

WHAT IS CHILD ABUSE?

The Iowa Law defines child abuse as:

- Any non-accidental physical injury, or injury that is inconsistent with the history given, suffered by a child as a result of an act (or failure to act) of a person responsible for the child's care.
- Any mental injury that results in an observable and substantial impairment in the child's ability to function within the normal range of performance and behavior as a result of an act (or failure to act) of a person responsible for the child's care. (diagnosed by qualified professional)
- Commission of a sexual offense with a child as a result of an act (or failure to act) of a person responsible for the child's care.
- The failure on the part of a person responsible for the care of a child to provide adequate food, shelter, clothing, or other care necessary for the child's health and welfare when financially able to do so, or when offered financial or other reasonable means to do so.
- Allowing or permitting a child to engage in prostitution.
- The presence of an illegal drug in a child's body as a direct and foreseeable consequence of an act (or failure to act) of a person responsible for the child's care.

MANDATORY REPORTERS

Under IOWA law these people are Mandatory Reporters

- a. Every health practitioner who *in the scope of professional practice*, examines, attends, or treats a child and who reasonably believes the child has been abused.
- b. Any of the following persons who, in the *scope of professional practice or in their employment responsibilities*, examines, attends, counsels, or treats a child and reasonably believes a child has suffered abuse:
 - A social worker
 - An employee or operator of a public or private health care facility
 - A certified psychologist
 - A licensed school employee, certified para-educator, holder of a coaching authorization, or an instructor employed by a community college
 - An employee or operator of a licensed child care center, registered child development home, head start program. An employee or operator of a substance abuse program
 - An employee of a department of human services institution
 - An employee or operator of a juvenile detention or juvenile shelter care facility
 - An employee or operator of a foster care facility
 - An employee or operator of a mental health center
 - A peace officer
 - A counselor or mental health professional

Ministers/Clergy are NOT mandatory reporters unless they also fall under one of the mandatory reporter categories.

If you are a mandatory reporter you MUST report suspected child abuse within twenty-four (24) hours. You must report the abuse both orally and in writing. The oral report can be by telephone to the Department of Human Services (DHS). If you have reason to believe that the child is in need of immediate protection the report must also be made to local law enforcement immediately.

The written report must be made to DHS within Forty eight (48) hours of the oral report.

Any report (oral or written) should contain the following information. It is not necessary that you obtain all the requested information if it is not readily available to you.

- Name and home address of the child and person responsible for the child's care
- Child's present location
- Child's age
- Nature and extent of the injuries (including any previous injuries)
- Name, age and condition of other children in the home
- Name and address of person making the report
- Any other information the reporter feels could be helpful

Anyone who is not a mandatory reporter is a permissive reporter.

PERMISSIVE REPORTERS

A Permissive Reporter is anyone that reasonably believes that a child has suffered abuse, but does not fall under one of the mandatory reporter categories. As a permissive reporter you may call in or send a written report to the Department of Human Service indicating your concerns. You may wish to use the same outline of requested information that is asked of mandatory reporters to help you ensure that your report provides DHS with the information they need, as well as helping you organize your report in a clear format.

Just like with mandatory reporters – if you feel the child is in need of immediate protection you should call local law enforcement immediately.

What if I learn about the abuse in a “confession” type setting?

Iowa recognizes the priest-penitent privilege. This privilege is similar to the old ideas regarding the sanctity of the confessional. A minister cannot be required to reveal confidences regarding most past offenses that are revealed to the minister: 1) privately, 2) in the minister’s role as spiritual advisor and 3) at the initiation of the person confessing the offense.

The revelation of child abuse in such settings could lead to a conflict between the privilege and ethical/moral concerns in the protection of children. Should this situation arise, you may wish seek competent legal counsel and the advice or guidance of a District official.

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The information contained in this pamphlet is specific to Iowa and the state of the laws in Iowa at the time of publication. This information should not be substituted for competent legal advice from an attorney well versed in these matters.



Child Abuse Reporting For Iowa Ministers