

Topic 10: Confirming Sexual Abuse

Link to [Policy](#)

Child sexual abuse is defined in the Juvenile Code in terms of the offenses listed as sexual abuse in the Criminal Code. "Sexual abuse" is any sexual offense committed to or with a child as a result of the acts or omissions of a caretaker.

Absent any information to the contrary in the factors under each sexual offense listed below, assume that for child abuse purposes, the definition of "child" is a person under the age of 18.

Iowa law establishes 14 subcategories of sexual abuse. If more than one sexual offense has occurred in a single incident, consider the most serious offense that fits the factors outlined below. There is no need for multiple determinations from a single offense. Example:

It can be reasonably inferred that fondling of a child under age 12 occurred at the same time as sexual intercourse, but it is not necessary to make another determination in addition to second-degree sexual abuse for that incident.

However, there may be incidents of fondling or other sexual behavior occurring at another time that can and should be addressed in addition to the determination for the incident of intercourse.

Sexual abuse by omission may also be a valid determination. In these situations, it must be established that:

- ◆ A sexual offense was committed to or with a child.
- ◆ The offense occurred after the child's caretaker knew or should reasonably have known that the offender was a past perpetrator of child sexual abuse or had a sexual proclivity for children.
- ◆ The caretaker continued to allow that offender access to the child or failed to take reasonable action to protect the child from the offender.
- ◆ Consensual sex between a noncaretaker and a child 16 years of age or older: If a child aged 16 or older is able to give consent and the other person is an adult and not a caretaker, the circumstance does not meet criteria for a child abuse sexual assessment ("Able to give consent" involves Iowa Code sections [709.1](#) and [709.1A](#).)

For allegations of sexual abuse, gather and document credible evidence that the following factors are present for the relevant subcategory of sexual abuse:

Sexual Abuse in the First Degree

Factor 1: The victim is a **child**.

Factor 2: The person responsible for the abuse was a **caretaker** for the child at the time of the abuse.

Factor 3: The caretaker committed a **sex act** with or to the child. Credible evidence may include:

- ◆ Information provided by a credible person (the victim, the caretaker, or a person who observed the sex act). Information obtained should include a precise description of the type of activity in which the participants engaged.
- ◆ Diagnosis or verification by a competent medical practitioner of the presence of genital injuries or a condition or disease that could not have occurred in the absence of a sex act.
- ◆ Verification by a competent professional of the presence of sperm in the child's anus, mouth, vagina, or genital area.
- ◆ Verification by a competent professional of the presence of body tissue of the caretaker on the child or body tissue of the child on the caretaker which could not have occurred in absence of a sex act.

Factor 4: A person other than the person responsible for the abuse suffers a **serious injury** as defined in Iowa Code section [702.18](#).

NOTE: For use in this factor only, "serious injury" means any of the following:

- ◆ Disabling mental illness.
- ◆ Bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or causes protracted loss or impairment of the function of any bodily member or organ.
- ◆ Any injury to a child that requires surgical repair and necessitates the administration of general anesthesia.

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 years.

Credible evidence may include:

- ◆ Evidence from a credible person that serious injury occurred.
- ◆ Evidence from a credible person that serious injury occurred to a person other than the caretaker during the commission of the sex act.

Sexual Abuse in the Second Degree

Factor 1: The victim is a **child**.

Factor 2: The person responsible for the abuse was a **caretaker** for the child at the time of the alleged abuse.

Factor 3: The caretaker committed a **sex act** with or to the child. Examples of credible evidence include:

- ◆ Information provided by a credible person (the victim, the caretaker, or a witness who observed the sex act). The information obtained should include a precise description of the type of activity in which the victim and the person responsible for the abuse were engaged.
- ◆ Diagnosis or verification by a competent medical practitioner of the presence of genital injuries or a condition or disease that could not have occurred in the absence of the sex act.
- ◆ Verification by a competent professional of the presence of sperm in the child's anus, mouth, vagina, or genital area.
- ◆ Verification by a competent professional of the presence of body tissue of the caretaker or body tissue of the child on the caretaker which could not have occurred in absence of a sex act.

Factor 4: One of the following conditions exists:

- ◆ The child is **under age 12**, OR
- ◆ The child is suffering from a **mental defect or incapacity** that precludes giving consent, or the child lacks mental capacity to know the right or wrong of conduct in sexual matters, OR
- ◆ The sex act was **committed by force** or against the child's will, and the caretaker was aided or abetted by one or more people, OR
- ◆ The caretaker **displayed a dangerous weapon** in a threatening manner, OR
- ◆ The caretaker **used or threatened to use force** creating a substantial risk of death or serious injury.

Examples of credible evidence include:

- ◆ Credible statement of a credible person (the victim or the caretaker) that one of the above circumstances happened in the course of the sex act.
- ◆ Statement of a credible witness (including people who aided and abetted the caretaker) who can verify that one of the above circumstances happened in the course of the sex act.
- ◆ Physical evidence of the presence of a dangerous weapon, use of force, or presence of one or more people who aided or abetted the caretaker.

Sexual Abuse in the Third Degree

Factor 1: The victim is a **child**.

Factor 2: The person responsible for the abuse was a **caretaker** for the child at the time of the abuse.

- Factor 3:** The caretaker committed a **sex act** with or to the child. Credible evidence may include:
- ◆ Information provided by a credible person (the victim, the caretaker, or a witness who observed the sex act). The information obtained should include a precise description of the type of activity in which the participants engaged.
 - ◆ Diagnosis or verification by a competent medical practitioner of the presence of genital injuries or a condition or disease that could not have occurred in the absence of a sex act.
 - ◆ Verification by a competent professional of the presence of sperm in the child's anus, mouth, vagina, or genital area.
 - ◆ Verification by a competent professional of the presence of body tissue of the caretaker on the child or of body tissue of the child on the caretaker which could not have occurred in absence of a sex act.

- Factor 4:** One of the following conditions must be present:
- ◆ The sex act was done by force or against the will of the child; or
 - ◆ The sex act was done while the child was under the influence of a controlled substance (e.g., flunitrazepam) that prevented the child from giving consent and the caretaker knew or should have known that the child was under the influence of the controlled substance; or
 - ◆ The sex act was done while the child was mentally incapacitated (temporarily unable to control conduct due to the influence of a narcotic, anesthetic, or intoxicating substance); or
 - ◆ The sex act was done while the child was physically incapacitated (unconscious, asleep, or otherwise physically limited); or
 - ◆ The sex act was done while the child was physically helpless (meaning the child has a bodily impairment or handicap that substantially limits the ability to resist or flee); or

- ◆ The caretaker and the victim are not cohabiting as husband and wife and either:
 - The child is 12 or 13 years old; or
 - The child is 14 or 15 years old, and any of the following are true:
 - The child and caretaker are members of the same household, or
 - The child and caretaker are related to each other by blood or affinity to the fourth degree, or
 - The caretaker is in a position of authority over the child and used that authority to coerce the child to submit, or
 - The caretaker is four or more years older than the child, or
 - The child is suffering from a mental defect or incapacity which precludes giving consent.

Credible evidence may include the following:

- ◆ statements of the victim, the caretaker, or the victim's parents.
- ◆ Documentation of age from the birth certificate or other legal record of the child and of the caretaker.
- ◆ Verification by a credible person that the child and the caretaker were living in the same household at the time of the alleged abuse.
- ◆ Documentation of the blood or affinity relationship between the child and the caretaker.

NOTE: If the child is under age 12, see [Sexual Abuse in the Second Degree](#).

Detention in a Brothel

Factor 1: The victim is a **child**.

Factor 2: The person responsible for the abuse was a **caretaker** for the child at the time of the abuse.

Factor 3: The **intent** of the person responsible for the abuse was to engage the victim in prostitution. Examples of credible evidence include:

- ◆ Statements of a credible person (the child, the caretaker, or a witness).
- ◆ Circumstantial evidence which indicates the intent of the person responsible for the abuse to engage the victim in prostitution.

Factor 4: The person responsible for the abuse did **either of the following**:

- ◆ Enticed a nonprostitute child to become an inmate of a brothel so as to engage the child in prostitution, or
- ◆ Detained the child in a brothel against the child's will so as to engage the child in prostitution.

Credible evidence may include documentation that the child was found in a structure meeting the definition of "brothel." It is not necessary to show that the child was detained against the child's will if the person responsible for the abuse was the child's caretaker.

Lascivious Acts With a Child

Factor 1: The victim is a **child**.

Factor 2: The person responsible for the abuse was a **caretaker** for the child at the time of the abuse.

Factor 3: The **caretaker is age 18** or older. Credible evidence may include documentation of the person's age through family, school, or other official records or identification.

Factor 4: The caretaker has done **one of the following acts:**

- ◆ Fondled or touched the victim's genitals or pubes, OR
- ◆ Permitted or caused the victim to fondle or touch the genitals or pubes of the caretaker, OR
- ◆ Solicited the victim to engage in a sex act, OR
- ◆ Inflicted pain or discomfort on the victim or has allowed the victim to inflict pain or discomfort on the caretaker (for the purpose of arousing or satisfying sexual desires of either the caretaker or the victim).

Credible evidence may include statements of a credible person (the child, the caretaker, or a witness) that at least one of the above did occur between the child and the caretaker.

Factor 5: **Either** of the following:

- ◆ The intent of the caretaker in the course of performing these acts with the child was to arouse or satisfy the sexual desires of one or both of them; OR
- ◆ The caretaker or the child was sexually aroused.

Examples of credible evidence include:

- ◆ Statements of a credible person (the child, the caretaker, or a witness) that the acts were performed with sexual intent.
- ◆ Physical evidence that indicates that sexual arousal was present, such as the presence of semen, nude photographs, or letters describing the sexual feelings of the caretaker or the victim.

Factor 6: The caretaker and the victim are not **husband and wife**. Credible evidence may include statements of the victim, the caretaker, or the victim's parents.

Indecent Exposure

- Factor 1:** The victim is a **child**.
- Factor 2:** The person responsible for the abuse was a **caretaker** for the child at the time of the abuse.
- Factor 3:** The **intent** of the person responsible for the abuse was to arouse or satisfy sexual desires of the person responsible or the victim.
- Factor 4:** The person responsible for the abuse knew or should have known the **act was offensive** to the viewer.

Examples of credible evidence include statements of a credible person (the child, the caretaker, or a witness) which indicate that:

- ◆ The child was offended, or
- ◆ The caretaker for the abuse behaved in such a way that any reasonable and prudent person would be offended.

Factor 5: **One of the following acts** occurred:

- ◆ The caretaker has exposed his or her pubes or genitals to the victim, OR
- ◆ The caretaker has committed a sex act in the presence or view of a third person. (Note that for child abuse purposes, the "third person" would most likely be the child victim, unless the sex act was with the child in front of someone else.)

Credible evidence may include statements of a credible person (the child, the caretaker, or a witness) that the caretaker did:

- ◆ Expose pubes or genitals to the child or
- ◆ Commit a sex act with the child in the presence or view of another person or with another person in the presence or view of the child.

Assault With Intent to Commit Sexual Abuse

- Factor 1:** The victim is a **child**.
- Factor 2:** The person responsible for the abuse was a **caretaker** for the child at the time of the abuse.
- Factor 3:** The **intent** of the person responsible for the abuse was to commit sexual abuse. Examples of credible evidence include:
- ◆ Statements of a credible person (the child, the caretaker, or witnesses).
 - ◆ Circumstantial evidence which indicates the intent of the person to commit sexual abuse.
- Factor 4:** **One of the following acts** occurred without justification (that is, in the absence of noncriminal sport or social activity):
- ◆ Any act which is intended to cause pain or injury to another, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act; OR
 - ◆ Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act; OR
 - ◆ The person responsible for the abuse represented to the victim that he or she was in immediate possession or control of a firearm, displayed a firearm in a threatening manner, or was armed with a firearm; OR
 - ◆ The person responsible for the abuse displayed any dangerous weapon in a threatening manner.

Credible evidence may include:

- ◆ Statements of a credible person (the child, the caretaker, or a witness), which indicate that the caretaker intended to cause pain or injury, or commit insulting or offensive physical contact.
- ◆ Circumstantial evidence that indicates that the caretaker intended to cause pain or injury or to commit insulting or offensive physical contact.
- ◆ Documentation that the behavior did not occur as part of a non-criminal sport or social activity (meaning the behavior was not an unavoidable or accidental contact with no sexual connotations).
- ◆ Documentation from statements of a credible person (the child, the caretaker, or a witness) that the child did suffer pain, injury, or insulting or offensive physical contact (although if this is true, a more serious type of sexual abuse may have occurred) or was in fear of such consequences.
- ◆ Statements of child, the caretaker, a physician, or a witness that the person responsible for the abuse did have the ability to execute the intended assault.
- ◆ Documentation of presence of a firearm or other dangerous weapon that was displayed in a threatening manner at the time of the incident through statements of the victim, the person responsible for the abuse, or witnesses.

Indecent Contact With a Child

Factor 1: The victim is a **child**.

Factor 2: The person responsible for the abuse was a **caretaker** for the child at the time of the abuse.

Factor 3: The **person responsible** for the abuse is:

- ◆ Aged 18 or older, OR
- ◆ Aged 16 or 17 AND committed any of the acts indicated in Factor 5 with a child more than five years younger.

Factor 4: The intent of the person responsible for the abuse was to **arouse or satisfy the sexual desires** of the person responsible or of the victim.

Factor 5: One of the following acts occurred:

- ◆ The person responsible for the abuse has fondled or touched the inner thigh, groin, buttock, anus, or breast of the victim, or clothing covering the same body parts, OR
- ◆ The person responsible for the abuse has permitted or caused the victim to fondle or touch the person's genitals, pubes, inner thigh, groin, buttock, anus or breast, OR
- ◆ The person responsible for the abuse has solicited the victim to allow that person to inflict pain or discomfort on the victim, OR
- ◆ The person responsible for the abuse has solicited the victim to inflict pain or discomfort on the person.

Examples of credible evidence include:

- ◆ Statement of a credible person (the victim, the caretaker, or a witness) which indicate that:
 - The caretaker has fondled or touched the child in those ways or
 - The child has touched the caretaker in those ways.
- ◆ Medical documentation of fondling of genitalia which indicate that:
 - The caretaker has fondled or touched the child in those ways, or
 - The child has touched the caretaker in those ways.
- ◆ Statement of a credible person (the victim, the caretaker, or a witness) that the caretaker solicited the victim to:
 - Allow infliction of pain or discomfort on the victim or
 - Inflict pain or discomfort on the caretaker.

Factor 6: The person responsible for the abuse and the victim are **not husband and wife**. Credible evidence may include statements of the victim, the person responsible for the abuse, or the victim's parents.

Lascivious Conduct With a Minor

- Factor 1:** The victim is a **child**.
- Factor 2:** The person responsible for the abuse was a **caretaker** for the child at the time of the abuse.
- Factor 3:** **The caretaker is aged 18** or older. Credible evidence may include documentation of the person's age through family, school, or other official records or identification.
- Factor 4:** The caretaker used force, persuasion, or coercion to have the **victim disrobe or partially disrobe** for the purpose of **arousing or satisfying the sexual desires** of either of them.

Examples of credible evidence include:

- ◆ Statement of a credible person (the victim, the caretaker, or a witness) which indicates that the caretaker did attempt to have the victim disrobe or partially disrobe or took advantage of the victim's disrobed or partially disrobed state.
 - ◆ Medical documentation of indications that the victim was forced.
 - ◆ Statement of a credible person (the victim, the caretaker, or a witness) that the reason the child was forced, persuaded, or coerced to disrobe or partially disrobe was to arouse or satisfy the sexual desires of either the child or the caretaker. That is, either:
 - There was no other legitimate reason for the child to disrobe or for the caretaker to view the child in a disrobed or partially disrobed state, or
 - The caretaker or the child admitted that this action was for the purpose of sexual arousal.
- Factor 5:** The caretaker and the victim are **not husband and wife**. Credible evidence may include statements of the victim, the caretaker, or the victim's parents.

Sexual Exploitation by a Counselor, Therapist or School Employee

Factor 1: The victim is a **child**.

Factor 2: The person responsible for the abuse was a **caretaker** for the child at the time of the alleged abuse.

Factor 3: The person responsible for the abuse:

- ◆ Is currently a **counselor or therapist** (see the definition of "[counselor or therapist](#)") **providing mental health services** to the child, or
- ◆ Has been the child's counselor or therapist within the past year, or
- ◆ Is a school employee, meaning a "practitioner" as defined in Iowa Code section [272.1](#).

NOTE: A "student" is a child who is currently enrolled in or attending a public or nonpublic elementary or secondary school, or who was a attending school within 30 days of the sexual exploitation.

Credible evidence may include statements that the child and the person allegedly responsible for the abuse have a counseling or therapeutic relationship now or have had such a relationship within the past year. These statements could be from:

- ◆ The child,
- ◆ The child's caretakers,
- ◆ The child's social worker, or
- ◆ Administrative staff at the facility where the child lives or receives counseling or therapy (or did so in the past).

Factor 4: **Any** of the following occurred:

- ◆ A pattern or practice of sexual conduct between the child and the counselor, therapist, or school employee, OR
- ◆ A scheme on the part of the counselor, therapist, or school employee to engage in sexual conduct with the child.

For the purpose of this factor, "sexual conduct" includes:

- ◆ Kissing.
- ◆ Touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals.
- ◆ A sex act.

NOTE: This is the only type of sexual abuse in which a person may receive a conclusion of confirmed child abuse for kissing or attempting to seduce a child.

Although such behavior may not be considered a sexual offense under other circumstances, it takes on overtones that are more serious in a therapeutic or student relationship because of its exploitative and potentially damaging aspects. This is true even if no sex act ever happens, and even if the child victim is not frightened or "offended" by the behavior.

Examples of credible evidence include:

- ◆ Statements of a credible person (the child, the counselor, therapist, school employee or a witness) that at least one of the above did occur between the child and the counselor, therapist or school employee.
- ◆ Statements of a credible person (the child, the counselor, therapist, or school employee, or a witness) that the counselor, therapist, or school employee had been planning with the child to engage in sexual conduct.
- ◆ Written statements of the child or the counselor, therapist or school employee in the form of notes or letters to each other or to other people which would lead a reasonable person to infer that sexual conduct between the two had happened or was being planned.

- Factor 5:** The **intent** of the counselor, therapist, or school employee was to arouse or satisfy the sexual desires of the child or of the counselor, therapist, or school employee. Credible evidence may include:
- ◆ Statements of a credible person (the child, the counselor, therapist, or school employee, or a witness), or circumstantial evidence indicating that the actions of the counselor, therapist, or school employee were performed with the child for the purpose of arousing or satisfying the sexual desires of either of them.
 - ◆ Physical evidence indicating that the counselor, therapist or school employee was sexually aroused during contact with the child, such as:
 - Suggestive photographs or other depictions of the child.
 - Letters describing the sexual feelings of the counselor, therapist, or school employee toward the child.
 - ◆ Observation by people having knowledge of the therapeutic relationship or student relationship of the appearance, behavior, or statements of the counselor, therapist or school employee which indicate a sexual rather than a professional interest in the child.

Such people could be other children in treatment, other students, coworkers of the person allegedly responsible for the abuse, the child's family, etc.

- Factor 6:** The conduct of the counselor, therapist, or school employee:
- ◆ Was **not part of a necessary examination or treatment** provided to the child by the counselor or therapist while acting within the scope of the practice or employment in which the counselor or therapist was engaged; or
 - ◆ Was **not necessary** in the performance of the school employee's duties while acting within the scope of employment.

Credible evidence includes statements of a credible person (the child, the counselor or therapist, witnesses, or administrative staff at the facility) that the sexual conduct was **not**:

- ◆ Part of a legitimate physical or sexual examination or treatment for a physical or sexual problem or
- ◆ Sanctioned by the facility and approved by the child's parent, guardian, or custodian.

Sexual Misconduct with Juveniles

Factor 1: The victim is a **child**.

Factor 2: The person responsible for the abuse was a **caretaker** for the child at the time of the alleged abuse.

Factor 3: The person responsible for the abuse is an officer, employee, contractor, vendor, volunteer, or agent of a **juvenile placement facility**.

NOTE: For use in this section only, "juvenile placement facility" means any of the following:

- ◆ A child foster care facility.
- ◆ A juvenile detention or juvenile shelter care home.
- ◆ A psychiatric medical institution for children.
- ◆ A substance abuse facility as defined in Iowa Code section [125.2](#).
- ◆ An institution controlled by the Department of Human Services (or another facility not attached to the campus of the main institution, as program developments require):
 - Iowa State Training School (Eldora)
 - Iowa Juvenile Home (Toledo)
 - Glenwood and Woodward Resource Centers
 - Cherokee, Clarinda, Independence, and Mount Pleasant Mental Institutes

Factor 4: The child is **placed** at the juvenile placement facility.

- Factor 5:** The caretaker committed a **sex act** with or to the child. Credible evidence may include:
- ◆ Information provided by a credible person (the victim, the caretaker, or a witness who observed the sex act) that includes a precise description of the type of activity in which the victim and the person responsible for the abuse were engaged.
 - ◆ Diagnosis or verification by a competent medical practitioner of the presence of genital injuries or a condition or disease that could not have occurred in the absence of the sex act.
 - ◆ Verification by a competent professional of the presence of sperm in the child's anus, mouth, vagina, or genital area.
 - ◆ Verification by a competent professional of the presence of body tissue of the child or the caretaker that could not have occurred in the absence of the sex act.

Incest

- Factor 1:** The victim is a **child**.
- Factor 2:** The person responsible for the abuse was a **caretaker** for the child at the time of the abuse.
- Factor 3:** The caretaker committed a **sexual act** with or to the child. Credible evidence may include:
- ◆ Information provided by a credible victim or person responsible for the abuse, including a precise description of the activity that occurred.
 - ◆ Observation of the sex act by a credible person, including a precise description of the activity that occurred.
 - ◆ Diagnosis or verification by a competent medical practitioner of the presence of genital injuries, condition, or disease that could not have occurred in the absence of a sex act.
 - ◆ Verification by a competent professional of the presence of sperm in the child's anus, mouth, vagina, or genital area.
 - ◆ Verification by a competent professional of the presence of body tissue of the caretaker, or body tissue of the child on the caretaker which could not have occurred in absence of a sex act.

Factor 4: The person responsible for the abuse was aged 14 or older at the time of the offense.

Credible evidence may include documentation of the person's age through family, school or other official records or identification.

Factor 5: The person responsible for the abuse knew that the victim was related, legitimately or illegitimately, as an ancestor, descendant, brother or sister of the whole or half blood, aunt, uncle, niece, or nephew.

Credible evidence would include statements of a credible person (the child, the caretaker, or family members, or others who would have knowledge or documentation of the family history).

Sexual Exploitation of a Minor

Factor 1: The victim is a **child**.

Factor 2: The person responsible for the abuse was a **caretaker** for the child at the time of the abuse.

Factor 3: The **intent** of the caretaker 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 the simulation of a prohibited sexual act. (See the definition of "[prohibited sexual act](#).")

Factor 4: The caretaker allowed the child to engage in a **prohibited sexual act or simulated act**.

Factor 5: The caretaker intended, knew or had reason to know that the sexual act or simulated act may be or was being **photographed, filmed, or otherwise preserved** in a negative, slide, book, magazine, or other print, electronic or visual medium.

Credible evidence may include:

- ◆ Statements of the victim, person allegedly responsible for the abuse or witness that indicate that the person allegedly responsible for the abuse permitted the act and knew or should have known that it may be photographed or was being photographed or otherwise preserved.
- ◆ Photographic or other physical evidence of the sexual act.

Invasion of Privacy - Nudity

Factor 1: The victim is a **child**.

Factor 2: The person responsible for the abuse was a **caretaker** for the child at the time of the abuse.

Factor 3: The person 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:

- ◆ The child does not have knowledge about and does not consent or is unable to consent to being viewed, photographed, or filmed.
- ◆ The child is in a state of full or partial nudity.
- ◆ The child has a reasonable expectation of privacy while in a state of full or partial nudity.

As used in this section:

- ◆ "Full or partial nudity means the showing of any part of the human genitals or pubic area or buttocks, or any part of the nipple of the breast of a female, with less than fully opaque covering.
- ◆ "Photographs or films" means the making of any photograph, motion picture film, videotape, or any other recording or transmission of the image of a child.

NOTE: A Person who violates Iowa Code section [709.211](#) commits a serious misdemeanor.