

State law requires licensed employees, who constitute mandatory reporters pursuant to state law, to report to the Iowa Department of Human Services (“DHS”) instances of suspected child abuse which they become aware of within the scope of their professional practice. A "child" is defined as a person under 18 years of age.

The law further specifies that a licensed employee who knowingly or willfully fails to report a suspected case of child abuse is guilty of a simple misdemeanor and that the licensed employee may be subject to civil liability for damages caused by the failure to report.

Employees participating in good faith in the making of a report or in a judicial proceeding that may result from the report, are immune from liability.

Child Abuse Defined

"Child abuse" is defined as:

- Any non-accidental physical injury, or injury which is at variance with the history given of it, suffered by a child as the result of the acts or omissions of a person responsible for the care of the child.
- Any mental injury to a child's intellectual or psychological capacity as evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior as the result of the acts or omissions of a person responsible for the care of the child, if the impairment is diagnosed and confirmed by a licensed physician or qualified mental health professional, as defined by state law.
- The commission of a sexual offense, as defined by state law, with or to a child as a result of the acts or omissions of the person responsible for the care of the child.
- The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing or other care necessary for the child's welfare when financially able to do so, or when offered financial or other reasonable means to do so. A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone shall not be considered abusing the child.
- The acts or omissions of a person responsible for the care of a child which allow, permit or encourage the child to engage in prostitution.
- An illegal drug is present in a child's body as a direct and foreseeable consequence of the acts or omissions of the person responsible for the care of the child.

- The person responsible for the care of a child has, in the presence of the child, manufactured a dangerous substance, or in the presence of the child possesses a product containing ephedrine, its salts, optical isomers, salts of optical isomers, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, with the intent to use the product as a precursor or an intermediary to a dangerous substance.
- The commission of bestiality in the presence of a minor by a person who resides in a home with a child, as a result of the acts or omissions of a person responsible for the care of the child.
- Knowingly allowing a person custody or control of, or unsupervised access to a child or minor, after knowing the person is required to register or is on the sex offender registry.

Teachers in public schools are not "persons responsible for the care of the child" under this definition. However, a teacher who abuses a child is subject to civil, criminal, and professional sanctions.

Reporting Procedures

Licensed employees are required to report, either orally or in writing, within twenty-four hours to the Iowa Department of Human Services when the employee reasonably believes from knowledge obtained within the scope of employment, that a child has suffered from abuse. If the licensed employee has reason to believe that immediate protection for the child is advisable, the employee shall also make an oral report to an appropriate law enforcement agency. Within forty-eight hours of an oral report, a written report must be filed with the DHS.

Each report should contain as much of the following information as can be obtained within the time limit. However, the law specifies a report will be considered valid even if it does not contain all of the information.

- Name, age, and home address of the child;
- Name and home address of parents, guardians or other persons believed to be responsible for care of the child;
- The child's present whereabouts if not the same as the parent's or other person's home address;
- Description of nature and extent of injuries, including evidence of previous injuries;
- Name, age, and condition of other children in the same home;
- Any other information considered helpful in establishing the cause of the injury to the child, the identity of the person(s) responsible for the injury, or in providing assistance to the child; and
- Name and address of the person making the report.

Cooperation

It is not the responsibility of employees to prove that a child has been abused or neglected. Employees should not take it upon themselves to investigate the case or contact the family of

the child. DHS is responsible to investigate the incident of alleged abuse. All employees shall cooperate in good faith with the DHS investigation. DHS has the right to come to the school where the child named in a report is located. The administrators must cooperate with the investigation by providing confidential access to the child named in the report and to other children for the purpose of interviewing the child(ren) to obtain relevant information.

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