HOUSE FILE 2404
BY COMMITTEE ON HEALTH AND
HUMAN SERVICES

(SUCCESSOR TO HSB 625)

(As Amended and Passed by the House February 20, 2024)

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

An Act relating to processes overseen by the department of health and human services, including internal adoption information sharing, dependent adult abuse matters, juvenile justice court filings, and mandatory reporter training.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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 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 records the department reasonably believes are related to the alleged financial exploitation, a court may authorize a person, also authorized by the department, to make an evaluation~~,~~ and to

gain access to the ~~financial~~ records ~~of the dependent adult~~ the department reasonably believes are related to the alleged financial exploitation.

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

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

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

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

a. Subsection 2, paragraph "*a*".

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

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

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

DIVISION III

ACCESS TO JUVENILE COURT SOCIAL RECORDS

Sec. 6. Section 232.147, Code 2024, is amended by adding the following new subsection:

NEW SUBSECTION. 20. Notwithstanding any other provision of law to the contrary, the department may inspect, and the court shall disclose to the [department,] records that are confidential under this section if the records were filed in a proceeding under subchapter III, IV, or V of this chapter to which the department is a participant.

DIVISION IV

MANDATORY REPORTER TRAINING

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

b. A person required to make a report under subsection 1, other than a physician whose professional practice does not regularly involve providing primary health care to children, shall complete ~~two hours of~~ the core training curriculum relating to the identification and reporting of child abuse within six months of initial employment or self-employment involving the examination, attending, counseling, or treatment of children on a regular basis. Within one month of initial employment or self-employment, the person shall obtain a statement of the abuse reporting requirements from the person's employer or, if self-employed, from the department. The person shall complete ~~at least two hours of additional~~ the core training curriculum relating to the identification and reporting of child abuse ~~identification and reporting training~~ every three years. ~~If the person completes at least one hour of additional child abuse identification and reporting training prior to the three-year expiration period, the person shall be deemed in compliance with the training requirements of this section for an additional three years.~~

e. A licensing board with authority over the license of a person required to make a report under subsection 1 shall require as a condition of licensure that the person is in compliance with the requirements for ~~abuse~~ the core training curriculum relating to the identification and reporting of child abuse under this subsection. The licensing board shall require the person upon licensure renewal to accurately document for the licensing board the person's completion of the training requirements. However, the licensing board may adopt rules providing for waiver or suspension of the compliance requirements, if the waiver or suspension is in the public interest, applicable to a person who is engaged in active duty in the military service of this state or of the United States, to a person for whom compliance with the training requirements would impose a significant hardship, or to a person who is practicing a licensed profession outside this state or is

otherwise subject to circumstances that would preclude the person from encountering child abuse in this state.

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

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

e. A licensing board with authority over the license of a person required to report cases of dependent adult abuse pursuant to sections 235B.3 and 235E.2 shall require as a condition of licensure that the person is in compliance with the requirements for ~~abuse~~ the core training curriculum relating to the identification and reporting of dependent adult abuse under this subsection. The licensing board shall require the person upon licensure renewal to accurately document for the licensing board the person's completion of the training requirements. However, the licensing board may adopt rules providing for waiver or suspension of the compliance

requirements, if the waiver or suspension is in the public interest, applicable to a person who is engaged in active duty in the military service of this state or of the United States, to a person for whom compliance with the training requirements would impose a significant hardship, or to a person who is practicing a licensed profession outside this state or is otherwise subject to circumstances that would preclude the person from encountering dependent adult abuse in this state.