

**House File 2098 - Introduced**

HOUSE FILE 2098  
BY FISHER

**A BILL FOR**

1 An Act requiring a child abuse investigation for newborn children  
2 whose biological parent previously had the parent's parental  
3 rights terminated due to child abuse.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 232.69, subsections 1 and 2, Code 2026,  
2 are amended to read as follows:

3 ~~1. The classes of persons enumerated in this subsection shall~~  
4 ~~make a report within twenty-four hours and as provided in section~~  
5 ~~232.70, of cases of child abuse. In addition, the classes of~~  
6 ~~persons enumerated in this subsection shall make a report of~~  
7 ~~abuse of a child which would be defined as child abuse under~~  
8 ~~section 232.68, subsection 2, paragraph "a", subparagraph (3) or~~  
9 ~~(5), except that the abuse resulted from the acts or omissions~~  
10 ~~of a person other than a person responsible for the care of the~~  
11 ~~child.~~

12 a. Every For purposes of this section, all of the following  
13 classes of persons are mandatory reporters:

14 (1) A health practitioner who in the scope of professional  
15 practice, examines, attends, or treats a child and who reasonably  
16 believes the child has been abused. Notwithstanding section  
17 139A.30, this provision applies to a health practitioner who  
18 receives information confirming that a child is infected with a  
19 sexually transmitted disease.

20 ~~b. Any of the following persons who, in the scope of~~  
21 ~~professional practice or in their employment responsibilities,~~  
22 ~~examines, attends, counsels, or treats a child and reasonably~~  
23 ~~believes a child has suffered abuse:~~

24 ~~(1)~~ (2) A social worker.

25 ~~(2)~~ (3) An employee or operator of a public or private  
26 health care facility as health care facility is defined in  
27 section 135C.1.

28 ~~(3)~~ (4) A certified psychologist.

29 ~~(4)~~ (5) A licensed school employee, certified para-educator,  
30 holder of a coaching authorization issued under section 256.165,  
31 school employee who is eighteen years of age or older, or an  
32 instructor employed by a community college.

33 ~~(5)~~ (6) An employee or operator of a licensed child  
34 care center, registered child development home, head start  
35 program, family development and self-sufficiency grant program

1 under section 216A.107, or healthy opportunities for parents to  
2 experience success - healthy families Iowa program under section  
3 135.106.

4 ~~(6)~~ (7) An employee or operator of a substance use disorder  
5 program or facility licensed under chapter 125.

6 ~~(7)~~ (8) An employee of a department institution listed in  
7 section 218.1.

8 ~~(8)~~ (9) An employee or operator of a juvenile detention or  
9 juvenile shelter care facility approved under section 232.142.

10 ~~(9)~~ (10) An employee or operator of a child foster care  
11 facility under chapter 237.

12 ~~(10)~~ (11) An employee or operator of a community mental  
13 health center as that term is defined in section 225A.1.

14 ~~(11)~~ (12) A peace officer.

15 ~~(12)~~ (13) A counselor or mental health professional.

16 ~~(13)~~ (14) An employee or operator of a provider of services  
17 to children funded under a federally approved medical assistance  
18 home and community-based services waiver.

19 ~~(14)~~ (15) An employee, operator, owner, or other person who  
20 performs duties for a children's residential facility certified  
21 under chapter 237C.

22 ~~(15)~~ (16) A massage therapist licensed pursuant to chapter  
23 152C.

24 b. A mandatory reporter shall make a child abuse report  
25 as provided by section 232.70, within twenty-four hours of  
26 examining, attending, counseling, or treating a child within the  
27 scope of the mandatory reporter's professional practice or while  
28 performing the mandatory reporter's employment responsibilities,  
29 if any of the following are true:

30 (1) The mandatory reporter forms a reasonable belief that a  
31 child has suffered child abuse.

32 (2) The mandatory reporter forms a reasonable belief that a  
33 child has suffered child abuse as defined under section 232.68,  
34 subsection 2, paragraph "a", subparagraph (3) or (5), except that  
35 the abuse resulted from the acts or omissions of a person other

1 than a person responsible for the care of the child.

2 (3) If the mandatory reporter is a health practitioner, the  
3 mandatory reporter received confirmation that a child is infected  
4 with a sexually transmitted disease.

5 (4) The mandatory reporter learns that a person who  
6 previously had the person's parental rights to a child terminated  
7 due to child abuse is the biological parent of a newborn child.

8 2. ~~Any other person who believes that a child has been abused~~  
9 has knowledge that would require a mandatory reporter to make  
10 a report under subsection 1, paragraph "b", is a permissive  
11 reporter, and may make a report as provided in section 232.70.

12 Sec. 2. Section 232.70, subsection 1, Code 2026, is amended  
13 to read as follows:

14 1. Each report made by a mandatory reporter, as defined  
15 described in section 232.69, subsection 1, or a permissive  
16 reporter, as defined described in section 232.69, subsection 2,  
17 shall be oral.

18 Sec. 3. Section 232.70, subsection 4, paragraph a, Code 2026,  
19 is amended to read as follows:

20 a. Immediately make a determination as to whether the report  
21 constitutes an any of the following:

22 (1) An allegation of child abuse as defined in section  
23 232.68.

24 (2) An allegation of child abuse as defined in section  
25 232.68, subsection 2, paragraph "a", subparagraph (3) or (5),  
26 except that the abuse resulted from the acts or omissions of a  
27 person other than a person responsible for the care of the child.

28 (3) Confirmation that a child is infected with a sexually  
29 transmitted disease.

30 (4) An allegation that a person who previously had the  
31 person's parental rights to a child terminated due to child abuse  
32 is the biological parent of a newborn child.

33 Sec. 4. Section 232.71B, subsection 1, paragraph a,  
34 unnumbered paragraph 1, Code 2026, is amended to read as follows:

35 If the department determines a report constitutes ~~a child~~

1 ~~abuse~~ an allegation or confirmation under section 232.70,  
2 subsection 4, paragraph "a", the department shall promptly  
3 commence either a child abuse assessment within twenty-four hours  
4 of receiving the report or a family assessment within seventy-two  
5 hours of receiving the report.

6 EXPLANATION

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

9 This bill requires a child abuse investigation for newborn  
10 children whose biological parent previously had the parent's  
11 parental rights terminated due to child abuse.

12 For purposes of Code chapter 232 (juvenile justice), a  
13 mandatory reporter is a person working in an occupation specified  
14 in Code section 232.69, who is required to make a child abuse  
15 report to the department of health and human services when  
16 the person, in the scope of the person's professional practice  
17 or while performing the person's employment responsibilities,  
18 reasonably believes a child has suffered child abuse, sexual  
19 abuse, or has engaged in prostitution. A permissive reporter  
20 is any other person who believes a child has been abused. A  
21 permissive reporter may make a child abuse report.

22 The bill requires a mandatory reporter to make a child  
23 abuse report if the mandatory reporter learns that a person who  
24 previously had the person's parental rights to a child terminated  
25 due to child abuse is the biological parent of a newborn child.  
26 By operation of law, a permissive reporter may make a child abuse  
27 report upon learning the same information.

28 The bill makes conforming changes to Code sections 232.70 and  
29 232.71B.