

Section: GENERAL INFORMATION
Subject: Child Abuse Reporting
Procedure: HR 3342

I. Institutional Regulations

- A. In compliance with Iowa Code 260C.14, this policy requires all employees who, in the scope of their employment responsibilities, examine, attend, counsel, or treat a child, to report suspected physical or sexual abuse.
- B. In compliance with Iowa Code 232.69, Mandatory Reporters are required to make a report of all suspected incidents of child abuse.
- C. Employees designated as Mandatory Reporters include, but are not limited to, instructors, employees of the day care, and counselors who in the scope of their employment responsibilities, examine, attend, counsel, or treat a child and reasonably believe a child has suffered abuse.
- D. Child means any person under the age of 18 years.
- E. Retaliatory action against an employee for participation in making a good faith report of child abuse or aiding and assisting in an assessment of a child abuse report is prohibited.
- F. Any other person who believes that a child has been abused may make a report.

II. Procedures

A. Training

- 1. Employees designated as Mandatory Reporters who are required to make a report of child abuse shall complete two hours of training related to the identification and reporting of child abuse within six months of initial employment involving the examination, attending, counseling, or treatment of children on a regular basis.
- 2. Two hours of additional child abuse identification and reporting training shall be completed every five years.
- 3. Training records shall be maintained in the Human Resources Department.

B. Abuse to be reported

- 1. All employees who in the scope of their employment responsibilities, examine, attend, counsel or treat a child are required to report suspected physical or sexual abuse in accordance with Section C below.
- 2. Mandatory Reporters are required to report all forms of "Child abuse" or "abuse" under the law to the Department of Human Services as described in Section C below.
- 3. "Child abuse" or "abuse" is defined in Iowa Code §232.68(2) to mean:
 - a. Any nonaccidental 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*.
 - b. 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 in section 622.10.
 - c. The commission of a sexual offense with or to a child pursuant to chapter 709, section 726.2, or section 728.12, subsection 1, as a result of the acts or omissions of the *person responsible for the care of the child*. Notwithstanding section 702.5, the commission of a sexual offense under this paragraph includes any sexual offense referred to in this paragraph with or to a person under the age of eighteen years.
 - d. (1) The failure on the part of a *person responsible for the care of a child* to provide for the adequate food, shelter, clothing, medical or mental health treatment, supervision, 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.
 - e. (2) For the purposes of subparagraph (1), failure to provide for the adequate supervision of a child means the person failed to provide proper supervision of a

child that a reasonable and prudent person would exercise under similar facts and circumstances and the failure resulted in direct harm or created a risk of harm to the child.

- f. (3) 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, however this provision shall not preclude a court from ordering that medical service be provided to the child where the child's health requires it.
 - g. 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 section 725.1. Notwithstanding section 702.5, acts or omissions under this paragraph include an act or omission referred to in this paragraph with or to a person under the age of eighteen years.
 - h. 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*.
 - i. The *person responsible for the care of a child* has, in the presence of the child, as defined in section 232.2, subsection 6, paragraph "p", manufactured a dangerous substance, as defined in section 232.2, subsection 6, paragraph "p", 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.
 - j. The commission of bestiality in the presence of a minor under section 717C.1 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*.
 - k. 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 under chapter 692A for a violation of section 726.6.
 - l. The *person responsible for the care of the child* has knowingly allowed the child access to obscene material as defined in section 728.1 or has knowingly disseminated or exhibited such material to the child.
4. Child abuse" or "abuse" shall not be construed to hold a victim responsible for failing to prevent a crime against the victim.

C. Reporting

1. All Employees who in the scope of their employment responsibilities, examine, attend, counsel or treat a child must report physical or sexual child abuse as indicated in 2 below when they see, know about, or reasonably suspect the physical or sexual abuse of a child. Proof that abuse has occurred is not required in order to be obligated to report.
2. Suspected abuse shall be reported to DMACC administration within 24 hours using the DMACC incident report system. The suspected abuse shall also be reported to local law enforcement within 24 hours.
3. If there is reason to believe that immediate protection for the child is advisable, an oral report shall be made immediately to the appropriate law enforcement agency.
4. In compliance with Iowa Code 232.70, each report made by a Mandatory Reporter shall also be made as follows:
 - a. An oral report shall be made within 24 hours by telephone to the Department of Human Services through the Child Abuse Hotline at 1-800-362-2178.
 - b. A written report shall be made to the Department of Human Services within 48 hours of submitting the oral report.

APPROVED:



Executive Director, Human Resources

Date: November 1, 2011

Revised: June 7, 2012