

Senate Study Bill 3167 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIRPERSON
SCHULTZ)

A BILL FOR

1 An Act relating to interviews conducted with a child subsequent
2 to a report of child abuse.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 232.68, subsection 3, Code 2026, is
2 amended to read as follows:

3 3. "*Confidential access to a child*" means access to a child,
4 who is alleged to be the victim of child abuse, during a child
5 abuse assessment. The access may be accomplished by interview,
6 observation, or physical assessment of the child. ~~As used in
7 this subsection and this part:~~

8 ~~a. "Interview" means the verbal exchange between the child
9 protection worker and the child for the purpose of developing
10 information necessary to protect the child. A child protection
11 worker is not precluded from recording visible evidence of abuse.~~

12 ~~b. "Observation" means direct physical viewing of a child
13 under the age of four by the child protection worker where
14 the viewing is limited to the child's body other than the
15 genitalia and pubes. "Observation" also means direct physical
16 viewing of a child aged four or older by the child protection
17 worker without touching the child or removing an article of the
18 child's clothing, and doing so without the consent of the child's
19 parent, custodian, or guardian. A child protection worker is not
20 precluded from recording evidence of abuse obtained as a result
21 of a child's voluntary removal of an article of clothing without
22 inducement by the child protection worker. However, if prior
23 consent of the child's parent or guardian, or an ex parte court
24 order, is obtained, "observation" may include viewing the child's
25 unclothed body other than the genitalia and pubes.~~

26 Sec. 2. Section 232.68, Code 2026, is amended by adding the
27 following new subsections:

28 NEW SUBSECTION. 6A. a. "Interview" means the verbal
29 exchange between a child protection worker or a peace officer and
30 the child for the purpose of developing information necessary to
31 protect the child.

32 b. A child protection worker or peace officer may conduct
33 an interview at a location including but not limited to a child
34 protection center.

35 c. A child protection worker or peace officer shall not be

1 precluded from recording visible evidence of abuse during an
2 interview.

3 NEW SUBSECTION. 7A. a. "Observation" means direct physical
4 viewing of a child under the age of four by the child protection
5 worker where the viewing is limited to the child's body other
6 than the genitalia and pubes.

7 b. "Observation" may include direct physical viewing of a
8 child aged four or older by the child protection worker without
9 touching the child or removing an article of the child's
10 clothing, and doing so without the consent of the child's parent,
11 custodian, or guardian.

12 c. "Observation" may include a child protection worker
13 viewing a child's unclothed body, other than genitalia and pubes,
14 and recording evidence of abuse if any of the following apply:

15 (1) The child protection worker obtained prior consent from
16 the child's parent or guardian.

17 (2) The child protection worker obtained an ex parte court
18 order.

19 (3) The child voluntarily removed an article of clothing
20 without inducement by the child protection worker.

21 Sec. 3. Section 232.71B, subsection 3, paragraph b, Code
22 2026, is amended to read as follows:

23 b. (1) If a report is determined not to constitute a child
24 abuse allegation or if the child abuse report is accepted but
25 assessed under the family assessment, but a criminal act harming
26 a child is alleged, the department shall immediately refer the
27 matter to the appropriate law enforcement agency.

28 (2) The law enforcement agency to which a matter is referred
29 under this paragraph may visit the home of the child for an
30 interview or observation if any of the following apply:

31 (a) The law enforcement agency obtained consent from the
32 child's parent or guardian to interview, observe, or interview
33 and observe the child in the child's home.

34 (b) The court, upon a showing of probable cause, authorized
35 the law enforcement agency to interview, observe, or interview

1 and observe the child in the child's home.

2 Sec. 4. Section 232.71B, subsection 6, Code 2026, is amended
3 to read as follows:

4 6. *Home visit and interview.* The assessment may, with the
5 consent of the parent or guardian, include a visit to the home
6 of the child named in the report and. The assessment may include
7 an interview or observation of the child ~~may be conducted.~~ If
8 permission to enter the home or to interview or observe the child
9 is refused, the juvenile court or district court upon a showing
10 of probable cause may authorize the person making the assessment
11 to enter do any of the following:

12 a. Enter the home ~~and interview.~~

13 b. Interview, observe, or interview and observe the child.

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 interviews conducted with a child
18 subsequent to a report of child abuse.

19 The bill allows peace officers to conduct an interview with
20 a child for the purpose of a child abuse investigation, and
21 allows a child protection worker or peace officer to conduct an
22 interview at a location including but not limited to a child
23 protection center, and record visible evidence of abuse during an
24 interview.

25 Under current law, if an allegation of child abuse alleges
26 a child has been harmed by a criminal act, the department of
27 health and human services is required to refer the matter to
28 the appropriate law enforcement agency. The bill allows the
29 law enforcement agency to visit the home of the child for an
30 interview or observation if the law enforcement agency obtained
31 consent from the child's parent or guardian to interview,
32 observe, or interview and observe the child in the child's
33 home, or the juvenile court, upon a showing of probable cause,
34 authorized the law enforcement agency to interview, observe, or
35 interview and observe the child in the child's home.

S.F. _____

1 The bill makes conforming changes to Code section 232.68
2 (child abuse reporting, assessment, and rehabilitation —
3 definitions).

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