

I.C.A. § 232.70



Iowa Code Annotated [Currentness](#)

Title VI. Human Services

Subtitle 5. Juveniles

Chapter 232. Juvenile Justice ([Refs & Annos](#))

[Division III.](#) Child in Need of Assistance Proceedings

[Part 2.](#) **Child Abuse Reporting, Assessment, and Rehabilitation** ([Refs & Annos](#))

→232.70. Reporting procedure

1. Each report made by a mandatory reporter, as defined in [section 232.69, subsection 1](#), shall be made both orally and in writing. Each report made by a permissive reporter, as defined in [section 232.69, subsection 2](#), may be oral, written, or both.
2. The employer or supervisor of a person who is a mandatory or permissive reporter shall not apply a policy, work rule, or other requirement that interferes with the person making a report of child abuse.
3. The oral report shall be made by telephone or otherwise to the department of human services. If the person making the report has reason to believe that immediate protection for the child is advisable, that person shall also make an oral report to an appropriate law enforcement agency.
4. The written report shall be made to the department of human services within forty-eight hours after such oral report.
5. Upon receipt of a report the department shall do all of the following:
 - a. Immediately, upon receipt of an oral report, make a determination as to whether the report constitutes an allegation of child abuse as defined in [section 232.68](#).
 - b. Notify the appropriate county attorney of the receipt of the report.
6. The oral and written reports shall contain the following information, or as much thereof as the person making the report is able to furnish:
 - a. The names and home address of the child and the child's parents or other persons believed to be responsible for the child's care;
 - b. The child's present whereabouts if not the same as the parent's or other person's home address;
 - c. The child's age;
 - d. The nature and extent of the child's injuries, including any evidence of previous injuries;
 - e. The name, age and condition of other children in the same home;
 - f. Any other information which the person making the report believes might be helpful in establishing the cause of the injury to the child, the identity of the person or persons responsible for the injury, or in providing assistance to the child; and
 - g. The name and address of the person making the report.

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7. A report made by a permissive reporter, as defined in [section 232.69, subsection 2](#), shall be regarded as a report pursuant to this chapter whether or not the report contains all of the information required by this section and may be made to the department of human services, county attorney, or law enforcement agency. If the report is made to any agency other than the department of human services, such agency shall promptly refer the report to the department of human services.

8. If a report would be determined to constitute an allegation of child abuse as defined under [section 232.68, subsection 2](#), paragraph "c" or "e", except that the suspected abuse resulted from the acts or omissions of a person other than a person responsible for the care of the child, the department shall refer the report to the appropriate law enforcement agency having jurisdiction to investigate the allegation. The department shall refer the report orally as soon as practicable and in writing within seventy-two hours of receiving the report.

9. Within twenty-four hours of receiving a report from a mandatory or permissive reporter, the department shall inform the reporter, orally or by other appropriate means, whether or not the department has commenced an assessment of the allegation in the report.

CREDIT(S) Transferred from § 235A.4 by the Code Editor for Code 1979. Amended by Acts 1983 (70 G.A.) ch. 96, § 157, eff. July 1, 1983; Acts 1987 (72 G.A.) ch. 153, § 4; [Acts 1997 \(77 G.A.\) ch. 176, § § 2, 17](#); [Acts 2000 \(78 G.A.\) ch. 1137, § 4, eff. April 21, 2000](#); [Acts 2001 \(79 G.A.\) ch. 122, § 4](#).

HISTORICAL AND STATUTORY NOTES

2005 Electronic Pocket Part Update

Acts 2000 (78 G.A.) ch. 1137, § 14, provides:

"Sec. 14. Effective date--applicability. This Act, being deemed of immediate importance, takes effect upon enactment and is applicable to disclosures of information on or after the date of enactment related to cases of child abuse reported prior to, on, or after the effective date of this Act."

2000 Legislation

The 2000 amendment by ch. 1137 added subsec. 8 relating to 24 hour period to inform reporter of department commencement of an assessment.

2001 Legislation

The 2001 amendment inserted subsec. 2, relating to the employer or supervisor of a person who is a mandatory or permissive reporter and renumbered former subsecs. 2 to 8 as subsecs. 3 to 9.

2000 Main Volume

Derivation:

Codes 1977, 1975, § 235A.4.
 Acts 1974 (65 G.A.) ch. 1162, § 4.
 Codes 1973, 1971, 1966, § 235A.4.
 Acts 1965 (61 G.A.) ch. 217, § 4.

The 1983 amendment substituted "human services" for "social services".

The 1987 amendment revised subsec. 4, which prior thereto read:

"4. The department of human services shall:

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"a. Immediately, upon receipt of an oral report, make an oral report to the registry;

"b. Forward a copy of the written report to the registry; and

"c. Notify the appropriate county attorney of the receipt of any report."

The 1997 amendment rewrote subsec. 4 which prior thereto read:

"4. The department of human services shall:

"a. Immediately, upon receipt of an oral report, make a determination as to whether the report constitutes an allegation of child abuse as defined in section 232.68;

"b. Make a report to the central registry if the oral report has been determined to constitute a child abuse allegation;

"c. Forward a copy of the written report to the registry; and

"d. Notify the appropriate county attorney of the receipt of any report."


and added subsec. 7 relating to reports of child abuse.

For disposition of subject matter of § 232.70, Code 1977, see Chapter 232, Code 1977, Disposition Table.


NOTES OF DECISIONS

Construction and application 1 Discretion 2

1. Construction and application

Department of Human Services was statutorily required to commence wholly new investigation after stumbling onto new information that substantiated a claim of father's sexual abuse of daughter based on incident which had been previously investigated and determined to be unfounded. [McCracken v. Iowa Dept. of Human Services, 1999, 595 N.W.2d 779](#). Infants  13

2. Discretion

If the Department of Human Services receives an allegation of suspected child abuse, it has no discretion on whether to conduct an investigation; the Department is statutorily required to promptly commence an appropriate investigation. [McCracken v. Iowa Dept. of Human Services, 1999, 595 N.W.2d 779](#). Infants  13

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