

PHYSICAL ABUSE 232.68(2)(a)(1)

- 1: Victim is a child.
- 2: Person responsible is a caretaker.
- 3: Physical injury occurred.
- 4: Injury is nonaccidental or history given is at variance with the injury.
- 5: Injury resulted from acts or omissions of the caretaker.

MENTAL INJURY 232.68(2)(a)(2)

- 1: Victim is a child.
- 2: Person responsible is a caretaker.
- 3: There is observable and substantial impairment in the child's ability to function within the normal range of performance and behavior.
- 4: Impairment is diagnosed and confirmed by a licensed physician or qualified mental health professional.
- 5: Impairment is the result of the acts or omission of the caretaker.

SEXUAL ABUSE 232.68(2)(a)(3)

Sexual Abuse in the First Degree

- 1: Victim is a child.
- 2: Person responsible is a caretaker or person 14 years or older who resides in a home with the child.
- 3: Person responsible committed a "sex act" with or to the child.
- 4: Child suffered a "serious injury."

Sexual Abuse in the Second Degree

- 1: Victim is a child.
- 2: Person responsible is a caretaker or person 14 years or older who resides in a home with the child.
- 3: Person responsible committed a "sex act" with or to the child.
- 4: One of the following exists:
 - ◆ Child is under age 14, **or**
 - ◆ "Sex act" committed by force or against child's will, and person responsible was aided or abetted by one or more people, **or**
 - ◆ Person responsible displayed a dangerous weapon, **or**
 - ◆ Person responsible used or threatened force creating substantial risk of death or serious injury.

Sexual Abuse in the Third Degree

- 1: Victim is a child.
- 2: Person responsible is a caretaker or person 14 years or older who resides in a home with the child.
- 3: Person responsible committed a "sex act" with or to the child.
- 4: One of the following is present:
 - ◆ A "sex act" done by force or against the child's will; **or**
 - ◆ A "sex act" done while child was under influence of a controlled substance that prevented child from giving consent and person responsible knew or reasonably should have known the child was under the influence; **or**
 - ◆ A "sex act" done while child was mentally incapacitated **1**; **or**
 - ◆ A "sex act" done while child was physically incapacitated **2**; **or**
 - ◆ A "sex act" done while child was physically helpless **3**; **or**
 - ◆ Person responsible and child not cohabiting as husband and wife, **and either**:
 - Child is suffering from a mental defect or incapacity which precludes giving consent; **or**
 - Child is aged 14 or 15 **and any** of following are true:
 - Child and person responsible are members of same household, **or**
 - Child and person responsible are related to each other, **or**
 - Person responsible in position of authority used authority to coerce child to submit, **or**
 - Person responsible four or more years older than the child.

Lascivious Acts With a Child

- 1: Victim is a child.
- 2: Person responsible is a caretaker or person who resides in a home with the child.

- 3: Person responsible is 16 years or older.
- 4: Person responsible has done one of the following:
 - ◆ Fondled or touched the child's genitals or pubes, **or**
 - ◆ Permitted or caused child to fondle or touch genitals or pubes of person responsible, **or**
 - ◆ Caused touching of person responsible's genitals to any part of child's body, **or**
 - ◆ Solicited child to engage in a "sex act," or solicited a person to arrange a sex act with child, **or**
 - ◆ Inflicted pain or discomfort on child or has allowed child to inflict pain or discomfort on person responsible.
- 5: Performing the acts was done for the purpose of arousing or satisfying the sexual desires of either the person responsible **or** the child.
- 6: Person responsible and child are not married.

Indecent Exposure

- 1: Victim is a child.
- 2: Person responsible is a caretaker or person 14 years or older who resides in a home with the child.
- 3: Intent of person responsible was to arouse or satisfy sexual desires of person responsible **or** child.
- 4: Person responsible knew or reasonably should have known the act was offensive to the viewer.
- 5: One of the following acts occurred:
 - ◆ Person responsible exposed pubes or genitals to the child, **or**
 - ◆ Person responsible committed a "sex act" in presence or view of child.
- 6: Person responsible and child are not married.

Assault With Intent to Commit Sexual Abuse

- 1: Victim is a child.
- 2: Person responsible is a caretaker or person 14 years or older who resides in a home with the child.
- 3: Intent of person responsible was to commit sexual abuse.
- 4: One of the following acts occurred without justification **4**:
 - ◆ Any act intended to cause pain or injury to another or intended to result in physical contact insulting or offensive to another, coupled with apparent ability to execute act; **or**
 - ◆ Act intended to place child in fear of immediate physical contact that will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act; **or**
 - ◆ Person responsible intentionally pointed any firearm toward another or displayed a dangerous weapon in a threatening manner toward another.

Indecent Contact With a Child

- 1: Victim is a child.
- 2: Person responsible is a caretaker or person who resides in a home with the child.
- 3: Person responsible is:
 - ◆ Aged 18 or older, **or**
 - ◆ Aged 16 or 17 **and** committed any acts indicated in Factor 5 with a child five or more years younger.
- 4: Intent of person responsible to arouse or satisfy sexual desires of person responsible **or** child.
- 5: One of the following acts occurred:
 - ◆ Person responsible has solicited the child to or has fondled or touched the genitals, pubes, inner thigh, groin, buttock, anus, or breast of the child, or clothing covering the immediate area of the same body parts; **or**
 - ◆ Person responsible has permitted, solicited, or caused the child to fondle or touch the person's genitals, pubes, inner thigh, groin, buttock, anus or breast; **or**
 - ◆ Person responsible has solicited the child to allow that person to inflict pain or discomfort on the child; **or**
 - ◆ Person responsible has solicited child to inflict pain or discomfort on the person.
- 6: Person responsible and child are not married.

Lascivious Conduct With a Minor

- 1: Victim is a child.
- 2: Person responsible is a caretaker or person who resides in a home with the child.
- 3: Person responsible is aged 18 or older.
- 4: Person responsible is in a position of authority over child.
- 5: One of the following occurred:
 - ◆ Person responsible used force, persuasion, or coercion, with or without consent, to have the child disrobe or partially disrobe; **or**
 - ◆ Person responsible performed any of the following acts with a child aged 14 or 15, with or without consent:
 - Fondled or touched the inner thigh, groin, buttock, anus, or breast of the child, or clothing covering the immediate area of the same body parts; **or**
 - Solicited or permitted the child to fondle or touch the inner thigh, groin, buttock, anus, or breast of the person; **or**
 - Solicited the child to allow the person to fondle or touch the pubes or genitals of the child; **or**
 - Solicited the child to permit or cause the child to fondle or touch the person's genitals or pubes; **or**
 - Solicited the child to cause the touching of the person's genitals to any part of the body of the child.
 - ◆ Person responsible performed any of the following acts with a child aged 14 or 15, with or without consent:
 - Fondled or touched the pubes or genitals of the child.
 - Permitted or caused the child to fondle or touch the person's genitals or pubes.
 - Caused the touching of the person's genitals to any part of the body of the child.
 - Solicited the child to engage in a sex act or solicited a person to arrange a sex act with the child.
 - Inflicted pain or discomfort upon the child or permitted the child to inflict pain or discomfort on the person.
- 6: The act was for the purpose of arousing or satisfying the sexual desires of either the person or the child.

Sexual Exploitation by a Counselor, Therapist or School Employee

- 1: Victim is a child.
- 2: Person responsible is a caretaker or person 14 years or older who resides in a home with the child.
- 3: Person responsible:
 - ◆ Is currently a counselor or therapist **5** providing mental health services to the child, **or**
 - ◆ Has been the child's counselor or therapist within past year, **or**
 - ◆ Is a school employee **6**.
- 4: Any of the following occurred:
 - ◆ A pattern or practice of sexual conduct between the child and person responsible, **or**
 - ◆ A scheme on part of the person responsible to engage in sexual conduct with child.
- 5: Intent of person responsible was to arouse or satisfy sexual desires of the child or person responsible.
- 6: Conduct of person responsible:
 - ◆ Was not part of a necessary examination or treatment provided to the child by caretaker while acting within scope of the practice or employment in which caretaker was engaged, **or**
 - ◆ Was not necessary in performance of person responsible's duties while acting within the scope of employment.

Sexual Misconduct with Juveniles

- 1: Victim is a child.
- 2: Person responsible is a caretaker or person 14 years or older who resides in a home with the child.
- 3: Person responsible is an officer, employee, contractor, vendor, volunteer, or agent of a juvenile placement facility.
- 4: Child is placed at the juvenile placement facility.

5: Person responsible committed a "sex act" with or to child.

Incest

- 1: Victim is a child.
- 2: Person responsible is a caretaker or person 14 years or older who resides in a home with the child.
- 3: Person responsible committed a sexual act with or to child.
- 4: Person responsible was aged 14 or older at time of the offense.
- 5: Person responsible knew that the child was related, legitimately or illegitimately, as an ancestor, descendant, brother or sister of whole or half blood, aunt, uncle, niece, or nephew.

Sexual Exploitation of a Minor

- 1: Victim is a child.
- 2: Person responsible is a caretaker or person 14 years or older who resides in a home with the child.
- 3: Intent of the person responsible was to employ, use, persuade, induce, entice, coerce, solicit, knowingly permit, or otherwise cause or attempt to cause a child to engage in a prohibited sexual act or in simulation of a prohibited sexual act **7**.
- 4: Person responsible intended, knew or had reason to know that sexual act or simulated act may be or was being photographed, filmed, or otherwise preserved in a visual depiction of a minor **8**.

Invasion of Privacy – Nudity

- 1: Victim is a child.
- 2: Person responsible is a caretaker or person 14 years or older who resides in a home with the child.
- 3: Person responsible knowingly views, photographs or films a child for the purpose of arousing or gratifying the sexual desire of any person and all the following apply:
 - ◆ Child does not consent or is unable to consent to being viewed, photographed, or filmed.
 - ◆ Child is nude or partially nude.
 - ◆ Child has a reasonable expectation of privacy while in a state of full or partial nudity.

Continuous Sexual Abuse of a Child

- 1: Victim is a child.
- 2: Person responsible is a caretaker or person 18 years or older who resides in a home with the child.
- 3: Person responsible engages in any combination of three or more acts of sexual abuse (as defined in Iowa Code section 709.1) with the same child.
- 4: At least thirty days have elapsed between the first and last acts of sexual abuse.

Grooming

- 1: Victim is a child.
- 2: Person responsible is a caretaker or person 14 years or older who resides in a home with the child.
- 3: Person responsible knowingly performs an act in person or through a third party, uses a computer, internet services, or any other electronic storage or transmission device, or uses written communication.
- 4: Performing the act was done to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice a child or a person believed to be a child to commit any unlawful sex act or to otherwise engage in unlawful sexual conduct.

DENIAL OF CRITICAL CARE 232.68(2)(a)(4)

Failure to Provide Adequate Food

- 1: Victim is a child.
- 2: Person responsible is a caretaker.
- 3: Caretaker has failed to provide for adequate food and nutrition.
- 4: The failure occurred within five years of the intake date.
- 5: Child was placed in danger of suffering injury or death.

6: Caretaker was financially able to provide for the child's critical care needs or refused to do so when offered financial and other reasonable means.

Failure to Provide Adequate Shelter

- 1: Victim is a child.
- 2: Person responsible is a caretaker.
- 3: Caretaker has failed to provide for adequate shelter.
- 4: The failure occurred within five years of the intake date.
- 5: Child was placed in danger of suffering injury or death.
- 6: Caretaker was financially able to provide for the child's critical care needs or refused to do so when offered financial and other reasonable means.

Failure to Provide Adequate Clothing

- 1: Victim is a child.
- 2: Person responsible is a caretaker.
- 3: Caretaker has failed to provide for adequate clothing.
- 4: The failure occurred within five years of the intake date.
- 5: Child was placed in danger of suffering injury or death.
- 6: Caretaker was financially able to provide for the child's critical care needs or refused to do so when offered financial and other reasonable means.

Failure to Provide Adequate Health Care

- 1: Victim is a child.
- 2: Person responsible is a caretaker.
- 3: Caretaker has failed to provide for adequate health care.
- 4: The failure occurred within five years of the intake date.
- 5: Child was placed in danger of suffering injury or death.
- 6: Failure to provide medical treatment is not based upon the religious beliefs of parent or guardian.
- 7: Caretaker was financially able to provide for the child's critical care needs or refused to do so when offered financial and other reasonable means.

Failure to Provide Mental Health Care

- 1: Victim is a child.
- 2: Person responsible is a caretaker.
- 3: Caretaker has failed to provide for mental health care necessary to adequately treat observable and substantial impairment in the child's ability to function.
- 4: The failure occurred within five years of the intake date.
- 5: Caretaker knew or should reasonably have known of the child's observable and substantial impairment in ability to function.
- 6: Caretaker was financially able to provide for the child's critical care needs or refused to do so when offered financial and other reasonable means.

Gross Failure to Meet Emotional Needs

- 1: Victim is a child.
- 2: Person responsible is a caretaker.
- 3: Caretaker has shown a gross failure to meet the emotional needs necessary for normal development of the child.
- 4: The failure occurred within five years of the intake date.
- 5: Caretaker knew or should reasonably have known of the child's observable and substantial impairment in ability to function within a normal range of performance and behavior.
- 6: Caretaker was financially able to provide for the child's critical care needs or refused to do so when offered financial and other reasonable means.

Failure to Provide Proper Supervision

- 1: Victim is a child.
- 2: Person responsible is a caretaker.
- 3: Caretaker failed to provide type of supervision that a reasonable and prudent person would exercise under similar facts and circumstances.
- 4: The failure occurred within five years of the intake date.
- 5: Child was directly harmed or placed at risk of harm.

6: Caretaker was financially able to provide for the child's critical care needs or refused to do so when offered financial and other reasonable means.

Failure to Respond to an Infant's Life-Threatening Condition

- 1: Victim is an infant, defined as a child who:
 - ◆ Is under the age of one year, **or**
 - ◆ Is over the age of one year, **and**
 - Has been continuously hospitalized since birth, **or**
 - Was born extremely prematurely, **or**
 - Has a long-term disability.
- 2: Person responsible is a caretaker.
- 3: Caretaker has failed to provide treatment (including appropriate hydration, nutrition, and medication) to such an infant **except** when any of the following apply:
 - ◆ Child is chronically and irreversibly comatose.
 - ◆ Provision of treatment would merely prolong dying.
 - ◆ Provision of treatment would not be effective in ameliorating or correcting all of child's life-threatening conditions.
 - ◆ Provision of treatment would otherwise be futile in terms of the child's survival.
 - ◆ Provision of treatment would be virtually futile in terms of the child's survival and treatment itself would be inhumane.
- 4: The failure occurred within five years of the intake date.
- 5: Caretaker was financially able to provide for the child's critical care needs or refused to do so when offered financial and other reasonable means.

PROSTITUTION OF A CHILD 232.68(2)(a)(5)

- 1: Victim is a child.
- 2: Person responsible is a caretaker.
- 3: One of the following occurred:
 - ◆ Caretaker sold, offered for sale, or purchased or offered for purchase services of a child as a participant in a "sex act," **or**
 - ◆ Caretaker allowed, permitted, or encouraged the child to engage in sale or purchase or offer for sale or purchase of the child's services as a participant in a "sex act."

PRESENCE OF ILLEGAL DRUGS IN A CHILD'S BODY 232.68(2)(a)(6)

- 1: Victim is a child.
- 2: Person responsible is a caretaker.
- 3: An illegal drug found in the body of a child.
- 4: Presence of illegal drug is direct and foreseeable consequence of the acts or omissions of the caretaker

DANGEROUS SUBSTANCE 232.68(2)(a)(7)

- 1: Victim is a child.
- 2: Person responsible is a caretaker.
- 3: Caretaker did any of the following within five years of the intake date:
 - ◆ In the presence of a child:
 - Unlawfully used, possessed, manufactured, cultivated, or distributed a dangerous substance; **or**
 - Knowingly allowed use, possession, manufacture, cultivation, or distribution of a dangerous substance by another person; **or**
 - Possessed a product with intent to use product as a precursor or an intermediary to a dangerous substance.
 - ◆ In a child's home, on the premises, or in a motor vehicle located on the premises (even if a child was not present):
 - Unlawfully used, possessed, manufactured, cultivated, or distributed amphetamine, methamphetamine, or a chemical or combination of chemicals that poses a reasonable risk of causing an explosion, fire, or other danger to the life or health of persons who are in the vicinity while the chemical or combination of chemicals is used or intended to be used in the manufacturing of an illegal or controlled substance.

BESTIALITY IN THE PRESENCE OF A MINOR 232.68(2)(a)(8)

- 1:Victim is a child.
- 2:Person responsible is a caretaker or abuse occurred due to acts or omissions of caretaker.
- 3:Any of following “sex acts” occurred between a person and living or dead nonhuman vertebrate animal:
 - (a) Any act involving physical contact between the sex organ, genital, or anus of one and the mouth, sex organ, genital, or anus of the other.
 - (b) Any touching or fondling by a person, either directly or through clothing, of the sex organ, genitals, or anus of an animal or any insertion, however slight, of any part of a person’s body or any object into the vaginal or anal opening of an animal except for veterinarian advised care of the animal.
 - (c) Any insertion, however slight, of any part of an animal’s body into the vaginal or anal opening of a person.
 - (d) Advertising, offering, selling, transferring, purchasing, or otherwise obtaining an animal with the intent that the animal be used for sexual contact in this state.
 - (e) Organizing, promoting, conducting, or participating as an observer⁵ of an act involving conduct described in factor 3 (a), (b), or (c).
 - (f) Knowingly permits conduct described in factor 3 (a), (b), or (c) to occur in any premises under the person’s ownership or control.
 - (g) Photographing or filming obscene material, as defined in Iowa Code section 728.1, depicting a person engaging in conduct described in factor 3 (a), (b), or (c).
 - (h) Distributing, selling, publishing, or transmitting obscene material, as defined in Iowa Code section 728.1, depicting a person engaging in conduct described in factor 3 (a), (b), or (c).
 - (i) Possessing with the intent to distribute, sell, publish, or transmit obscene material, as defined in Iowa Code section 728.1, depicting a person engaging in conduct described in factor 3 (a), (b), or (c).
 - (j) Forcing, coercing, enticing, or encouraging a minor to engage in conduct described in factor 3 (a), (b), or (c).
- 4:Person who committed a “sex act” with an animal:
 - ◆ Resides in a home with the child, **and**
 - ◆ Committed “sex act” in presence of child.

ALLOWS ACCESS BY A REGISTERED SEX OFFENDER 232.68(2)(a)(9)

- 1:Victim is a child under the age of 14 years or a child up to the age of 18 years with a physical or mental disability.
- 2:Person responsible is a caretaker.
- 3:Caretaker knowingly allowed custody of, control over, or unsupervised access by a person required to register or on the Sex Offender Registry.
- 4:None of the following exceptions apply:
 - ◆ A child living with a parent or guardian who is a sex offender required to register or on the Sex Offender Registry under chapter 692A, **or**
 - ◆ A child living with a parent or guardian who is married to and living with a sex offender required to register or on the Sex Offender Registry under chapter 692A, **or**
 - ◆ A child who is a sex offender required to register or on the Sex Offender Registry under chapter 692A who is living with the child’s parent, guardian, or foster parent and is also living with the child to whom access was allowed.
- 5:At the time when the custody of, control over, or unsupervised access occurred, caretaker knew or should have known the person was required to register or on the Sex Offender Registry.

ALLOWS ACCESS TO OBSCENE MATERIAL 232.68(2)(a)(10)

- 1:Victim is a child.
- 2:Person responsible is a caretaker.
- 3:Caretaker has knowingly done one of the following:
 - ◆ Permitted the child to view obscene material.
 - ◆ Disseminated obscene material to the child.

- ◆ Exhibited obscene material to the child.

CHILD SEX TRAFFICKING 232.68(2)(a)(11)

- 1:Victim is a child.
- 2:A caretaker or other person engages in any of the following acts of:
 - ◆ Recruitment
 - ◆ Harboring
 - ◆ Transportation
 - ◆ Provision
 - ◆ Obtaining
 - ◆ Patronizing
 - ◆ Soliciting
- 3:The purpose of the act is for commercial sexual activity evidenced by caretaker or other person doing both the following:
 - ◆ Give, promise, receive by any person, anything of value.
 - ◆ Engaging a child in any of the following:
 - Any sex act
 - Sexually explicit performance
 - Prostitution
 - Production of pornography
 - Performance in a strip club

CONFIRMED ABUSE NOT PLACED ON THE REGISTRY

Physical abuse that was:

- ◆ Minor; and was
- ◆ Isolated; and was
- ◆ Unlikely to reoccur.

Denial of critical care supervision that was:

- ◆ Minor; and was
- ◆ Isolated; and was
- ◆ Unlikely to reoccur.

Denial of critical care clothing that was:

- ◆ Minor; and was
- ◆ Isolated; and was
- ◆ Unlikely to reoccur.

If any of the three following criteria apply to that listed above, it **shall be placed** on the Registry:

- ◆ The acts or omissions of the alleged perpetrator resulted in criminal charges or a delinquency or a CINA petition was filed.
- ◆ A previous child abuse by the same alleged perpetrator has been confirmed or founded within 5 years before the current finding.
- ◆ The alleged perpetrator will continue to pose a danger to the child subject or another child with whom the alleged perpetrator may come into contact.

ENDNOTES:

- ¹ “**Mentally incapacitated**” means temporarily unable to control conduct due to influence of a narcotic, anesthetic, or intoxicating substance.
- ² “**Physically Incapacitated**” means unconscious, asleep, or otherwise physically limited.
- ³ “**Physically helpless**” means the child has a bodily impairment or handicap that substantially limits ability to resist or flee.
- ⁴ This excludes reasonably foreseeable incidents of sport or social activity or school employees who reasonably intervene in a fight or struggle.
- ⁵ “**Counselor or therapist**” means a physician, psychologist, nurse, professional counselor, social worker, marriage or family therapist, alcohol or drug counselor, member of the clergy, or any other person, whether or not licensed or registered by the state, who provides or purports to provide mental health services.
- ⁶ “**School employee**” means any of the following:
 - ◆ A person who holds a license, certificate, or statement of professional recognition issued under Iowa Code chapter 272.

- ◆ A person who holds an authorization issued under Iowa Code chapter 272.
 - ◆ A person employed by a school district full-time, part-time, or as a substitute.
 - ◆ A person who performs services as a volunteer for a school district and who has direct supervisory authority over the student with whom the person engages in conduct prohibited under Iowa Code section 709.15(3)(a).
 - ◆ A person who provides services under a contract for such services to a school district and who has direct supervisory authority over the student with whom the person engages in conduct prohibited under Iowa Code section 709.15(3)(a).
- “School employee” does not include a student enrolled in the school district. Additionally, it does not include a person who is employed by a school district attendance center if the student they engaged in contact with is not enrolled in the same school district attendance center that employs the person, the person does not have direct supervisory authority over the student, and the person does not hold a license, certificate, or statement of professional recognition issued under Iowa Code chapter 272.
- ⁷ “**Prohibited sexual act**” means any of the following:
 - ◆ A sex act, as defined in Iowa Code section 702.17.
 - ◆ An act of bestiality involving a minor.
 - ◆ Fondling or touching the pubes or genitals of a minor.
 - ◆ Fondling or touching the pubes or genitals of a person by a minor.
 - ◆ Sadoomasochistic abuse of a minor for the purpose of arousing or satisfying the sexual desires of a person who may view a depiction of the abuse.
 - ◆ Nudity of a minor for the purpose of arousing or satisfying the sexual desires of a person who may view a depiction of the nude minor.
- ⁸ “**Visual depiction of a minor**” includes any visual depiction that has been created adapted, or modified to give the appearance that an identifiable minor⁹ is engaged in a prohibited sexual act or the simulation of a prohibited sexual act.
- ⁹ “**Identifiable minor**” is a person who was a minor at the time the visual depiction was created, adapted, or modified, or whose image as a minor was used in creating, adapting, or modifying the visual depiction and is recognizable as an actual person by the person’s face, likeness, or other distinguishing features. Proof of the actual identity of the identifiable minor is not required.