

REPRINTED

HUMAN RESOURCES

FILED FEB 18 1999

SENATE FILE

179

BY KING

Passed Senate, Date ^(p. 866) 3/30/99
Vote: Ayes 46 Nays 4
Approved _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

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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SF 179 HUMAN RESOURCES

1 Section 1. Section 235A.19, subsection 2, paragraph a,
2 Code 1999, 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 assessment performed in accordance with
6 section 232.71B, a written statement to the effect that report
7 data and disposition data referring to the subject is in whole
8 or in part erroneous, and may request a correction of that
9 data or of the findings of the assessment report. Unless the
10 department issues a written response affirming or denying the
11 request in whole or in part within thirty calendar days of
12 receiving the request, the request shall be deemed to be
13 affirmed and the department shall correct the data or the
14 findings as requested.

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

33 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 30
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 conclusion of the hearing, the request
18 is deemed to be affirmed and the department is required to
19 correct the information as requested.

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**SENATE FILE 179
FISCAL NOTE**

A fiscal note for Senate File 179 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 179 relates to the correction or expungement of a child abuse report. The Bill requires the Department of Human Services to issue a response to the request within 30 calendar days, or the request for the correction to the child abuse report is made automatically. If the Department denies the request, a hearing is to occur within 90 calendar days. If the hearing officer does not issue a decision within 60 calendar days from the end of the hearing, the request for correction is made automatically.

ASSUMPTIONS

1. There are 22 business days within a 30-day calendar period.
2. The Department of Human Services would need additional staff including:
 - A. Attorney General Staff: 2.0 FTE positions
 - B. Department of Human Services staff: 10.5 FTE positions
3. No additional staff for the Department of Inspections and Appeals is anticipated.
4. A portion of the increased cost will be funded from federal moneys.

FISCAL IMPACT

The fiscal impact of Senate File 179 to the Department of Human Services would be an increase in expenditures of approximately \$611,000 annually.

The General Fund share of the increased cost would be approximately \$445,000 (annually). The federal share would be approximately \$166,000 (annually). The cost breakdown includes:

1.5 FTE Positions - Attorney General	\$117,000
.5 FTE Position - Secretarial	25,000
7.0 FTE Positions - Social Worker	364,000
3.5 FTE Positions - Clerical	105,000

SOURCE

Department of Human Services

(LSB 2265SS, SLL)

**SENATE FILE 179
FISCAL NOTE**

A fiscal note for Senate File 179 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 179 relates to the correction or expungement of a child abuse report. The Bill requires the Department of Human Services to issue a response to the request within 45 calendar days, or the request for the correction to the child abuse report is made automatically. If the Department denies the request, a hearing is to occur within 90 calendar days. If the hearing officer does not issue a decision within 60 calendar days from the end of the hearing, the request for correction is made automatically.

ASSUMPTIONS

1. There are 33 business days within a 45-day calendar period.
2. The Department of Human Services would need additional staff including:
 - A. Attorney General Staff: 2.0 FTE positions
 - B. Department of Human Services staff: 10.5 FTE positions
3. No additional staff for the Department of Inspections and Appeals is anticipated.
4. A portion of the increased cost will be funded from federal moneys.

FISCAL IMPACT

The fiscal impact of Senate File 179 as amended and passed by the Senate to the Department of Human Services would be an increase in expenditures of approximately \$611,000 annually.

The General Fund share of the increased cost would be approximately \$445,000 (annually). The federal share would be approximately \$166,000 (annually). The cost breakdown includes:

1.5 FTE Positions - Attorney General	\$117,000
.5 FTE Position - Secretarial	25,000
7.0 FTE Positions - Social Worker	364,000
3.5 FTE Positions - Clerical	105,000

SOURCE

Department of Human Services

(LSB 2265ss.2, SLL)

SENATE FILE 179

S-3149

1 Amend Senate File 179 as follows:
2 1. Page 1, by striking lines 27 through 32 and
3 inserting the following: "hearing. Unless good cause
4 for issuing a decision at a later date is shown by the
5 subject or the department to the satisfaction of the
6 presiding officer, or is identified by the presiding
7 officer, the presiding officer shall issue a decision
8 affirming or denying the request in whole or in part
9 within sixty calendar days of the conclusion of the
10 hearing. If the decision is not issued within the
11 sixty-day time period or other time period identified
12 by the presiding officer, the request shall be deemed
13 affirmed and the department shall correct the data or
14 the findings as requested."

By JOHNIE HAMMOND

S-3149 FILED MARCH 24, 1999

lost 3/30/99 (p. 848)

SENATE FILE 179

S-3182

1 Amend Senate File 179 as follows:
2 1. Page 1, by striking lines 9 through 14 and
3 inserting the following: "data or of the findings of
4 the assessment report. The department shall issue a
5 written response affirming or denying the request in
6 whole or in part within thirty calendar days of
7 receiving the request."
8 2. Page 1, by striking lines 27 through 32 and
9 inserting the following: "hearing. The officer
10 presiding over the hearing shall issue a decision
11 affirming or denying the request in whole or in part
12 within sixty calendar days of the conclusion of the
13 hearing."

By JOHNIE HAMMOND

S-3182 FILED MARCH 30, 1999

LOST

(p. 853)

SENATE FILE 179

S-3200

1 Amend Senate File 179 as follows:
2 1. Page 1, by striking lines 9 through 14 and
3 inserting the following: "data or of the findings of
4 the assessment report."
5 2. Page 1, lines 18 and 19, by striking the words
6 "in accordance with subparagraph (1)" and inserting
7 the following: "within forty-five calendar days of
8 receiving the request to correct the data or
9 findings".

By ROBERT E. DVORSKY
STEVE KING
JOHNIE HAMMOND

S-3200 FILED MARCH 30, 1999

ADOPTED

(p. 866)

SENATE FILE 179
BY KING

(AS AMENDED AND PASSED BY THE SENATE MARCH 30, 1999)
_____ - New Language by the Senate

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

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2 expungement of child abuse information.
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8 or in part erroneous, and may request a correction of that
9 data or of the findings of the assessment report.

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