

**Sexual Assault:
A Protocol for Adult Forensic and Medical Examination**

APPENDICES

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APPENDIX A - RELEVANT IOWA CODE PROVISIONS

Sexual Abuse

Any sex act between persons is sexual abuse if the act is done by force or against the will of the other. If consent or acquiescence of the other is procured by violence or threats of violence or if the act is done when the other is under the influence of a drug inducing sleep or is otherwise in a state of unconsciousness. Acts committed under the aforementioned circumstances are deemed to be done against the will of the other. Additionally, if a person is suffering from a mental defect or incapacity which precludes giving consent, or lacks the mental capacity to know the right and wrong of conduct in sexual matters the person engaging in sex acts with that individual has committed sexual abuse.

Iowa Code § [709.1](#). See generally Chapter [709](#), § [702.17](#)

Age of Majority

Generally, the age of majority in Iowa is eighteen years old. A minor is said to have reached the age of majority upon marriage, or when they have been tried, convicted and sentenced as an adult.

Iowa Code §§ [702.5](#), [232.68\(1\)](#). See also [599.1](#), [709.8](#), [709.4](#), [709.12](#).

Age of Consent

Under Iowa law, the age of consent is generally sixteen years of age. However, it should be noted that a specific age of consent is not codified. For the purposes of sex crimes, criminal acts are determined based on the ages of the individuals involved in the sex act.

Iowa Code §§ [709.4](#), [702.5](#)

Consent

A sexual act is said to be committed without consent if the act is done by force or against the will of the other or if acquiescence of the other is procured by violence, or threats of violence toward any person. To be able to give consent to a sex act an individual must be free from the influence of a drug inducing sleep, conscious, and of a sufficient mental capacity to know the right and wrong conduct in sexual matters.

Iowa Code § [709.1](#). See also §§ [709.1A](#), [702.17](#), [709.5](#).

Serious Injury Reporting

Serious injuries include disability, mental illness and bodily injury which creates a substantial risk of death, causes permanent disfigurement or causes protracted loss or impairment of the function of any bodily member or organ. Serious injuries include but are not limited to skull fractures, rib fractures, and metaphyseal fractures of the long bones of children under the age of four.

Under Iowa law, any person licensed to administer treatment to any person suffering from a gunshot, stab wound or other serious injury which appears to have been received in connection with the commission of a criminal offense, or to whom an application is made for treatment of any nature because of the serious injury, shall at once report that fact to the law enforcement agency within whose jurisdiction the treatment was administered or an application thereof was made no later than 12 hour thereafter. Any provision of law or rule of evidence relative to confidential communications is suspended insofar as reporting of the serious injury is concerned.

Iowa Code §§ [147.111](#), [702.18](#)

Advocates

A victim is entitled to a victim counselor at any proceeding commenced by a law enforcement agency, judicial district department or correctional services, or a court pertaining to the commission of a public offense against the victim at which the victim is present. The victim is also entitled to counselor services during examinations of the victim in an emergency medical facility due to injuries from the public offense. A counselor who is present at the request of the victim shall not be denied access to any proceeding related to the offense. Communications shared between the counselor and crime victim are confidential and cannot be disclosed to a third party with the exception of a person present in the consultation for the purpose of furthering the interest of the victim, a person whom disclosure is reasonably necessary for the transmission of the information, or a person with whom disclosure is necessary for accomplishment of the purpose for which the counselor is consulted by the victim.

Iowa Code §§ [915.20](#), [915.20A](#)

Sex Act

Generally means contact between two or more persons involving penetration of the penis into the vagina or anus; contact between the mouth and genitalia or by contact between the genitalia of one person and the genitalia or anus of another person; contact by an artificial sexual organ or substitutes there for in contact with the genitalia or anus; contact between the finger or hand of one person and the genitalia or anus of another person. A sex act does not include contact by a licensed professional.

Iowa Code § [702.17](#). See also Chapter [148](#), [148C](#), [152](#).

Child Abuse

The Department of Human Services has the legal authority to conduct an assessment of child abuse when it is alleged that the victim is a child and the child is subjected to one or more of the nine categories of child abuse defined in Iowa; physical abuse, mental injury, sexual abuse, denial of critical care, child prostitution, presence of illegal drugs, manufacturing or possession of a dangerous substance, bestiality or access to a registered sex offender.

Iowa Code § [232.68](#). See also §§ [702.5](#), [709.4](#), [709.8](#), [709.12](#), [709.13](#), [709.14](#).

Mandatory Reporting

Under Iowa law, a person who, in the scope of professional practice or in their employment responsibilities, examines, attends, counsels, or treats a child and reasonably believes that a child has suffered sexual abuse, physical abuse, mental injury, child prostitution, denial of critical care, bestiality in the presence of a child, manufactures a dangerous substance or is in possession of a dangerous substance *by someone who is a caretaker* shall immediately report the suspected abuse directly to the Department of Human Services. In addition, a report of abuse must be made of a child under twelve whose sexual abuse results from anyone (regardless of their caretaker status). For a child twelve or older, when the sexual abuse occurs from someone who is NOT a caretaker, the report is permissive (at the discretion of the reporter).

Reports made by a mandatory reporter must be made both orally and in writing. In cases involving sexual abuse by persons who are not caretakers, the report can be made to local law enforcement or to the department (who is responsible to refer the report to law enforcement if received).

If the person making the report has reason to believe that immediate protection of the child is advisable, that person must also make an oral report to an appropriate law enforcement agency. A mandatory reporter who knowingly and willfully fails to report a suspected case of child abuse is guilty of a simple misdemeanor, and may also be civilly liable for damages proximately caused by such failure. A mandatory reporter must make all reports in good faith.

Iowa Code § [232.69](#). See also §§ [232.70](#), [232.73](#), [232.75](#). Note: For complete list of mandatory reporters please see § [232.69\(1\)\(b\)](#).

Treatment of Minors

Under general common law, a health care provider must obtain the consent of a minor's parent or guardian in order to render medical care, treatment or services to a minor. Courts have recognized limited exceptions to the general rule of parental consent. In addition, the Iowa legislature has enacted several statutory provisions which expressly authorize minors to provide independent consent to receive medical care, treatment, and services. The purpose behind these minor consent statutes is to encourage minors to receive medical care they might not otherwise receive if they had to obtain consent from a parent or guardian. Every state legislature including Iowa's has enacted statutory exceptions to override the common law parental consent rule and give minors the legal authority to consent to some types of medical care for certain diseases, conditions, and situations.

A minor may consent to the following health care services without the permission or consent of his or her parents or guardians:

Contraceptive Services

In Iowa minors are expressly authorized to consent to receive contraceptive services. A health care provider is not required to obtain consent from a parent or guardian prior to providing contraceptive services to a minor. The relevant portion of the text of the law provides as follows:

A person may apply for...contraceptive services...directly to a licensed physician and surgeon, an osteopathic physician and surgeon, or a family planning clinic.The minor shall give written consent to ...receive the services[.] Such consent is not subject to later disaffirmance by reason of minority.¹

Iowa Code § [141A.7](#)(3). See also Carey v. Population Services, International, 431 U.S. 678 (1977); Title X Family Planning Program.

Victim Medical and Mental Health Services

A minor who is the victim of sexual abuse or assault may receive medical and mental health services without the prior consent or knowledge of the minor's parent or guardian under certain circumstances. The text of the law provides as follows:

“Victim” means a child under the age of eighteen who has been sexually abused or subjected to any other unlawful sexual conduct under chapter 709 [sexual abuse statute] or 726 [incest and child endangerment statute] or who has been the subject of a forcible felony.

¹ This sentence means that a minor's consent may not be later subject to challenge or repudiation by the minor or any other person on the ground that the person was a minor at the time he or she consented to the service.

A professional licensed or certified by the state to provide immediate or short-term medical services or mental health services to a victim may provide the services without the prior consent or knowledge of the victim's parents or guardians.

Such a professional shall notify the victim if the professional is required to report an incidence of child abuse involving the victim pursuant to section 232.69.

Iowa Code § [915.35](#)(1), (2) & (3).

Sexually Transmitted Diseases – Prevention, Diagnosis and Treatment

Iowa law authorizes a minor to provide consent for medical services related to the prevention, diagnosis, or treatment of a sexually transmitted disease. Minors are able to provide consent for prevention services, such as the hepatitis B vaccine, and for treatment for STD's, including chlamydia, gonorrhea, hepatitis B and hepatitis C, human papillomavirus (HPV), and syphilis. A health care provider is not required to obtain consent from a parent or guardian prior to providing these services to a minor.

The text of the law provides as follows:

A minor shall have the legal capacity to act and give consent to provision of medical care or services to the minor for the prevention, diagnosis, or treatment of a sexually transmitted disease or infection by a hospital, clinic, or health care provider. Such medical care or services shall be provided by or under the supervision of a physician licensed to practice medicine and surgery or osteopathic medicine and surgery, a physician assistant, or an advanced registered nurse practitioner. Consent shall not be subject to later disaffirmance by reason of such minority. The consent of another person, including but not limited to the consent of a spouse, parent, custodian, or guardian, shall not be necessary.

Iowa Code § [139A.35](#).

HIV/AIDS Care

Iowa law authorizes a minor to give consent to receive services, screening, testing, and treatment for HIV/AIDS, and provides that the consent of a parent or guardian is not required to provide these services. However, the law does require that a minor must be informed prior to testing that if the test result is positive the minor's legal guardian shall be informed by the testing facility.

The text of the law provides as follows:

Notwithstanding any other provision of law, however, a minor shall be informed prior to testing that, upon confirmation according to prevailing medical technology of a positive HIV-related test result, the minor's legal guardian is required to be informed

by the testing facility. Testing facilities where minors are tested shall have available a program to assist minors and legal guardians with the notification process which emphasizes the need for family support and assists in making available the resources necessary to accomplish that goal. However, a testing facility which is precluded by federal statute, regulation, or centers for disease control and prevention guidelines from informing the legal guardian is exempt from the notification requirement. The minor shall give written consent to these procedures and to receive the services, screening, or treatment. Such consent is not subject to later disaffirmance by reason of minority.

Iowa Code § [141A.7](#)(3).

APPENDIX B - HEALTH PROVISION RESOURCES

Sexually Transmitted Infections

For current treatment guidelines: [Centers for Disease Control & Prevention](#)

Sexually Transmitted Diseases Treatment Guidelines 2015:

<http://www.cdc.gov/std/tg2015/tg-2015-print.pdf> or, the Pocket Guide can be downloaded at: <http://www.cdc.gov/std/tg2015/2015-pocket-guide.pdf>).

For information on HIV prophylaxis in adults/adolescents, see: Centers for Disease Control & Prevention, Preexposure Prophylaxis for the Prevention of HIV Infection in the United States – 2014 Clinical Practice Guidelines. <http://www.cdc.gov/hiv/pdf/prepguidelines2014.pdf>

See also [Antiretroviral Postexposure Prophylaxis After Sexual, Injection-Drug Use, or Other Nonoccupational Exposure to HIV in the United States](#). *MMWR*, January 21, 2005 / 54(RR02); 1-20.

Centers for Disease Control & Prevention homepage: <http://www.cdc.gov/>

New York Health Department HIV Clinical Resources: <http://www.hivguidelines.org/clinical-guidelines/post-exposure-prophylaxis/hiv-prophylaxis-following-non-occupational-exposure-including-sexual-assault/>

National Clinician's HIV/AIDS Consultation Center for warm/hot lines: <http://www.nccc.ucsf.edu/>

For STD clinic sites in Iowa see the [Iowa STD Clinics](#) website: <http://yourstdhelp.com/iowa.html>

For Iowa STD program information/statistics: <http://idph.iowa.gov/hivstdhep/std/resources>

For information on HIV testing and treatment sites and HIV/AIDS information/stats in Iowa see Iowa Department of Public Health website: <http://idph.iowa.gov/hivstdhep/hiv>

Emergency Contraception

The Emergency Contraception Website. Operated by Princeton University and the Association of Reproductive Health Professionals (it has no connection with pharmaceutical companies). <http://ec.princeton.edu/>.

APPENDIX C - PAYMENT FOR SEXUAL ASSAULT EXAMS

The State of Iowa pays for a sexual assault examination regardless of whether the victim reports the crime to law enforcement. This is done to ensure that prosecutors and law enforcement officers will have evidence efficiently and effectively collected if the victim later reports that crime. Funds for the Sexual Abuse Examination Payment Program come from the Crime Victim Compensation Fund. That fund is comprised entirely of fines and penalties paid by convicted criminals. Iowa Code 709§10, states that “The cost of a medical examination for the purpose of gathering evidence and the cost of treatment for the purpose of preventing venereal disease shall be paid from the fund established in section [915.94](#).”

Hospitals, physicians and other medical providers who collect and process evidence of sexual abuse submit bills directly to the Sexual Abuse Examination Payment Program. In the event that a victim is erroneously billed and pays for the cost of the evidence collection, the program will reimburse that victim. Bills should be sent to:

Sexual Assault Examination Program
Iowa Attorney General’s Office
Lucas Building, Ground Floor
321 E. 12th St.
Des Moines IA 50319

For questions, contact (515) 281-5044 or Toll Free: (800) 373-5044

See also the Iowa Attorney General’s Office website, “[Sexual Assault Examination Payment Program](#):”

(<https://www.iowaattorneygeneral.gov/for-crime-victims/sexual-assault-examination-payment-program/>)

For more information regarding how to apply for payment for sexual assault exams in your institution, see the [Iowa Administrative Rules website](#), section 61-9.82(915), “[Application for Sexual Abuse Examination Payment](#).”

In some cases, particularly when the victim does choose to report the crime to law enforcement, additional expenses for medical treatment, counseling, lost wages due to the crime, or reimbursement for clothing may be covered by the [Iowa Crime Victim Compensation Program](#). For more information, go to: <https://www.iowaattorneygeneral.gov/for-crime-victims/crime-victim-compensation-program/>.

APPENDIX D - VICTIM RESOURCES

Domestic Violence

For victim support and resources, and to locate advocates or shelters in your area, see the website at Iowa Coalition Against Domestic Violence (ICADV): <http://www.icadv.org>.

For a list of programs in your area: <http://www.icadv.org/#!services-in-iowa/cktc>.

Iowa Domestic Violence Helpline: 1-800-770-1650 or <http://www.survivorshelpline.org/>

Sexual Abuse/Assault

For victim support and resources, and to locate advocates in your area, see the website at Iowa Coalition Against Sexual Assault (IowaCASA): <http://www.iowacasa.org/>.

For resource information for victims, go to: <http://www.iowacasa.org/#!resources/ccae>

For a list of [IowaCASA Member Centers](#) see the directory at: <http://www.iowacasa.org/#!ia-sa-programs/cpvl>

Iowa Sexual Abuse Hotline: 1-800-284-7821 or <https://rvap.uiowa.edu/isah/>

To find a STI testing center near you: <http://www.hivtest.org>

Victim Assistance

Iowa Attorney General Crime Victim Assistance Division – Funded Victim Services Program: https://www.iowaattorneygeneral.gov/media/cms/DACShelterSAC_SFY2015_Map_Final_OC6C04126ED10.pdf

Other resources for crime victims: <https://www.iowaattorneygeneral.gov/for-crime-victims>

National Center for Victims of Crime, Resources:
http://www.ncvc.org/ncvc/main.aspx?dbID=DB_HelpfulContacts859

APPENDIX E - SANE PROGRAM RESOURCES

A National Protocol for Sexual Assault Medical Forensic Examinations (Adult/Adolescents),
Second edition. April 2013, US Department of Justice, Office on Violence Against Women.
<https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>

International Association of Forensic Nurses (IAFN): <http://www.forensicnurses.org/>

Sane-SART Online + Clinical: www.sane-sart.com

State of Iowa Crime Lab, Division of Criminal Investigation (DCI), Iowa Department of Public
Safety: (515) 725-1500 or general email address to dcinfo@dps.state.ia.us.

To order Sexual Assault Evidence Collection Kits:

Amy Pollpeter, Criminalist; apollpet@dps.state.ia.us or phone (515) 559-7091
DNA Supervisor/Technical Leader (515) 725-1500

Iowa Department of Public Health, Health Care Response to Violence Against Women
(Resources for health care providers regarding domestic violence and sexual assault):
<https://idph.iowa.gov/disability-injury-violence-prevention/violence-against-women>

Sexual Assault Examination Program – Iowa Dept of Justice, Office of the Attorney General:
<https://www.iowaattorneygeneral.gov/for-crime-victims/sexual-assault-examination-payment-program/>

Crime Victims Assistance Program – Iowa Dept of Justice, Office of the Attorney General:
<https://www.iowaattorneygeneral.gov/for-crime-victims/>

Crime Victim Compensation Program – Iowa Dept of Justice, Office of the Attorney General:
<https://www.iowaattorneygeneral.gov/for-crime-victims/crime-victim-compensation-program/>

APPENDIX F - IOWA'S CHILD PROTECTION CENTERS

Children's Advocacy/Protection Centers (CPCs) support and coordinate multidisciplinary teams that manage child abuse investigations and interviews and coordinate needed medical and mental health services. The CPCs have multi-disciplinary staffs that are uniquely trained to provide services to children and their families. Children in Iowa are served by four accredited centers in Iowa and one in Nebraska. For more information, visit the Iowa Chapter of Children's Advocacy Centers website (<http://www.iowacacs.org>).

[Mercy Child Advocacy Center](#) (serving NW Iowa, NE Nebraska, So. Dakota)

801 Fifth Street
Sioux City Iowa 51102
712-279-2548 or 800-582-0684

[Project Harmony Child Advocacy Center](#) (serving SW Iowa, E Nebraska)

11949 Q Street
Omaha, NE 68137
(402) 595-1326

[Blank Children's Hospital Regional Child Protection Center](#) (serving central/south central Iowa)

1215 Pleasant Street, Suite 303
Des Moines, IA 50309
515-241-4311 or 866-972-4433

[St. Luke's Child Protection Center](#) (serving E. central and southern Iowa)

Hiawatha Children's Campus
1095 N. Center Point Rd.
Hiawatha, IA 52233
800-444-0224 ext. 7908 or 319/369-7908

[Allen Child Protection Center](#) (serving NE Iowa) – *accreditation pending*

3316 Cedar Heights Drive
Cedar Falls, Iowa
319- 277-7463

[Mississippi Valley Child Protection Center](#) (serving SE Iowa, W Illinois)

1600 Mulberry Lane
Muscatine IA 52761
563-264-0580