

**CHILD ABUSE REPORTING PROCEDURES BY LICENSED
PERSONNEL**

Iowa law requires licensed employees 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.

The law further specifies that any 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.
- The commission of a sexual offense with or to a child as a result of the acts or omissions of the person responsible for the child. Sexual offense includes sexual abuse, incest and sexual exploitation of a minor.
- 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. 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 acts prohibited pursuant to *Iowa Code*, section 725.1, which deals with prostitution.

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, including teachers and school nurses, are required to report, either orally or in writing, within 24 hours to the Iowa Department of Human Services when the employee reasonably believes a child has suffered from abuse. 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 above 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 injuries, including evidence of previous injuries;
- name, age, and condition of other children in the home;
- any other information considered helpful; and,
- name and address of person making the report.

Board policy states that 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. The Department of Human Services is responsible to investigate the incident of alleged abuse.

LEGAL REFERENCE: Code of Iowa §§ 232.67,.70,.73,.75; 235A; 272A; 280.17;
709; 728.12(1) (2003)
281 I.A.C. Chapter 102, 103.
441 I.A.C. 155; 175..
1980 Op. Att'y. Gen. 275.

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