

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:

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
12 abuse.~~

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

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

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

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

1 protection center.

2 *c.* A child protection worker or peace officer shall not be
3 precluded from recording visible evidence of abuse during an
4 interview.

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

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

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

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

20 (2) The child protection worker obtained an ex parte court
21 order.

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

24 Sec. 3. Section 232.71B, subsection 3, paragraph b, Code
25 2026, is amended to read as follows:

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

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

34 (a) The law enforcement agency obtained consent from the
35 child's parent or guardian to interview, observe, or interview

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

2 (b) The court, upon a showing of probable cause, authorized
3 the law enforcement agency to interview, observe, or interview
4 and observe the child in the child's home.

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

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

15 a. Enter the home and interview.

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

17 EXPLANATION

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

20 This bill relates to interviews conducted with a child
21 subsequent to a report of child abuse.

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

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

S.F. _____

1 home, or the juvenile court, upon a showing of probable cause,
2 authorized the law enforcement agency to interview, observe, or
3 interview and observe the child in the child's home.

4 The bill makes conforming changes to Code section 232.68
5 (child abuse reporting, assessment, and rehabilitation —
6 definitions).