

# House File 206

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 133)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act increasing the child age applicable to mandatory reporting  
2 of suspected child sexual abuse perpetrated by a person other  
3 than the person responsible for the care of the child.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1971HV 80  
6 jp/cf/24

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1 1 Section 1. Section 232.69, subsection 1, unnumbered  
1 2 paragraph 1, Code 2003, is amended to read as follows:  
1 3 The classes of persons enumerated in this subsection shall  
1 4 make a report within twenty-four hours and as provided in  
1 5 section 232.70, of cases of child abuse. In addition, the  
1 6 classes of persons enumerated in this subsection shall make a  
1 7 report of abuse of a child who is under ~~twelve~~ sixteen years  
1 8 of age and may make a report of abuse of a child who is ~~twelve~~  
1 9 sixteen years of age or older, which would be defined as child  
1 10 abuse under section 232.68, subsection 2, paragraph "c" or  
1 11 "e", except that the abuse resulted from the acts or omissions  
1 12 of a person other than a person responsible for the care of  
1 13 the child.

1 14 Sec. 2. Section 232.69, subsection 1, paragraph b, Code  
1 15 2003, is amended by adding the following new subparagraph:  
1 16 NEW SUBPARAGRAPH. (13) A member of the clergy. However,  
1 17 if the belief that a child has suffered abuse arises from  
1 18 information obtained only during a penitential communication,  
1 19 the clergy member is not subject to the requirement to make  
1 20 the report. This subparagraph shall not be construed to  
1 21 modify or limit a clergy member's duty to report the belief  
1 22 that a child has been abused when the clergy member is acting  
1 23 in some other capacity that would otherwise make the clergy  
1 24 member a mandatory reporter of abuse. For the purposes of  
1 25 this subparagraph, unless the context otherwise requires:

1 26 (a) "Clergy member" or "member of the clergy" means an  
1 27 individual who is designated as clergy by ordination,  
1 28 licensing, or other form of entitlement by the religious group  
1 29 or sect with whom the individual is affiliated.

1 30 (b) "Penitential communication" means a communication  
1 31 intended to be in confidence, including but not limited to a  
1 32 sacramental confession made to a clergy member who, in the  
1 33 course of the discipline or practice of the clergy member's  
1 34 religious group or sect, is authorized to hear those  
1 35 communications, and under the discipline, practice, tenets, or  
2 1 customs of the religious group or sect, the clergy member has  
2 2 the duty to keep the communication secret.

2 3 Sec. 3. Section 232.69, subsection 3, paragraph b, Code  
2 4 2003, is amended to read as follows:

2 5 b. A person required to make a report under subsection 1,  
2 6 other than a physician whose professional practice does not  
2 7 regularly involve providing primary health care to children or  
2 8 a member of the clergy, shall complete two hours of training  
2 9 relating to the identification and reporting of child abuse  
2 10 within six months of initial employment or self-employment  
2 11 involving the examination, attending, counseling, or treatment  
2 12 of children on a regular basis. Within one month of initial  
2 13 employment or self-employment, the person shall obtain a  
2 14 statement of the abuse reporting requirements from the  
2 15 person's employer or, if self-employed, from the department.  
2 16 The person shall complete at least two hours of additional  
2 17 child abuse identification and reporting training every five  
2 18 years.

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2 20 jp/es/25