

Mandatory Reporting of Child Abuse

Section 232.69 of the Iowa Code requires that every employee of a licensed day care or preschool facility who, in the course of employment, reasonably believes a child has suffered sexual abuse, physical abuse, mental injury, child prostitution, denial of critical care, bestiality in the presence of the child, manufactures a dangerous substance or is in possession of a dangerous substance shall immediately report the suspected abuse directly to the Department of Human Services.

Section 232.70 of the Iowa Code requires that each report made by a mandatory reporter, as defined in Section 232.69, shall be made both orally and in writing. The oral report must 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 of the child is advisable, that person shall also make an oral report to an appropriate law enforcement agency. The written report must be made to the Department of Human Services within 48 hours after the oral report.

By law, 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 his parents or other persons believe to be responsible for his 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.

Legal sanctions for failure to report are as follows:

1. Any mandatory reporter who knowingly and willfully fails to report a suspected case of child abuse is guilty of a simple misdemeanor.
2. Any mandatory reporter who knowingly fails to report is civilly liable for damages proximately caused by such failure (Legal Reference 232.75).

Any mandatory reporter who, in good faith, makes a report of child abuse or participates in the investigation of a child abuse has immunity from any liability, civil or criminal. Records and/or information pertaining to the abuse may be released to the child abuse investigator without release required in other situation (Legal Reference 232.73).

Dear parents:

*The people who care for your child have a special status under the law. They're mandatory reporters. They don't really report "child abuse". What they must report is their **suspicion** that someone **may** have purposely hurt your child. They have no choice under the law. Trained investigators decide whether or not abuse actually took place. All children get bumps, bruises and scrapes as a part of growing up. It is important however that you tell your child's teacher/caregiver about any unusual injuries or conditions.*

Sincerely,

Child Care Consultant

To Report Child Abuse Anytime, Call: Your Local DHS Office – Day (319)291-2441 or, if necessary, TOLL FREE STATEWIDE (1-800-362-2178). However you are encouraged to use your local number first. You may call collect.

What is child abuse and neglect?

1. physical abuse (Legal definition – Iowa Code 232.68 (21)) -

“any nonaccidental physical injury, or injury which is at variance with the history given of it, suffered by a child as a result of the acts or omissions of a person responsible for the care of the child.”

Possible Indicators – frequent injuries explained as “accidents,” unusual bruises, welts, burns, fractures, or bite marks.

2. Sexual Abuse (Legal definition – Iowa Code 232.68 (2d)) – “commission of any sexual offense with or to a child as defined by 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.” Abuse acts include anal, oral, or genital intercourse; fondling private parts; and indecent exposure. Also, any acts or omissions which allow, permit or encourage the child to engage in child prostitution or pornography.

Possible Indicators –

Torn, stained or bloody underclothing

Experiences pain or itching in genital area

Has venereal disease

Cluster of behaviors, including: poor relationship with other children, appears withdrawn, engages in delinquent acts, or runs away

3. Denial of Critical Care (Legal definition – 232.68 (2c)) – “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 health and welfare when financially able to do so or when offered financial or other reasonable means to do so.”

Possible Indicators – (Occurring in patterns)

Child is often not clean, is tired, has no energy

Clothes are dirty or wrong for the weather

Comes to school without breakfast, no lunch money

Seems to be alone too often

Child may be demanding or unusually shy; behind developmentally for his/her age in physical, emotional or intellectual development

Children left alone, and not old enough to handle this responsibility

I, _____, received
(Name)

information about mandatory reporting of child

abuse or neglect on _____.
(Date)

I understand what my responsibilities are as a
mandatory reporter.

(Signature)