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SENATE FILE

255

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MILLER, and HEDGE

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to subjects of child abuse reports by providing
2 for monitoring and review of state officials, employees, and
3 judicial compliance with requirements under law and providing
4 an effective date.

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

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SF 255
HUMAN RESOURCES

1 Section 1. Section 217.30, subsection 4, Code 1999, is
2 amended by adding the following new paragraph:

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

18 Sec. 2. Section 228.3, Code 1999, is amended by adding the
19 following new subsection:

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

34 Sec. 3. Section 232.147, subsection 3, Code 1999, is
35 amended by adding the following new paragraph:

1 NEW PARAGRAPH. h. If authorized by a subject of a child
2 abuse report as identified in section 235A.15, subsection 2,
3 paragraph "a", or by the parent, guardian, or custodian of a
4 child receiving services or involved in a proceeding under
5 this chapter, to a statewide elected official, as defined in
6 section 68B.2, a member of the general assembly, or a designee
7 of the statewide elected official or member of the general
8 assembly. The purpose of the disclosure shall be for the
9 elected official, member of the general assembly, or designee
10 to monitor compliance of state agencies, officials, and
11 employees with requirements under law and the adequacy of the
12 requirements.

13 Sec. 4. Section 232.147, subsection 5, Code 1999, is
14 amended by adding the following new unnumbered paragraph:

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

21 Sec. 5. Section 235A.15, subsection 2, paragraph d, Code
22 1999, is amended by adding the following new subparagraph:

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

33 Sec. 6. Section 235A.19, subsection 2, paragraph b, Code
34 1999, is amended by adding the following new subparagraph:

35 NEW SUBPARAGRAPH. (8) To a statewide elected official, a

1 member of the general assembly, or a designee of a statewide
2 elected official or member of the general assembly authorized
3 under section 235A.15, subsection 2, paragraph "d".

4 Sec. 7. EFFECTIVE DATE. This Act, being deemed of
5 immediate importance, takes effect upon enactment.

6 EXPLANATION

7 This bill provides for monitoring and review of state
8 officials, employees, and judicial compliance with
9 requirements under law by authorizing statewide elected
10 officials and members of the general assembly or their
11 designees to have access to various records which are
12 otherwise held confidential under law.

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

22 The bill amends Code section 217.30, relating to
23 confidentiality of information pertaining to assistance or
24 services provided by the department of human services. The
25 bill provides access to the department's case records,
26 including medical or psychiatric data, which relate to the
27 person authorizing the access or to a child of the person.

28 Code section 228.3 is amended to allow disclosure of mental
29 health information.

30 Code section 232.147 is amended to allow access to juvenile
31 court records, including social records and cases involving an
32 allegation of delinquency.

33 The bill amends Code section 235A.15, relating to
34 authorized access to child abuse information. The information
35 which may be accessed includes any type of child abuse

1 information, including reports, assessments, and disposition
2 data. Access is available to the maximum extent the access is
3 available for a particular type of proceeding or hearing to
4 any of the following: a juvenile court, district court, court
5 or administrative agency hearing, expert witness, probation or
6 parole officer, juvenile court officer, or adult correctional
7 officer.

8 The bill amends Code section 235A.19, relating to requests
9 for correction or expungement of child abuse information and
10 appeal, to allow for access on the part of the persons
11 authorized by the bill prior to the conclusion of any
12 proceeding to correct or expunge child abuse information.

13 Unauthorized redissemination of child abuse information is
14 subject to civil and criminal penalties under Code chapter
15 235A.

16 The bill takes effect upon enactment.

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