

FILED FEB 26 1998

SENATE FILE 2359
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2189)

Passed Senate, Date <u>3/11/98</u>	Passed House, Date <u>4/22/98</u>
Vote: Ayes <u>47</u> Nays <u>0</u>	Vote: Ayes <u>94</u> Nays <u>2</u>
Approved <u>May 14, 1998</u>	

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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S.F. 2359

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. 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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SENATE FILE 2359
FISCAL NOTE

A fiscal note for Senate File 2359 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.

Senate File 2359 relates to juvenile justice provisions involving child protection and the payment of claims for wrongful separation of a family. 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.

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

Senate File 2359 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 3969sv, PQP)

FILED MARCH 17, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2359

H-8522

1 Amend Senate File 2359, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 15 the
4 following:

5 "Sec. _____. Section 217.30, subsection 4, Code
6 Supplement 1997, is amended by adding the following
7 new paragraph:

8 NEW PARAGRAPH. f. If authorized by a subject of a
9 child abuse report as identified in section 235A.15,
10 subsection 2, paragraph "a", or by the parent,
11 guardian, or custodian of a child receiving services
12 or involved in a proceeding under chapter 232, a
13 statewide elected official, as defined in section
14 68B.2, a member of the general assembly, or a designee
15 of the statewide elected official or member of the
16 general assembly shall have access to confidential
17 information described in subsection 1 which relates to
18 the person providing the authorization or to a child
19 of the person. The purpose of the access shall be for
20 the elected official, member of the general assembly,
21 or designee to monitor compliance of the department or
22 designees of the department with requirements under
23 law and the adequacy of the requirements.

24 Sec. _____. Section 228.3, Code 1997, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 3. A subject of a child abuse
27 report as identified in section 235A.15, subsection 2,
28 paragraph "a", or the parent, guardian, or custodian
29 of a child receiving services or involved in a
30 proceeding under chapter 232, may consent to the
31 disclosure of mental health information relating to
32 the person providing the authorization or to a child
33 of the person to a statewide elected official, as
34 defined in section 68B.2, a member of the general
35 assembly, or a designee of the statewide elected
36 official or member of the general assembly. The
37 purpose of the disclosure shall be for the elected
38 official, member of the general assembly, or designee
39 to monitor compliance of state agencies, officials,
40 and employees with requirements under law and the
41 adequacy of the requirements.

42 Sec. _____. Section 232.147, subsection 3, Code
43 Supplement 1997, is amended by adding the following
44 new paragraph:

45 NEW PARAGRAPH. h. If authorized by a subject of a
46 child abuse report as identified in section 235A.15,
47 subsection 2, paragraph "a", or by the parent,
48 guardian, or custodian of a child receiving services
49 or involved in a proceeding under this chapter, to a
50 statewide elected official, as defined in section

H-8522

-1-

H-8522

Page 2

1 68B.2, a member of the general assembly, or a designee
2 of the statewide elected official or member of the
3 general assembly. The purpose of the disclosure shall
4 be for the elected official, member of the general
5 assembly, or designee to monitor compliance of state
6 agencies, officials, and employees with requirements
7 under law and the adequacy of the requirements.

8 Sec. _____. Section 232.147, subsection 5, Code
9 Supplement 1997, is amended by adding the following
10 new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. An individual authorized
12 under subsection 3, paragraph "h", to inspect official
13 juvenile court records, may inspect social records and
14 the contents of the records and the official juvenile
15 court records of cases alleging delinquency shall be
16 disclosed to such individual for the purposes
17 described in subsection 3, paragraph "h".

18 Sec. _____. Section 235A.15, subsection 2, paragraph
19 d, Code Supplement 1997, is amended by adding the
20 following new subparagraph:

21 NEW SUBPARAGRAPH. (6) If authorized by a subject
22 of a child abuse report as identified in paragraph
23 "a", to a statewide elected official as defined in
24 section 68B.2, a member of the general assembly, or a
25 designee of a statewide elected official or member of
26 the general assembly, to the maximum extent access to
27 the information is available to any other person
28 authorized under this lettered paragraph. The purpose
29 of the access shall be to monitor compliance of state
30 agencies, officials, and employees with requirements
31 under the law and the adequacy of the requirements.

32 Sec. _____. Section 235A.19, subsection 2, paragraph
33 b, Code Supplement 1997, is amended by adding the
34 following new subparagraph:

35 NEW SUBPARAGRAPH. (8) To a statewide elected
36 official, a member of the general assembly, or a
37 designee of a statewide elected official or member of
38 the general assembly authorized under section 235A.15,
39 subsection 2, paragraph "d".

40 2. Title page, by striking lines 1 and 2 and
41 inserting the following: "An Act providing for
42 monitoring and review of state officials, employees,
43 and judicial compliance with requirements under law
44 and providing".

45 3. By renumbering as necessary.

By BODDICKER of Cedar

H-8522 FILED MARCH 19, 1998

W/D
4/22/98
(p. 1453)

Boettger
Redwine
Dvorsky

SSB-2189
Human Resources

Succeeded By
SENATE FILE SE HF 2359
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON BOETTGER)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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2 involving child protection by the citizens' aide and providing
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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
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 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

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 20 child protection and the payment of claims for wrongful
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SENATE FILE 2359

AN ACT

PROVIDING FOR A REVIEW OF JUVENILE JUSTICE PROVISIONS
INVOLVING CHILD PROTECTION BY THE CITIZENS' AIDE AND
PROVIDING AN EFFECTIVE DATE.

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

Section 1. CHILD PROTECTION SYSTEM REVIEW.

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

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

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

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

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

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2359, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved May 14, 1998

TERRY E. BRANSTAD
Governor