

Senate Study Bill 2190

Bill Text

PAG LIN

1 1 Section 1. Section 235A.19, subsection 2, paragraph a,
1 2 Code Supplement 1997, is amended to read as follows:
1 3 a. (1) A subject of a child abuse report may file with
1 4 the department within six months of the date of the notice of
1 5 the results of an investigation required by section 232.71,
1 6 subsection 7, or an assessment performed in accordance with
1 7 section 232.71A, a written statement to the effect that report
1 8 data and disposition data referring to the subject is in whole
1 9 or in part erroneous, and may request a correction of that
1 10 data or of the findings of the investigation or assessment
1 11 report. Unless the department issues a written response
1 12 affirming or denying the request in whole or in part within
1 13 twenty calendar days of receiving the request, the request
1 14 shall be deemed to be affirmed and the department shall
1 15 correct the data or the findings as requested.
1 16 (2) The department shall provide the subject with an
1 17 opportunity for an evidentiary hearing pursuant to chapter 17A
1 18 to correct the data or the findings, unless the department
1 19 corrects the data or findings

~~— as requested~~

~~— in accordance with~~

1 20 subparagraph (1). The department may defer the hearing until
1 21 the conclusion of a pending juvenile or district court case
1 22 relating to the data or findings. The hearing shall be held
1 23 within ninety calendar days from the date the request for the
1 24 hearing is received or from the date the pending court case is
1 25 concluded, whichever is applicable. However, the ninety-day
1 26 time period may be waived by mutual agreement between the
1 27 subject and the officer presiding over the evidentiary
1 28 hearing.

EXPLANATION

1 30 This bill amends Code section 235A.19, relating to requests
1 31 and hearings for correction and expungement of child abuse
1 32 information.

1 33 Under current law, a subject of a child abuse report may
1 34 make the request. Under Code chapter 235A, a subject includes
1 35 a child, the child's parent or legal custodian, the person
2 1 named in a report as having abused a child, or any of these
2 2 persons' attorneys or guardian ad litem. The bill provides
2 3 that unless the department responds to a request within 20
2 4 days, the request is deemed to be affirmed and the department
2 5 is required to correct the information as requested.

2 6 If a subject requests an evidentiary hearing under the
2 7 administrative procedures Act, the hearing must be held within
2 8 90 days of the date the request was made or of the conclusion
2 9 of a pending court case relating to the request. However, the
2 10 90-day time period may be waived by mutual agreement of the
2 11 subject and the officer presiding over the evidentiary
2 12 hearing.

2 13 LSB 3970SC 77

2 14 jp/cf/24