

Topic 16: Confirming Allows Access by a Registered Sex Offender

Link to [Policy](#)

NOTE: "Allows access by a registered sex offender" is considered child endangerment, as defined in Iowa Code section 726.6, and shall be reported to law enforcement within 24 hours of intake. Gather and document credible evidence that the following factors are present for the allegation of Allows access by a registered sex offender.

Factor 1: The victim is a **child**. For this type of abuse, "child" means a person up to the age of 14 or up to the age of 18 if the person has a physical or mental disability.

- ◆ A person is considered to have a **physical** disability when the person has a medically diagnosed disability that substantially limits one or more major life activities and requires professional treatment, assistance in self-care, or the purchase of special equipment.
- ◆ A person is considered to have a **mental** disability when:
 - The person has been determined by a qualified mental retardation professional to be mentally retarded; or
 - The person has been diagnosed by a qualified mental health professional to have a psychiatric condition that impairs the person's mental, intellectual, or social functioning, and for which the person requires professional services; or
 - The person has been diagnosed by a qualified mental health professional to have a behavioral or emotional disorder characterized by situationally inappropriate behavior which deviates substantially from behavior appropriate to the person's age or significantly interferes with the person's intellectual, social and personal adjustment.

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

NOTE: Consider the caretaker status of all adults who are responsible for the care of a child, including the registered sex offender and the parent, guardian, or custodian of the child. See "[person responsible for the care of a child](#)."

Factor 3: The caretaker knowingly allowed custody, control, or unsupervised access by a person who is required to register or is on the Sex Offender Registry.

For the purposes of this abuse type, a “person having control over a child or a minor” means any of the following:

- ◆ A person who has accepted, undertaken, or assumed supervision of a child or minor from the parent or guardian of the child or minor.
- ◆ A person who has undertaken or assumed temporary supervision of a child or minor without explicit consent from the parent or guardian of the child or minor.
- ◆ A person who operates a motor vehicle with a child or minor present in the vehicle.

Factor 4: The caretaker is not married to the person who is required to register or is on the Sex Offender Registry. (This type of abuse does not apply when the caretaker is married to and living with the registered sex offender or a person is required to register.)

Factor 5: The caretaker is not the parent or guardian of the person who is required to register or is on the Sex Offender Registry when the sex offender is under the age of 18.

Factor 6: At the time when the unsupervised access, custody, or control occurred, the caretaker knew or should have known that the person was required to register or was on the Sex Offender Registry.

To confirm this type of abuse, a preponderance of evidence is required to determine that the caretaker knew the person was registered on the Sex Offender Registry or knew the person was required to register.

Denial of critical care through failure to provide proper supervision applies if:

- ◆ The persons responsible for the care of the child are not providing proper supervision to protect the child from sexual abuse by the sex offender parent, stepparent, the minor sex offender in the home, or other registered sex offender regardless of whether they reside in the home.
- ◆ The sex offender exposes the offender’s own child or other children in the home to the endangerment of sexual abuse by having unsupervised access to the child or other children.

The denial of critical care finding will require exploration of the danger the registered sex offender poses to the child. Include:

- ◆ Information regarding the purpose of a public Sex Offender Registry, and
- ◆ Documentation of contact with the probation or parole officer,
- ◆ Documentation of:
 - The probation or parole terms regarding contact with children under age 18 and
 - What ongoing involvement with treatment or support was recommended to avoid reoffending.
- ◆ Document the presence or absence of any no-contact orders.
- ◆ Documentation of whether sex offender treatment was completed or not completed.
- ◆ Documentation of the written treatment recommendations for contact for children under age 18.
- ◆ Documentation of any reoffense or charges after treatment.

Protective disclosure policy allows you to inform the caretaker that a person has a record of founded child abuse or is registered or required to register on the Sex Offender Registry.