a. Subsection 2, paragraph "a".

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

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

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

21 DIVISION III

22 ACCESS TO JUVENILE COURT SOCIAL RECORDS

23 Sec. 6. Section 232.147, subsection 1, Code 2024, is amended
24 to read as follows:

25 1. Juvenile court social records shall be confidential.

26 ~~They~~ The juvenile court social records shall not be inspected
27 by, and their contents shall not be disclosed to, any party
28 except the department and as otherwise provided in this section
29 or as authorized by other provisions in this chapter.

30 DIVISION IV

31 MANDATORY REPORTER TRAINING

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

34 b. A person required to make a report under subsection 1,
35 other than a physician whose professional practice does not

1 regularly involve providing primary health care to children,
2 shall complete ~~two hours of~~ the core training curriculum
3 relating to the identification and reporting of child abuse
4 within six months of initial employment or self-employment
5 involving the examination, attending, counseling, or treatment
6 of children on a regular basis. Within one month of initial
7 employment or self-employment, the person shall obtain a
8 statement of the abuse reporting requirements from the person's
9 employer or, if self-employed, from the department. The
10 person shall complete ~~at least two hours of additional~~ the
11 core training curriculum relating to the identification and
12 reporting of child abuse identification and reporting training
13 every three years. ~~If the person completes at least one hour~~
14 ~~of additional child abuse identification and reporting training~~
15 ~~prior to the three-year expiration period, the person shall be~~
16 ~~deemed in compliance with the training requirements of this~~
17 ~~section for an additional three years.~~

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

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

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

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

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

7 EXPLANATION

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

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

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

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

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

22 The bill allows a court, upon HHS showing probable cause that
23 a dependent adult has been financially exploited, including the
24 identification of financial records HHS reasonably believes
25 were financially exploited, to authorize a person recommended
26 by HHS to make an evaluation and to gain access to the
27 dependent adult's financial records.

28 The bill allows a tribal court, a tribal prosecutor, or
29 tribal services to access founded and unfounded dependent adult
30 abuse information.

31 DIVISION III — ACCESS TO JUVENILE JUSTICE COURT FILINGS.
32 This division of the bill allows HHS to have access to all
33 juvenile court social records filed in the electronic document
34 management system or in paper format.

35 DIVISION IV — MANDATORY REPORTER TRAINING. This division

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