

Substituted for by
(P. 1953) SF 2359 4/22/98

3/19/98 Unfinished Business
Calendar

MAR 3 1998

Place On Calendar

HOUSE FILE

2518

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 683)

WITHDRAWN
4-22-98

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act providing for monitoring and review of state officials,
2 employees, and judicial compliance with requirements under law
3 and providing an effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2518

1 Section 1. CHILD PROTECTION SYSTEM REVIEW.

2 1. The citizens' aide shall conduct a review of the
3 state's child protection system in accordance with this
4 section. The review shall encompass all aspects of the
5 system, including child abuse reporting, investigation, and
6 assessment, child removal, child in need of assistance
7 proceedings, review and appeals, and termination of parental
8 rights. The purpose of review is to determine whether the
9 current system adequately provides fairness and due process
10 protections for all persons involved with the system.

11 2. The review may include but is not limited to all of the
12 following:

13 a. Surveys of attorneys experienced in representing
14 subjects of child abuse investigations and assessments and in
15 child welfare and family law.

16 b. Surveys of persons who have been the subject of a child
17 abuse investigation or assessment.

18 c. Reviews of known complaints concerning the system.

19 d. Reviews of previous testimony and submissions by
20 critics and proponents of the system to legislative,
21 administrative, and other bodies organized to provide
22 oversight of the child protection system. In addition, the
23 review may include review of the reports and findings of these
24 bodies.

25 e. Review of legal information concerning child protection
26 including state and federal statutory requirements, rules,
27 regulations, and policies, judicial decisions including
28 dissenting opinions, and opinions of the attorney general.

29 f. Interviews of recognized critics and supporters of the
30 child protection system.

31 g. Use of focus groups to refine the issues for
32 consideration.

33 h. Random sample reviews of closed child abuse
34 investigations and assessments.

35 3. The citizens' aide may appoint a project team or

1 contract for a project team to perform the review. Any
2 project team shall include persons with skills and knowledge
3 concerning child welfare and juvenile justice and due process
4 rights. The project team may include an attorney, an
5 authority on social work, and a skilled general investigator
6 or a paralegal. The citizens' aide may also utilize a broad-
7 based advisory group.

8 4. The citizens' aide shall submit a report containing
9 findings and recommendations in accordance with chapter 2C to
10 the department of human services, chief juvenile court officer
11 of each judicial district, governor, and general assembly.
12 The report shall be submitted on or before February 1, 1999.

13 5. Implementation of this section is subject to
14 authorization of funding for the purposes of this section by
15 the legislative council.

16 Sec. 2. Section 217.30, subsection 4, Code Supplement
17 1997, is amended by adding the following new paragraph:

18 NEW PARAGRAPH. f. If authorized by a subject of a child
19 abuse report as identified in section 235A.15, subsection 2,
20 paragraph "a", or by the parent, guardian, or custodian of a
21 child receiving services or involved in a proceeding under
22 chapter 232, a statewide elected official, as defined in
23 section 68B.2, a member of the general assembly, or a designee
24 of the statewide elected official or member of the general
25 assembly shall have access to confidential information
26 described in subsection 1 which relates to the person
27 providing the authorization or to a child of the person. The
28 purpose of the access shall be for the elected official,
29 member of the general assembly, or designee to monitor
30 compliance of the department or designees of the department
31 with requirements under law and the adequacy of the
32 requirements.

33 Sec. 3. Section 228.3, Code 1997, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 3. A subject of a child abuse report as

1 identified in section 235A.15, subsection 2, paragraph "a", or
2 the parent, guardian, or custodian of a child receiving
3 services or involved in a proceeding under chapter 232, may
4 consent to the disclosure of mental health information
5 relating to the person providing the authorization or to a
6 child of the person to a statewide elected official, as
7 defined in section 68B.2, a member of the general assembly, or
8 a designee of the statewide elected official or member of the
9 general assembly. The purpose of the disclosure shall be for
10 the elected official, member of the general assembly, or
11 designee to monitor compliance of state agencies, officials,
12 and employees with requirements under law and the adequacy of
13 the requirements.

14 Sec. 4. Section 232.147, subsection 3, Code Supplement
15 1997, is amended by adding the following new paragraph:

16 NEW PARAGRAPH. h. If authorized by a subject of a child
17 abuse report as identified in section 235A.15, subsection 2,
18 paragraph "a", or by the parent, guardian, or custodian of a
19 child receiving services or involved in a proceeding under
20 this chapter, to a statewide elected official, as defined in
21 section 68B.2, a member of the general assembly, or a designee
22 of the statewide elected official or member of the general
23 assembly. The purpose of the disclosure shall be for the
24 elected official, member of the general assembly, or designee
25 to monitor compliance of state agencies, officials, and
26 employees with requirements under law and the adequacy of the
27 requirements.

28 Sec. 5. Section 232.147, subsection 5, Code Supplement
29 1997, is amended by adding the following new unnumbered
30 paragraph:

31 NEW UNNUMBERED PARAGRAPH. An individual authorized under
32 subsection 3, paragraph "h", to inspect official juvenile
33 court records, may inspect social records and the contents of
34 the records and the official juvenile court records of cases
35 alleging delinquency shall be disclosed to such individual for

1 the purposes described in subsection 3, paragraph "h".

2 Sec. 6. Section 235A.15, subsection 2, paragraph d, Code
3 Supplement 1997, is amended by adding the following new
4 subparagraph:

5 NEW SUBPARAGRAPH. (6) If authorized by a subject of a
6 child abuse report as identified in paragraph "a", to a
7 statewide elected official as defined in section 68B.2, a
8 member of the general assembly, or a designee of a statewide
9 elected official or member of the general assembly, to the
10 maximum extent access to the information is available to any
11 other person authorized under this lettered paragraph. The
12 purpose of the access shall be to monitor compliance of state
13 agencies, officials, and employees with requirements under the
14 law and the adequacy of the requirements.

15 Sec. 7. Section 235A.19, subsection 2, paragraph b, Code
16 Supplement 1997, is amended by adding the following new
17 subparagraph:

18 NEW SUBPARAGRAPH. (8) To a statewide elected official, a
19 member of the general assembly, or a designee of a statewide
20 elected official or member of the general assembly authorized
21 under section 235A.15, subsection 2, paragraph "d".

22 Sec. 8. EFFECTIVE DATE. This Act, being deemed of
23 immediate importance, takes effect upon enactment.

24 EXPLANATION

25 This bill provides for monitoring and review of state
26 officials, employees, and judicial compliance with
27 requirements under law.

28 The bill directs the citizens' aide to conduct a review of
29 all aspects of the state's child protection system to
30 determine whether the system adequately protects fairness and
31 due process for all involved. The bill includes a listing of
32 various aspects of the system which may be reviewed and
33 approaches to conducting the review. Performance of the
34 review is contingent upon the legislative council authorizing
35 funding.

1 The bill amends Code section 217.30, relating to
2 confidentiality of information pertaining to assistance or
3 services provided by the department of human services. The
4 bill provides access to the department's case records,
5 including medical or psychiatric data, which relate to the
6 person authorizing the access or to a child of the person.

7 Code section 228.3 is amended to allow disclosure of mental
8 health information.

9 Code section 232.147 is amended to allow access to juvenile
10 court records, including social records and cases involving an
11 allegation of delinquency.

12 Under the bill, the access must be authorized by a subject
13 of a child abuse report which includes a child, the child's
14 parent or legal custodian, the person named in a report as
15 having abused a child, or any of these persons' attorney or
16 guardian ad litem or the parent, guardian, or custodian of a
17 child receiving services or involved with a juvenile court
18 proceeding under Code chapter 232, the juvenile justice code.
19 The purpose of the access is to monitor state compliance with
20 requirements under law.

21 The bill amends Code section 235A.15, relating to
22 authorized access to child abuse information. The information
23 which may be accessed includes any type of child abuse
24 information, including reports, assessments, and disposition
25 data. Access is available to the maximum extent the access is
26 available for a particular type of proceeding or hearing to
27 any of the following: a juvenile court, district court, court
28 or administrative agency hearing, expert witness, probation or
29 parole officer, juvenile court officer, or adult correctional
30 officer.

31 The bill amends Code section 235A.19, relating to requests
32 for correction or expungement of child abuse information and
33 appeal, to allow for access on the part of the persons
34 authorized by the bill prior to the conclusion of any
35 proceeding to correct or expunge child abuse information.

1 Unauthorized redissemination of child abuse information is
2 subject to civil and criminal penalties under Code chapter
3 235A.

4 The bill takes effect upon enactment.

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**HOUSE FILE 2518
FISCAL NOTE**

A fiscal note for House File 2518 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2518 provides for monitoring and review of State officials, employees, and judicial compliance with requirements under law. The Bill directs the Citizens' Aide to conduct a review of all aspects of the State's child protection system to determine whether the system adequately protects fairness and due process for all involved. The Bill includes a listing of various aspects of the system which may be reviewed and approaches to conducting the review. Performance of the review is contingent upon the Legislative Council authorizing funding and is due on or before February 1, 1999. The Bill also provides for release of protected child abuse report information to legislators, staff, and State officials.

ASSUMPTIONS

1. A statistically valid sampling of the child protection investigations and assessments can be determined and there will be sufficient responses to the proposed survey conducted to draw reliable conclusions.
2. A three-person team consisting of an attorney, social work expert, and an investigator or paralegal will be hired by the Office of the Citizens' Aide/Ombudsman for the duration of the review.
3. Managerial discretion will be permitted to allow outsourcing some aspects of the review in order to meet the February 1999 deadline.
4. The Legislative Council will authorize funding for the Office of the Citizens' Aide/Ombudsman to conduct the review.

FISCAL IMPACT

House File 2518 will cost \$150,000 for FY 1999 for the Office of the Citizens' Aide/Ombudsman to conduct the required review. The expenditures are \$95,000 for salaries and \$55,000 for support.

SOURCES

Office of Citizens' Aide/Ombudsman
Department of Human Services
Judicial Department

(LSB 3969hv, PQP)

FILED MARCH 16, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2518

H-8521

1 Amend House File 2518 as follows:

2 1. By striking page 2, line 16, through page 4,
3 line 21.

4 2. Title page, by striking lines 1 and 2 and
5 inserting the following: "An Act providing for a
6 review of juvenile justice provisions involving child
7 protection by the citizens' aide".

8 3. By renumbering as necessary.

By BODDICKER of Cedar

H-8521 FILED MARCH 19, 1998

adopted 4-22-98

HOUSE FILE 2518

H-8790

1 Amend House File 2518 as follows:

2 1. Page 2, line 14, by striking the words "of
3 funding for" and inserting the following: "of
4 \$150,000 or the amount of funding needed to
5 implement".

By MURPHY of Dubuque
BRAND of Tama

H-8790 FILED MARCH 30, 1998

*w/d 4/22/98
(P. 1953)*

HSB 683

HUMAN RESOURCES

By

HOUSE FILE

SF/HF

BY (PROPOSED COMMITTEE ON

HUMAN RESOURCES BILL

BY CHAIRPERSON BODDICKER)

Boddicker, Chair
Deenstra
Murphy

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act providing for a review of juvenile justice provisions
2 involving child protection by the citizens' aide and providing
3 an effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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TLSB 3969HC 77

jp/sc/14

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5 system, including child abuse reporting, investigation, and
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8 rights. The purpose of review is to determine whether the
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10 protections for all persons involved with the system.

11 2. The review may include but is not limited to all of the
12 following:

13 a. Surveys of attorneys experienced in representing
14 subjects of child abuse investigations and assessments and in
15 child welfare and family law.

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17 abuse investigation or assessment.

18 c. Reviews of known complaints concerning the system.

19 d. Reviews of previous testimony and submissions by
20 critics and proponents of the system to legislative,
21 administrative, and other bodies organized to provide
22 oversight of the child protection system. In addition, the
23 review may include review of the reports and findings of these
24 bodies.

25 e. Review of legal information concerning child protection
26 including state and federal statutory requirements, rules,
27 regulations, and policies, judicial decisions including
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29 f. Interviews of recognized critics and supporters of the
30 child protection system.

31 g. Use of focus groups to refine the issues for
32 consideration.

33 h. Random sample reviews of closed child abuse
34 investigations and assessments.

35 3. The citizens' aide may appoint a project team or

1 contract for a project team to perform the review. Any
2 project team shall include persons with skills and knowledge
3 concerning child welfare and juvenile justice and due process
4 rights. The project team may include an attorney, an
5 authority on social work, and a skilled general investigator
6 or a paralegal. The citizens' aide may also utilize a broad-
7 based advisory group.

8 4. The citizens' aide shall submit a report containing
9 findings and recommendations in accordance with chapter 2C to
10 the department of human services, chief juvenile court officer
11 of each judicial district, governor, and general assembly.
12 The report shall be submitted on or before March 1, 1999.

13 5. Implementation of this section is subject to
14 authorization of funding for the purposes of this section by
15 the legislative council.

16 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
17 immediate importance, takes effect upon enactment.

18 EXPLANATION

19 This bill relates to juvenile justice provisions involving
20 child protection and the payment of claims for wrongful
21 separation of a family.

22 The bill directs the citizens' aide to conduct a review of
23 all aspects of the state's child protection system to
24 determine whether the system adequately protects fairness and
25 due process for all involved. The bill includes a listing of
26 various aspects of the system which may be reviewed and
27 approaches to conducting the review. Performance of the
28 review is contingent upon the legislative council authorizing
29 funding.

30 The bill takes effect upon enactment.

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