

237.21 Confidentiality of records — penalty.

1. The information and records of or provided to a local board, state board, or court appointed special advocate regarding a child who is receiving foster care or who is under the court's jurisdiction and the child's family when relating to services provided or the foster care placement are not public records pursuant to [chapter 22](#). The state board and local boards, with respect to hearings involving specific children receiving foster care and the child's family, are not subject to [chapter 21](#).

2. Information and records relating to a child receiving foster care and to the child's family shall be provided to a court appointed special advocate, a local board, or the state board by the department, the department's agent, or a child placement agency contracted by the department upon request by the court appointed special advocate or either board. A court having jurisdiction of a child receiving foster care shall release the information and records the court deems necessary to determine the needs of the child to a local board or court appointed special advocate upon request by the local board or court appointed special advocate. If confidential information and records are distributed to individual members in advance of a meeting of a local board, the information and records shall be clearly identified as confidential and the members shall take appropriate steps to prevent unauthorized disclosure. If confidential information and records are distributed to a court appointed special advocate or court appointed special advocate program staff, the information shall be confidential and the court appointed special advocate and court appointed special advocate program staff shall take appropriate steps to prevent unauthorized disclosure.

3. A court appointed special advocate may attend family team decision-making meetings or youth transition decision-making meetings upon request by the family or child and disclose case-related observations and recommendations relating to a child or a child's family while attending the meetings.

4. A court appointed special advocate may disclose case-related observations and recommendations to the agency assigned by the court to supervise the case, to the county attorney, or to the child's legal representative or guardian ad litem, or at a local board meeting. Case-related observations and recommendations about a child and the child's parent or about a child and the child's legal guardian may also be disclosed to the parent or guardian to which the observations and recommendations pertain or to such parent or guardian's legal representative.

5. Members of the state board and local boards, court appointed special advocates, and the employees of the department are subject to standards of confidentiality pursuant to [sections 217.30, 228.6, subsection 1, sections 235A.15, 600.16, and 600.16A](#). Members of the state and local boards, court appointed special advocates, and employees of the department who disclose information or records of the board or department, other than as provided in [subsections 2, 3, and 4, section 232.126, and section 237.20, subsection 2](#), are guilty of a simple misdemeanor.

[84 Acts, ch 1279, §32; 87 Acts, ch 117, §2; 88 Acts, ch 1233, §16, 17; 89 Acts, ch 64, §4; 92 Acts, ch 1196, §1; 2005 Acts, ch 55, §3; 2015 Acts, ch 21, §1 – 3; 2022 Acts, ch 1055, §12, 13; 2022 Acts, ch 1098, §88; 2023 Acts, ch 19, §737](#)

Referred to in [§135H.13, 237.24](#)

Subsection 5 amended