

REPRINTED

FILED FEB 26 1998

SENATE FILE 2363  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2190)

Passed Senate <sup>(p. 748)</sup> Date 3-17-98 Passed House, Date \_\_\_\_\_  
Vote: Ayes 42 Nays 6 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to requests and hearings for correction and  
2 expungement of child abuse information.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2363

1 Section 1. Section 235A.19, subsection 2, paragraph a,  
2 Code Supplement 1997, is amended to read as follows:

3 a. (1) A subject of a child abuse report may file with  
4 the department within six months of the date of the notice of  
5 the results of an investigation required by section 232.71,  
6 subsection 7, or an assessment performed in accordance with  
7 section 232.71A, a written statement to the effect that report  
8 data and disposition data referring to the subject is in whole  
9 or in part erroneous, and may request a correction of that  
10 data or of the findings of the investigation or assessment  
11 report. Unless the department issues a written response  
12 affirming or denying the request in whole or in part within  
13 twenty calendar days of receiving the request, the request  
14 shall be deemed to be affirmed and the department shall  
15 correct the data or the findings as requested.

16 (2) The department shall provide the subject with an  
17 opportunity for an evidentiary hearing pursuant to chapter 17A  
18 to correct the data or the findings, unless the department  
19 corrects the data or findings as-requested in accordance with  
20 subparagraph (1). The department may defer the hearing until  
21 the conclusion of a pending juvenile or district court case  
22 relating to the data or findings. The hearing shall be held  
23 within ninety calendar days from the date the request for the  
24 hearing is received or from the date the pending court case is  
25 concluded, whichever is applicable. However, the ninety-day  
26 time period may be waived by mutual agreement between the  
27 subject and the officer presiding over the evidentiary  
28 hearing. Unless the officer presiding over the hearing issues  
29 a decision affirming or denying the request in whole or in  
30 part within sixty calendar days of the hearing date, the  
31 request shall be deemed affirmed and the department shall  
32 correct the data or the findings as requested.

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EXPLANATION

34 This bill amends Code section 235A.19, relating to requests  
35 and hearings for correction and expungement of child abuse

1 information.

2 Under current law, a subject of a child abuse report may  
3 make the request. Under Code chapter 235A, a subject includes  
4 a child, the child's parent or legal custodian, the person  
5 named in a report as having abused a child, or any of these  
6 persons' attorneys or guardian ad litem. The bill provides  
7 that unless the department responds to a request within 20  
8 days, the request is deemed to be affirmed and the department  
9 is required to correct the information as requested.

10 If a subject requests an evidentiary hearing under the  
11 administrative procedures Act, the hearing must be held within  
12 90 days of the date the request was made or of the conclusion  
13 of a pending court case relating to the request. However, the  
14 90-day time period may be waived by mutual agreement of the  
15 subject and the officer presiding over the evidentiary  
16 hearing. If the hearing officer does not issue a decision  
17 within 60 days of the hearing date, the request is deemed to  
18 be affirmed and the department is required to correct the  
19 information as requested.

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SENATE FILE 2363  
FISCAL NOTE

A fiscal note for Senate File 2363 as amended by S 5265 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 2363 as amended by S 5265 revises Iowa Code Section 235A.19 relating to requests and hearings for corrections and expungement of child abuse records. The Bill requires the Department of Human Services (DHS) to respond to a request for correction or expungement of a child abuse record within 45 days of receipt of the request. The Bill also provides that unless a decision on an evidentiary hearing is made within 60 days of the hearing date, the request is deemed to be affirmed and the DHS is required to correct the information as requested.

**ASSUMPTIONS**

1. Meeting the 45-calendar-day time limit from receipt of request to issuance of a decision will require the DHS to process the request within 35 business days or less.
2. Additional staff will be required within the DHS and the Office of the Attorney General to review child abuse records and represent the DHS within the accelerated time frames.
3. No additional staff will be required by the Department of Inspections and Appeals to hold evidentiary hearings within the accelerated time frame.

**FISCAL IMPACT**

The estimated State General Fund impact of SF 2363 as amended by S 5265 will be an increase of \$159,000 and 4.00 FTE positions in FY 1999 and \$137,000 and 4.00 FTE positions in FY 2000 compared to current expenditures and FTE positions for child abuse assessments. The following table illustrates anticipated changes in revenues, expenditures, and FTE positions.

	<u>FY 1999</u>	<u>FY 2000</u>
<b><u>REVENUE</u></b>		
General Fund	\$ 0	\$ 0
Federal Funds	21,000	18,000
Other	0	0
Total Revenues	<u>\$ 21,000</u>	<u>\$ 18,000</u>
<b><u>EXPENDITURES</u></b>		
Salaries	\$ 86,000	\$ 86,000
(FTEs)	(4.00)	(4.00)
Support	94,000	71,000
Total Expenditures	<u>\$ 180,000</u>	<u>\$ 157,000</u>
Total State Cost	<u>\$ 159,000</u>	<u>\$ 139,000</u>

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**SOURCES**

Department of Inspections and Appeals  
Department of Human Services

(LSB 3970sv.2, DAA)

3/19/98 Do Pass

H. 3/21/98 UNFINISHED BUSINESS CALENDAR

SENATE FILE **2363**

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2190)

(AS AMENDED AND PASSED BY THE SENATE MARCH 17, 1998)

\_\_\_\_\_ - New Language by the Senate

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to requests and hearings for correction and  
2 expungement of child abuse information.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4

**SENATE FILE 2363**

H-8840

1 Amend Senate File 2363, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 20, by striking the word "ninety"  
4 and inserting the following: "one hundred twenty".  
5 2. Page 1, line 22, by striking the word "ninety"  
6 and inserting the following: "one hundred twenty".  
By FORD of Polk

H-8840 FILED MARCH 31, 1998

S.F. 2363

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1 Section 1. Section 235A.19, subsection 2, paragraph a,  
2 Code Supplement 1997, is amended to read as follows:

3 a. (1) A subject of a child abuse report may file with  
4 the department within six months of the date of the notice of  
5 the results of an investigation required by section 232.71,  
6 subsection 7, or an assessment performed in accordance with  
7 section 232.71A, a written statement to the effect that report  
8 data and disposition data referring to the subject is in whole  
9 or in part erroneous, and may request a correction of that  
10 data or of the findings of the investigation or assessment  
11 report.

12 (2) The department shall provide the subject with an  
13 opportunity for an evidentiary hearing pursuant to chapter 17A  
14 to correct the data or the findings, unless the department  
15 corrects the data or findings as-requested within forty-five  
16 calendar days of receiving the request to correct the data or  
17 findings. The department may defer the hearing until the  
18 conclusion of a pending juvenile or district court case  
19 relating to the data or findings. The hearing shall be held  
20 within ninety calendar days from the date the request for the  
21 hearing is received or from the date the pending court case is  
22 concluded, whichever is applicable. However, the ninety-day  
23 time period may be waived by mutual agreement between the  
24 subject and the officer presiding over the evidentiary  
25 hearing. Unless the officer presiding over the hearing issues  
26 a decision affirming or denying the request in whole or in  
27 part within sixty calendar days of the hearing date, the  
28 request shall be deemed affirmed and the department shall  
29 correct the data or the findings as requested.

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H-9020

1 Amend Senate File 2363, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 25 through 29 and  
4 inserting the following: "hearing. The officer  
5 presiding over the hearing shall issue a decision  
6 affirming or denying the request in whole or in part  
7 within sixty calendar days of the hearing date.

8 Sec. \_\_\_\_ . IMPLEMENTATION REPORT. The department  
9 of human services and the department of inspections  
10 and appeals shall monitor the effects of compliance  
11 with the time frames established in this Act. The  
12 effects to be monitored shall include but are not  
13 limited to staffing costs, overtime, paperwork, and  
14 number of persons removed from the registry. The  
15 departments shall report to the general assembly  
16 concerning the monitoring. A report shall be  
17 submitted in February 1999 and a second report shall  
18 be submitted in January 2000."

19 2. By renumbering as necessary.

By BRAND of Tama

H-9020 FILED APRIL 8, 1998

SENATE FILE 2363

H-8624

1 Amend Senate File 2363, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 30 the  
4 following:

5 "Sec. \_\_\_\_ . CHILD ABUSE RECORDS. There is  
6 appropriated from the general fund of the state to the  
7 department of human services for the fiscal year  
8 beginning July 1, 1998, and ending June 30, 1999, the  
9 following amount, or so much thereof as is necessary,  
10 to be used for the purpose designated:

11 For processing of requests for correction of child  
12 abuse information and for the holding of associated  
13 hearings in accordance with the provisions of this  
14 Act, including salaries, support, maintenance,  
15 miscellaneous purposes, and for not more than the  
16 following full-time equivalent positions:

17 .....	\$	159,400
18 .....	FTEs	4.00"

19 2. Title page, line 2, by inserting after the  
20 word "information" the following: "and making an  
21 appropriation".

22 3. By renumbering as necessary.

By MURPHY of Dubuque

H-8624 FILED MARCH 24, 1998

SENATE FILE 2363

H-8637

1 Amend Senate File 2363, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 25 through 29 and  
4 inserting the following: "hearing. The officer  
5 presiding over the hearing shall issue a decision  
6 affirming or denying the request in whole or in part  
7 within sixty calendar days of the hearing date."

By MORELAND of Wapello

H-8637 FILED MARCH 24, 1998

SENATE FILE 2363

H-8638

1 Amend Senate File 2363, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 23, by striking the words "mutual  
4 agreement between" and inserting the following:  
5 "either".

6 2. Page 1, line 24, by striking the word "and"  
7 and inserting the following: "or".

By BRAND of Tama

H-8638 FILED MARCH 24, 1998

SENATE FILE 2363

S-5190

1 Amend Senate File 2363 as follows:  
 2 1. Page 1, by inserting after line 32 the  
 3 following:  
 4 "Sec. \_\_\_\_ . CHILD ABUSE RECORDS. There is  
 5 appropriated from the general fund of the state to the  
 6 department of human services for the fiscal year  
 7 beginning July 1, 1998, and ending June 30, 1999, the  
 8 following amount, or so much thereof as is necessary,  
 9 to be used for the purpose designated:  
 10 For processing of requests for correction of child  
 11 abuse information and for the holding of associated  
 12 hearings in accordance with the provisions of this  
 13 Act, including salaries, support, maintenance,  
 14 miscellaneous purposes, and for not more than the  
 15 following full-time equivalent positions:  
 16 ..... \$ 216,000  
 17 ..... FTEs 5.00"  
 18 2. Title page, line 2, by inserting after the  
 19 word "information" the following: "and making an  
 20 appropriation".  
 21 3. By renumbering as necessary.

By ELAINE SZYMONIAK

WITHDRAWN 3-17-98

S-5190 FILED MARCH 11, 1998

SENATE FILE 2363

S-5240

1 Amend Senate File 2363 as follows:  
 2 1. Page 1, line 13, by striking the word "twenty"  
 3 and inserting the following: "forty-five".

By STEVE KING

WITHDRAWN 3-17-98 (p.747)

S-5240 FILED MARCH 12, 1998

SENATE FILE 2363

S-5265

1 Amend Senate File 2363 as follows:  
 2 1. Page 1, by striking lines 11 through 15 and  
 3 inserting the following: "report."  
 4 2. Page 1, lines 19 and 20, by striking the words  
 5 "in accordance with subparagraph (1)" and inserting  
 6 the following: "within forty-five calendar days of  
 7 receiving the request to correct the data or  
 8 findings".

By STEVE KING

S-5265 FILED MARCH 17, 1998  
ADOPTED (p.747)

SENATE FILE 2363

S-5184

- 1 Amend Senate File 2363 as follows:
- 2 1. Page 1, by striking lines 28 through 32 and
- 3 inserting the following: "hearing. The officer
- 4 presiding over the hearing shall issue a decision
- 5 affirming or denying the request in whole or in part
- 6 within sixty calendar days of the hearing date."

By MARY NEUHAUSER

S-5184 FILED MARCH 11, 1998

WITHDRAWN 3-17-98 (p.747)

SENATE FILE 2363

S-5185

- 1 Amend Senate File 2363 as follows:
- 2 1. Page 1, line 11, by striking the words "Unless
- 3 the department issues" and inserting the following:
- 4 "The department shall issue".
- 5 2. Page 1, line 13, by striking the words
- 6 "request, the request" and inserting the following:
- 7 "request."
- 8 3. Page 1, by striking lines 14 and 15.

By JOHNIE HAMMOND

S-5185 FILED MARCH 11, 1998

WITHDRAWN 3-17-98

SENATE FILE 2363

S-5186

- 1 Amend Senate File 2363 as follows:
- 2 1. Page 1, line 13, by striking the words "twenty
- 3 calendar" and inserting the following: "thirty
- 4 business".

By JOHNIE HAMMOND

S-5186 FILED MARCH 11, 1998

WITHDRAWN 3-17-98

SENATE FILE 2363

S-5183

- 1 Amend Senate File 2363 as follows:
- 2 1. Page 1, by striking lines 26 and 27 and
- 3 inserting the following: "time period may be waived
- 4 by the subject."
- 5 2. Page 1, line 28, by striking the word
- 6 "hearing."

By MARY NEUHAUSER

S-5183 FILED MARCH 11, 1998

WITHDRAWN 3-17-98 747

**SENATE FILE 2363  
FISCAL NOTE**

A fiscal note for Senate File 2363 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 2363 amends Iowa Code Section 235A.19 relating to requests and hearings for corrections and expungement of child abuse records. The Bill provides that unless the Department of Human Services (DHS) responds to a request for correction or expungement of a child abuse record within 20 days of receipt of the request, the request is deemed to be affirmed and the DHS is required to correct the information as requested. The Bill also provides that unless a decision on an evidentiary hearing is made within 60 days of the hearing date, the request is deemed to be affirmed and the DHS is required to correct the information as requested.

**ASSUMPTIONS**

1. Meeting the 20-calendar-day time limit from receipt of request to issuance of a decision will require the DHS to process the request within 15 business days or less.
2. Additional staff will be required to review the reports within the accelerated time frame.

**FISCAL IMPACT**

The estimated State General Fund impact of SF 2363 will be an increase of \$216,000 and 5.00 FTE positions in FY 1999 and \$187,000 and 5.00 FTE positions in FY 2000 compared to current expenditures and FTE positions for child abuse assessments. The following table illustrates anticipated changes in revenues, expenditures, and FTE positions.

<u>REVENUE</u>	<u>FY 1999</u>	<u>FY 2000</u>
General Fund	\$ 0	\$ 0
Federal Funds	28,000	24,000
Other	0	0
Total Revenues	<u>\$ 28,000</u>	<u>\$ 24,000</u>
 <u>EXPENDITURES</u>		
Salaries	\$ 116,000	\$ 116,000
(FTEs)	(5.00)	(5.00)
Support	128,000	95,000
Total Expenditures	<u>\$ 244,000</u>	<u>\$ 211,000</u>
 Total State Cost	 <u>\$ 216,000</u>	 <u>\$ 187,000</u>

SOURCES

Department of Inspections and Appeals  
Department of Human Services

(LSB 3970SV, DAA)

FILED MARCH 4, 1998

BY DENNIS PROUTY, FISCAL DIRECTOR

Boettger  
Redwine  
Duorsky

SSB 2190

Human Resources

Succeeded By

ⓈF/HF 2363

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON BOETTGER)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to requests and hearings for correction and  
2 expungement of child abuse information.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 235A.19, subsection 2, paragraph a,  
2 Code Supplement 1997, is amended to read as follows:

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4 the department within six months of the date of the notice of  
5 the results of an investigation required by section 232.71,  
6 subsection 7, or an assessment performed in accordance with  
7 section 232.71A, a written statement to the effect that report  
8 data and disposition data referring to the subject is in whole  
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17 opportunity for an evidentiary hearing pursuant to chapter 17A  
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20 subparagraph (1). The department may defer the hearing until  
21 the conclusion of a pending juvenile or district court case  
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23 within ninety calendar days from the date the request for the  
24 hearing is received or from the date the pending court case is  
25 concluded, whichever is applicable. However, the ninety-day  
26 time period may be waived by mutual agreement between the  
27 subject and the officer presiding over the evidentiary  
28 hearing.

29 EXPLANATION

30 This bill amends Code section 235A.19, relating to requests  
31 and hearings for correction and expungement of child abuse  
32 information.

33 Under current law, a subject of a child abuse report may  
34 make the request. Under Code chapter 235A, a subject includes  
35 a child, the child's parent or legal custodian, the person

1 named in a report as having abused a child, or any of these  
2 persons' attorneys or guardian ad litem. The bill provides  
3 that unless the department responds to a request within 20  
4 days, the request is deemed to be affirmed and the department  
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6 If a subject requests an evidentiary hearing under the  
7 administrative procedures Act, the hearing must be held within  
8 90 days of the date the request was made or of the conclusion  
9 of a pending court case relating to the request. However, the  
10 90-day time period may be waived by mutual agreement of the  
11 subject and the officer presiding over the evidentiary  
12 hearing.

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